

**ANNUAL SECURITY REPORT  
CALENDAR YEAR 2016  
CRIME STATISTICS 2013-2015**

**BROOKLYN COLLEGE, CUNY  
2900 BEDFORD AVENUE  
BROOKLYN, NY 11210  
718-951-5000**

**BROOKLYN COLLEGE  
CUNY**



**DONALD A. WENZ  
PUBLIC SAFETY CHIEF**

**BROOKLYN COLLEGE  
718-951-5511**

### **College Overview**

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

The Annual Security Report is available at: [www.brooklyn.cuny.edu/securityreport](http://www.brooklyn.cuny.edu/securityreport). Hard copies are located in the Public Safety Office located in Ingersoll Hall, Room 0202.

The college, a component of The City University of New York, is recognized for its academic excellence, innovative programs, urban engagement and outstanding alumni accomplishments. The college offers more than 120 undergraduate and graduate degree programs in the creative arts, humanities, social and behavioral sciences, natural sciences and mathematics, education and business. For 80 years, Brooklyn College men and women – many of them immigrants or the children of immigrants – have received a superior, affordable education leading to productive careers and fulfilled lives. Noted for its renowned faculty, talented and diverse student body, and beautiful urban campus, Brooklyn College has been designated as one of "America's Best Value Colleges" by the Princeton Review.

The campus is located in the Midwood section of Brooklyn, a borough of New York City with a population of approximately 2.5 million people. The campus is situated on a 26-acre site and is comprised of 14 buildings located on or contiguous to the campus.

The college enrolls approximately 17,000 degree program students who attend day and evening classes. Brooklyn College undergraduates are largely traditional college age and come from all over the country and the world. The college's admissions criteria have become increasingly selective, applications continue to rise, and high-achieving students are increasingly attracted to the Macaulay Honors College at Brooklyn College and various programs in the Honors Academy.

The college employs approximately 2,000 full-time faculty /staff and 800 part-time/adjunct staff members.

### **Crime Reporting Procedure**

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

1. Calling the Department of Public Safety's emergency telephone line (718) 951-5444 or Extension 5445 may be dialed within the college's telephone system.
2. Reporting the information to any member of the Department of Public Safety or in person at the Public Safety Office located in Room 0202 Ingersoll Hall.
3. All counselors are strongly encouraged when they deem it appropriate to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
4. Victims or witnesses may report crimes to persons designated as Campus Security Authorities, who will then forward only the report of the crime – without divulging the name of victim or witness – to the Department of Public Safety for inclusion in the annual crime report.

The college recognizes the importance of confidentiality to victims and witnesses of crimes. For the purposes of providing crime statistics pursuant to the Campus Security Act in the College's annual crime report, victim and witness information will remain anonymous. However, complete confidentiality cannot be guaranteed in all other contexts.

The college reserves the right to notify the police when it believes that such reporting is necessary for the protection of the College community. In many cases, however, that notification will be done without divulging the victim's identity and will be done only for the purpose of providing a campus-wide safety alert.

5. In the event that the situation you observe or are involved in is of an extreme or life-threatening nature, call 911, the New York City Police Department's emergency phone number. If you make a 911 call, please also notify the Department of Public Safety. They will also respond to assist and direct the police and other emergency personnel to the reported emergency.

## **Hate Crime and Bias-Related Incidents**

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

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

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

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

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

As required by Federal Law, Brooklyn College Public Safety maintains a daily crime log that records by the date the crime was reported, whether they are Clery classified or not, any crime that occurred on campus, on a non-campus building or public property adjacent to the campus, or within the patrol jurisdiction of the campus Public Safety Department. This crime log is open to the public for viewing and contains all crimes occurring as described above for a period of 60 (sixty) days. Arrangements for viewing of the crime log can be made by contacting the Director of Public Safety at 718-951-5511 – 0202 Ingersoll Hall.

## **Campus Security Authorities**

Members of the college community may also make reports of crimes and security incidents to Campus Security Authorities. Each year, the Public Safety Department requests data via official letter request from these authorities for inclusion in this report.

Although we encourage the reporting of campus criminal activity directly to the Public Safety Department in some instances members of the campus community may choose to file a report with one of the other campus security authorities. Crime statistics are continuously gathered from Campus Security Authorities. Any reportable crime made to a Campus Security Authority can be immediately transmitted to the Public Safety Department via email, fax or campus mail.

For reporting purposes at Brooklyn College, Campus Security Authorities have been designated as:

- Public Safety Department: Rm. 0202 Ingersoll Hall, (718) 951-5511
- Office of Student Affairs: Rm. 2113 Boylan Hall, (718) 951-5352
- Office of Judicial Affairs: Rm. 2113 Boylan Hall, (718) 951-5352
- Office of the Dean of School of Business: Rm. 522 Whitehead Hall, (718) 951-3166
- Office of the Dean of School of Education: Rm. 2111 James Hall, (718) 951-5214
- Office of the Dean of School of Humanities and Social Sciences: Rm. 3238 Boylan Hall, (718) 951-3136

- Office of the Dean of School of Visual, Media and Performing Arts: Rm. 1234 Boylan Hall, (718) 951-3180
- Director of Recreation, Intramurals and Intercollegiate Athletics: Rm. 426 West Quad Center, (718) 951-5366
- Intercollegiate Athletics, Head Athletic Trainer: Rm. 016 West Quad Center, (718) 951-6753
- Intercollegiate Athletics Coaches: Rm. 426 West Quad Center, (718) 951-5366
- Director of Student Center: 1st Floor of Student Center, (718) 951-5842

## **Reporting Incidents of Sexual Misconduct, Including Harassment, Sexual Assault & Certain Forms of Stalking and Dating/Intimate Partner/Domestic Violence.**

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

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

Allegations of sexual misconduct including sexual assault, stalking, or domestic and intimate partner violence perpetrated by another CUNY student, faculty or staff member may be reported to one of the below listed parties. For more information, please see section “Reporting and Prevention of Sex Offenses” later in this document. Anyone who reasonably believes that such an incident has taken place, whether on campus or not, between CUNY students, faculty or staff should inform one of the persons listed below:

1. Title IX Coordinator/Chief Diversity Officer Patricio Jimenez, Rm.2147 Boylan Hall, 718-951-4128, [Patricio.Jimenez@Brooklyn.cuny.edu](mailto:Patricio.Jimenez@Brooklyn.cuny.edu).
2. Public Safety, Director, Donald Wenz, Rm.0202 Ingersoll Hall, 718-951-5511, [Donald@Brooklyn.cuny.edu](mailto:Donald@Brooklyn.cuny.edu).
3. Judicial Affairs and Civil Engagement, Director, Moraima Burgos, Rm.2113 Boylan Hall, 718-951-5352, [Moraima.Burgos@Brooklyn.cuny.edu](mailto:Moraima.Burgos@Brooklyn.cuny.edu).
4. Human Resources, Director, Renita Simmons, Rm.1231 Boylan Hall, 718-951-5137, [RWSimmons@Brooklyn.cuny.edu](mailto:RWSimmons@Brooklyn.cuny.edu).

For more information, please see section “Reporting and Prevention of Sex Offenses” later in this document. For more detailed information on Title IX including community resources, please also see CUNY policies, Getting Help, Understanding and Preventing Sexual Assault and Sexual Harassment please go to: <http://www1.cuny.edu/sites/title-ix/campus/brooklyn-college/>

## **Public Safety and Security Services**

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

The Public Safety Department also oversees the electronic intrusion alarm systems that protect various buildings as well as the fire alarm response system.

### **CAMPUS SECURITY ESCORT AND SHUTTLE SERVICE**

Upon request, a member of the college security staff will escort you to your car or to public transportation near the college. Call or come to the office when an escort is needed. In addition, a shuttle van service is operated during campus hours to transport persons to the municipal parking lot, local subway stations, and other locations near the campus.

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

At Brooklyn College, incidents of a criminal nature that are reported to a Campus Peace Officer are referred via the complainant to the New York City Police Department (“NYPD”). In compliance with New York State Law, The City University of New York and Brooklyn College have Memorandums of Understanding with the NYPD and maintain a cooperative relationship with local, state and federal law enforcement agencies.

## **Off-Campus Crimes and Safety Hazard Monitoring**

Brooklyn College monitors and reports on CLERY crimes occurring in the following non-campus building locations: CLERY statistics are reflected in our annual crime statistics.

Residence Hall @ Brooklyn College  
1 Kenilworth Place  
Brooklyn, NY 11210

Newman Catholic Center  
2401 Glenwood Road  
Brooklyn, NY 11210

Tanger Hillel House @ Brooklyn College  
2901 Campus Road  
Brooklyn, NY 11210

Brooklyn College Student Center  
2705 Campus Road  
Brooklyn, NY 11210

Brooklyn College Graduate Center for Worker Education  
25 Broadway, 7<sup>th</sup> Floor  
New York, NY 10004

Barry R. Feirstein Graduate School of Cinema @ Steiner Studios  
25 Washington Avenue  
Brooklyn, NY 11205

## **Emergency Notification & Response**

The Brooklyn College campus is staffed by a full time Public Safety Office with primary responsibility for campus safety and immediate response to all emergency situations. Emergency response to the campus, depending on the specific situation, is also provided by the New York City Police Department (NYPD) and the New York City Fire Department (FDNY).

### **CUNY ALERT SYSTEM**

Contact information for all registered students and employees is included in the CUNY Alert system, except for the contact information for those students who affirmatively choose to opt out of receiving CUNY Alert messages.

Brooklyn College participates in the University-wide CUNYALERT System. Upon activation by the college, this system sends messages during emergency events via email, text message and telephone (land-line/cellular). This system is tested monthly for administrative users and one (1) full scale test of the system to all users (students/faculty/staff) annually. New students and employees are also provided with information on signing up for CUNYALERT at orientations. A notification will be sent upon confirmation of a significant emergency (unless such notification presents an undue safety risk).

To sign up for CUNY Alert log on to <http://www.cuny.edu/news/alert.html> and follow the instructions. Enrolled students, including continuing education students, faculty, staff and other members of the campus community, are eligible to sign up.

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

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

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

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

Timely warning reports are made to the members of the campus community regarding the occurrence of crimes listed in the Clery Act and other events of significant note including threats to the health, safety or well-being of the campus community. These warnings are disseminated within 24-48 hours, by the Brooklyn College Public Safety Office, from time of reported crime or whenever an incident occurs that presents an ongoing threat to the campus community unless an immediate emergency message is broadcast. These timely warnings are in the form of flyers, emails, CUNY Alerts, posters, safety messages displayed on electronic message boards, etc. As noted, Brooklyn College is a participant in the CUNY Alert System. Operated under the auspices of the New York State Emergency Office, CUNY Alerts allows subscribers to receive messages of importance regarding safety via email, cell and landline, text message or combination thereof. Signing up is easy. These notifications are issued when the campus operations are adversely affected by man-made or natural incidents. Any member of the Campus Community (students or staff) are urged to immediately report to any member of the Public Safety Department any crime on or off campus, which may necessitate a timely warning to be distributed. Access the University website at: to: <http://www.cuny.edu/alert>.

### **IMMEDIATE NOTIFICATIONS**

Procedures and mechanisms to notify the campus community are in place and include one or more of the following depending on the specific situation:

- CUNY Alert – text and/or voice message notification. Register at <http://www.cuny.edu/alert>
- Public Address system emergency voice announcements
- Mass e-mail notification to Brooklyn College students and employees
- Brooklyn College website at <http://www.brooklyn.cuny.edu>
- Fire alarm systems with public address capability
- Other public address mechanisms – on vehicles, portable speakers and bullhorns
- Local television, radio and/or electronic media
- Printed and posted notifications

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

The college conducts evacuation and fire drills three (3) times per year in each campus building. 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.

The Emergency Management Guide is used to assist members of the campus community in responding to a variety of emergency situations which they may encounter while working or attending classes or events at Brooklyn College. All faculty, staff and students should become familiar with the contents of this guide. In the event of emergency, it is designed to serve as a quick reference for effective action. New employees and students should be made aware of this guide during orientation. *Please note that specific instructions during an emergency may vary from those appearing in the procedures and will be communicated to campus community members at the time of emergency through one or more emergency notification mechanisms outlined below:*

## **PUBLICATION OF PROCEDURES**

Emergency response and evacuation procedures are published annually via Annual Security Report. This report is updated as needed throughout the year. Hardcopies of this report are available in the Public Safety Office, room 0202 Ingersoll Hall.

The college community is notified at a minimum, on an annual basis as to the location of emergency response policies and procedures. Emergency procedures and notification mechanisms are reviewed and tested on an annual basis. Campus community members will be notified via one or more of the methods included below of any emergencies or when their participation in testing activities is required.

### **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.

The following campus authorities are authorized by the President and are trained in sending emergency notification messages:

- Senior Vice President Finance and Administration
- Director Public Safety and selected staff members
- Assistant Vice President ITS and selected staff members

Note on all emergency notifications Brooklyn College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

## **Public Safety Awareness & Crime Prevention Programs**

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

All Members of the college community are encouraged to attend crime prevention seminars that are conducted by the New York City Police Department and the Department of Public Safety. Crime prevention seminars are scheduled each semester and members of the college community are encouraged to actively participate in their own safety and the safety of others. **All incoming students receive information about campus crime prevention programs, CUNY's Sexual Misconduct Policy and awareness and prevention of sexual misconduct** (as defined in CUNY's Policy On Sexual Misconduct) during initial orientation during initial meetings scheduled in May and September each year. This training/awareness session is mandatory.

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

Emergency response policies and procedures for the campus are listed in the Brooklyn College Emergency Management Guide which can be reviewed at: <http://www.brooklyn.cuny.edu/bc/offices/security/EmergencyManagementGuide.htm>.

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

## **Access to College Facilities**

### **CAMPUS FACILITIES**

Access to campus buildings is limited to faculty, staff, students, guests and visitors who are conducting official college business. When entering upon campus grounds, all faculty, staff and students are required to display their college identification card. Members of the campus community are encouraged to wear their ID cards while on campus and all persons on campus when it is closed are required to wear their photo ID cards. ID Cards are the property of Brooklyn College.

### **IDENTIFICATION CARDS**

Photo ID cards must be obtained from the Photo ID Center in the West Quad Building within a reasonable time following first-time registration. This card must be validated every semester, and must be kept on the student's person during times that the student is on campus. Packages and bags and unannounced vehicles, without a valid parking permit, entering the campus are subject to search.

### **GUESTS**

Visitors are issued passes after verification at campus entrances. Special arrangements have also been made to provide community passes for nearby residents who are encouraged to use the college grounds.

Administrators, faculty and staff are issued keys to their respective offices and/or buildings. All buildings are locked after scheduled classes or special events. During non-business hours when the college is closed entry to buildings is not allowed except with written authorization or with a valid After Hours Access ID card.

Except during Recess and holiday periods, the campus is open normally from 7:00 AM to 11:00 PM – Monday through Friday and 7 AM to 6 PM – Saturday and Sunday. The college is closed on public holidays. Students must also sign in an out and supply their intended locations.

## **AFTER-HOURS ACCESS**

When the campus is closed, the following persons have authorized after-hours access or are permitted to remain on campus during closed hours:

- Administrators
- Executive Staff
- Full-time Faculty
- Adjunct Faculty
- Students with 24-Hour Access ID's
- Students with Written Access Approvals from the Director of Public Safety
- Assigned Facilities Personnel
- Assigned Public Safety Personnel
- Other Staff Approved In Writing by the Director of Public Safety
- Contractors Approved by Facilities and Public Safety
- Performers & Backstage Personnel Involved In and Patrons Attending PAC Events
- Persons Attending Scheduled Recreation Events
- BC Students with Valid BC ID Utilizing Library Café

- Note:**
- (i) Faculty (not students) must write directly to the Director of Public Safety for after-hours access approval for all Undergraduate and Graduate Students. Requests can be made by submitting an "After-Hours" Request Form, by requesting on Department Letterhead or via E-mail to the Director of Public Safety at: Donald@brooklyn.cuny.edu.
  - (ii) Other staff must submit a written request from the Supervising Departmental Head to the Director of Public Safety for approval.

After-hours access approval is normally only granted through 11 PM. Other arrangements must be approved by the Director of Public Safety or his Designee.

## **SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES**

Brooklyn College Facilities in conjunction with contractors maintain the college's fire alarm/suppression system, access control, CCTV system, and fire command panels, the public address system as well as interior and exterior lighting are maintained internally. Any conditions, which appear unsafe, should be directly reported to any security staff person, as soon as possible. The facility also includes an emergency panic button response system. Public Safety monitors interior and exterior areas of the campus on a continuous basis. An automatic piped water-based fire suppression system is supplemented by numerous dry chemical portable fire extinguishers. Public Safety/Security Officers patrol the buildings and grounds several times a tour, every tour, each day of the year. Tours are logged in by the tour post commander daily. All Public Safety staff carries mobile radios programmed through a repeater to enhance effectiveness. The aforementioned devices are checked during guard tour building rounds and building perimeter tours. Additionally, a special mobile radio located at the front Public Safety desk can communicate with any of the other CUNY campuses, as well as the central office. Deficiencies should be reported to Public Safety for repair/service. The Public Safety Director monitors police transmissions via a special mobile radio unit.

## **Weapons Policy**

No one within the University community (including visitors), except Campus Peace Officers, pursuant to authorization of the College President, shall have in his/her possession a rifle, shotgun, firearm, or any other dangerous instrument or material that can be used to inflict bodily harm on an individual or damage to a building or the grounds of the campus.

## **College Regulations / Code of Conduct**

Pursuant to CUNY's Bylaws, each student enrolled or in attendance in any college, school or unit under the control of the board and every student organization, association, publication, club or chapter shall obey (1) the laws of the city, state and nation; (2) the bylaws and resolutions of the board, including the rules and regulations for the maintenance of public order pursuant to article 129-a of the education law ("Henderson rules"); and (3) the governance plan, policies, regulations, and orders of the college.

### **HENDERSON RULES**

1. A member of the academic community shall not intentionally obstruct and/or forcibly prevent others from the exercise of their rights. Nor shall he interfere with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, and community services.
2. Individuals are liable for failure to comply with lawful directions issued by representatives of the University/college when they are acting in their official capacities. Members of the academic community are required to show their identification cards when requested to do so by an official of the college.
3. Unauthorized occupancy of University/college facilities or blocking access to or from such areas is prohibited. Permission from appropriate college authorities must be obtained for removal, relocation, and use of University/college equipment and/or supplies.
4. Theft from, or damage to University/college premises or property, or theft of or damage to property of any person on University/college premises is prohibited.

5. Each member of the academic community or an invited guest has the right to advocate his position without having to fear abuse, physical, verbal, or otherwise, from others supporting conflicting points of view. Members of the academic community and other persons on the college grounds shall not use language or take actions reasonably likely to provoke or encourage physical violence by demonstrators, those demonstrated against, or spectators.
6. Action may be taken against any and all persons who have no legitimate reason for their presence on any campus within the University/college, or whose presence on any such campus obstructs and/or forcibly prevents others from the exercise of the rights or interferes with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, and community services.
7. Disorderly or indecent conduct on University/college-owned or controlled property is prohibited.
8. No individual shall have in his possession a rifle, shotgun, or firearm or knowingly have in his possession any other dangerous instruments or material that can be used to inflict bodily harm on an individual or damage upon a building or the grounds of the University/college without the written authorization of such educational institution. Nor shall any individual have in his possession any other instrument or material which can be used and is intended to inflict bodily harm on any individual or damage upon a building or the grounds of the University/college.
9. Any action or situation which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization is prohibited.
10. The unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs or other controlled substances by University students or employees on University/college premises, or as part of any University/College activities is prohibited. Employees of the University must also notify the College Personnel Director of any criminal drug statute conviction for a violation occurring in the workplace not later than five (5) days after such conviction.
11. The unlawful possession, use, or distribution of alcohol by students or employees on University/college premises or as part of any University/college activities is prohibited.

#### PENALTIES

1. Any student engaging in any manner in conduct prohibited under the Bylaws, including the Henderson Rule 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 the Bylaws, the applicable employment contract and/or 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 COLLEGE RULES**

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

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

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

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

The City University of New York is an institution committed to promoting the physical, intellectual, and social development of all individuals. As such, CUNY seeks to prevent the abuse of drugs and alcohol, which can adversely impact performance and threaten the health and safety of students, employees, their families, and the general public. CUNY complies with all federal, state, and local laws concerning the unlawful possession, use, and distribution of drugs and alcohol. Federal law requires that CUNY adopt and implement a program to prevent the use of illicit drugs and abuse of alcohol by students and employees. As part of its program, CUNY has adopted this policy, which sets forth (1) the standards of conduct that students and employees are expected to follow; (2) CUNY sanctions for the violation of this policy; and (3) responsibilities of the CUNY colleges/units in enforcing this policy. CUNY's policy also (1) sets forth the procedures for disseminating the policy, as well as information about the health risks of illegal drug and alcohol use, criminal sanctions for such use, and available counseling, treatment, or rehabilitation



programs, to students and employees; and (2) requires each college to conduct a biennial review of drug and alcohol use and prevention on its campus. This policy applies to all CUNY students, employees and visitors when they are on CUNY property, including CUNY residence halls, as well as when they are engaged in any CUNY-sponsored activities off campus. The policy can be found at:

<http://www.cuny.edu/about/administration/offices/ohrm/cohr/drug-alcohol2011.pdf>.

## **CUNY STANDARDS OF CONDUCT**

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

Students are expected to comply with the CUNY and college policies with respect to drugs and alcohol. Any student found in violation may be subject to disciplinary action under Article 15 of the CUNY Board of Trustees Bylaws, which may result in sanctions up to and including expulsion from the University. In addition, any student who resides in a CUNY residence hall and who is found to have violated any CUNY or college policy with respect to drugs and alcohol may be subject to sanctions under the CUNY Residence Hall Disciplinary Procedures, up to and including expulsion from the residence hall.

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

## **CUNY SANCTIONS**

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

## **STUDENTS**

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

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

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

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

## **EMPLOYEES**

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

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

### **BACKGROUND**

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



## LEGAL SANCTIONS

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

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

*Further, pursuant to New York State law:*

- Any person under age 21 who is found to be in possession of alcohol with the intent to consume it may be punished by a fine and/or required to complete an alcohol awareness program and/or to provide up to 30 hours of community service. Alcoholic Beverage Control Law, § 65-c.
- Giving or selling an alcoholic beverage to a person less than age 21 is a class A misdemeanor punishable by a sentence of imprisonment up to one year. Penal Law § 260.20
- Any person who operates a motor vehicle while intoxicated or while his ability to operate such vehicle is impaired by the consumption of alcohol or drugs, is subject to suspension or revocation of driving privileges in the State, monetary fines up to \$1,000, and imprisonment for up to one year. Vehicle and Traffic Law § 1192
- A person under 21 who presents false written evidence of age for the purpose of purchasing or attempting to purchase any alcoholic beverage may be punished by a fine, community service and/or completion of an alcohol awareness program. Alcoholic Beverage Control Law § 65-b(1). Possessing such false evidence may also be criminal possession of a forged instrument, which is a felony in New York, punishable by a fine of up to \$5000, imprisonment up to 7 years, or both. Penal Law § 170.25.
- Appearing in public under the influence of narcotics or a drug other than alcohol to the degree that a person may endanger him or herself or other persons or property, or annoy persons in his vicinity, is a violation, punishable by a fine and imprisonment up to 15 days. Penal Law § 240.40

## HEALTH RISKS

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

### LSD (Acid)

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

### Cocaine

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

### MDMA (Ecstasy)

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

### Heroin

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

### Marijuana

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

### Methamphetamine

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

### PCP/Phencyclidine

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

### Prescription Medications

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

### Tobacco/Nicotine

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

### Steroids

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

### Alcohol

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

## **Alcohol and Substance Abuse Program**

Brooklyn College's Office of the Vice President for Student Affairs directs the College's Alcohol and Substance Abuse Program. The purpose of this program is to:

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

## **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.

### **Campus Resources**

Personal Counseling Services, 0203 James Hall, provides free and confidential drug and alcohol counseling and referral for students, employees, and their families. Professionals and trained, supervised students provide help with drug or alcohol-related problems through individual and group counseling and referrals to off-campus services. A special support group program for former drug users is also offered. Appointments may be made in person or, if anonymity is desired, by calling 951-5363.

### **Union-Sponsored Services**

DC 37 and all AFSCME union locals provide their members with short-term counseling and referrals to substance abuse programs. For more information, call (212) 815-1260 or visit [www.dc37.net](http://www.dc37.net).

## **CUNY Work/Life Program**

CUNY Work/Life Program (800) 833-8707

<http://www.cuny.edu/about/administration/offices/ohrm/university-benefits.html>

## **Health Insurance Plans**

Eligible employees and retirees are provided with inpatient and outpatient alcohol and drug treatment services under all New York City health plans.

To determine the specific requirements to obtain these benefits, please review your New York City health benefits booklet or contact your health care provider.

## **Resources off Campus**

### **12 Step Recovery Programs**

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

## **Detoxification and Outpatient/Inpatient Rehabilitation Facilities**

### **New York County**

Bellevue Hospital Center  
462 First Ave.  
New York, NY 10016  
(212) 562-4141

St. Luke's-Roosevelt Hospital Center  
1000 Tenth Ave.  
New York, NY 10019  
(212) 523-6491

Greenwich House, Inc.  
50B Cooper Square  
New York, NY 10003  
(212) 677-3400

### **Kings County**

Kings County Hospital Center  
606 Winthrop St.  
Brooklyn, NY 11203  
(718) 245-2630

Interfaith Medical Center  
1545 Atlantic Ave.  
Brooklyn, NY 11213  
(718) 613-4330

Bridge Back to Life Center, Inc.  
175 Remsen St., 10<sup>th</sup> Floor  
Brooklyn, NY 11201  
(718) 852-5552

### **Queens County**

Flushing Hospital Medical Center  
4500 Parsons Blvd.  
Flushing, NY 11355  
(718) 670-5078

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

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

### **Bronx County**

St. Barnabas Hospital  
4535 East 183<sup>rd</sup> St.  
Bronx, NY 10457  
(718) 960-6636

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

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

### **Richmond County**

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

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

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

### **Nassau County**

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

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

Nassau Health Care Corporation  
2201 Hempstead Tpke.  
East Meadow, NY 11554  
(516) 572-9400

## RESOURCES OFF-CAMPUS

New York State Office of Alcoholism and Substance Abuse Services  
Tel: (877) 846-7369 <http://www.oasas.state.ny.us/>

New York State Smokers' Quit line Tel: (866) 697-8487 <http://www.nysmokefree.com/>

## **Counseling**

A full-time counselor is available to students. The counselor also conducts workshops and facilitates support groups on a number of topics including test anxiety and stress management. The counselor's office phone number is 718-951-5363.

## **Sexual Misconduct**

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

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

To directly view a copy of the City University of New York Policy on Sexual Misconduct, please go to: <http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/POLICY-ON-SEXUAL-MISCONDUCT-10.1.2015-with-links.pdf>. For more detailed information on Title IX including community resources, please also see CUNY policies, Getting Help, Understanding and Preventing Sexual Assault and Sexual Harassment at: <http://sph.cuny.edu/student-services/resources/title-ix/>

#### **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 perpetrated by another CUNY student, faculty or staff member may be reported to one of the below listed parties. For more information, please see section "Reporting and Prevention of Sex Offenses" later in this document. Anyone who reasonably believes that such an incident has taken place, whether on campus or not, between CUNY students, faculty or staff should inform one of the persons listed below:

1. Title IX Coordinator/Chief Diversity Officer Patricio Jimenez, Rm.2147 Boylan Hall, 718-951-4128, [Patricio.Jimenez@Brooklyn.cuny.edu](mailto:Patricio.Jimenez@Brooklyn.cuny.edu).
2. Director of Public Safety, Donald Wenz, Rm.0202 Ingersoll Hall, 718-951-5511, [Donald@Brooklyn.cuny.edu](mailto:Donald@Brooklyn.cuny.edu).
3. Judicial Affairs and Civil Engagement, Director, Moraima Burgos, Rm.2113 Boylan Hall, 718-951-5352, [Moraima.Burgos@Brooklyn.cuny.edu](mailto:Moraima.Burgos@Brooklyn.cuny.edu).
4. Director of Human Resources, Renita Simmons, Rm.1231 Boylan Hall, 718-951-5137, [RWSimmons@Brooklyn.cuny.edu](mailto:RWSimmons@Brooklyn.cuny.edu).

#### **You may also:**

- Call the Department of Public Safety's emergency telephone line 718-951-5444. Extension 5445 may be dialed within the college's telephone system.
- Reporting the information to any member of the Department of Public Safety or in person at the Public Safety Office located in room 0202N.
- Victims or witnesses may report crimes to persons designated as Campus Security Authorities (listed on the first page of this document), who will report the incident to the Title IX Coordinator and forward the report of the crime – to the Department of Public Safety for statistical inclusion in the annual crime report. Names and numbers of Campus Security Authorities are located on the first page of this report. The College recognizes the importance of confidentiality to victims and witnesses of crimes. For the purpose of providing crime statistics pursuant to the Campus Security Act in the College's Annual Security Report, victim and witness information will remain anonymous. However, complete confidentiality cannot be guaranteed in all other contexts. Victims of sexual violence will be encouraged, but not required, to report the incident to law enforcement authorities. The College reserves the right to notify the police when it believes that such reporting is necessary for the protection of the College community. In many cases, however, that notification will be done without divulging the victim's identity and will be done only for the purpose of providing a campus-wide safety alert.
- Victims or witnesses may report crimes to a person designated as a Campus Security Authority (listed on page 2 of this document) who will report the incident to the Title IX Coordinator and forward the report of the crime to the Department of Public Safety for statistical inclusion in the Annual Crime Report.
- In the event that the situation you observe or are involved in is of an extreme or life-threatening nature, call 911, the New York City Police Department's emergency phone number. If you make a 911 call, please also notify the Department of Public Safety. They will also respond to assist and direct the police and other emergency personnel to the reported emergency.

For more information, please see section "Reporting and Prevention of Sex Offenses" later in this document. For more detailed information on Title IX including community resources, please also see CUNY policies, Getting Help, Understanding and Preventing Sexual Assault and Sexual Harassment please go to: <http://www1.cuny.edu/sites/title-ix/campus/brooklyn-college/>

## **Reporting and Prevention of Sex Offenses**

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

## **Reporting Procedures**

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

### **Reporting and Prevention of Sex Offenses-including Sexual Harassment, Sexual Assault and Sexual Misconduct, Stalking and Dating/Intimate Partner/Domestic Violence**

1. Title IX Coordinator/Chief Diversity Officer Patricio Jimenez, Rm.2147 Boylan Hall, 718-951-4128, [Patricio.Jimenez@Brooklyn.cuny.edu](mailto:Patricio.Jimenez@Brooklyn.cuny.edu).
2. Public Safety, Director, Donald Wenz, Rm.0202 Ingersoll Hall, 718-951-5511, [Donald@Brooklyn.cuny.edu](mailto:Donald@Brooklyn.cuny.edu).
3. Judicial Affairs and Civil Engagement, Director, Moraima Burgos, Rm.2113 Boylan Hall, 718-951-5352, [Morima.Burgos@Brooklyn.cuny.edu](mailto:Morima.Burgos@Brooklyn.cuny.edu).
4. Human Resources, Director, Renita Simmons, Rm.1231 Boylan Hall, 718-951-5137, [RWSimmons@Brooklyn.cuny.edu](mailto:RWSimmons@Brooklyn.cuny.edu).

## **Definitions of Sex Offenses**

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

**See chart 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.

### **Definitions of Crimes That Must Be Reported Pursuant to Violence Against Women Act (“VAWA”)**

#### **Sexual Assault**

According to federal statute, sexual assault is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

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

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

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

Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent.

#### **Domestic Violence**

According to federal statute “domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is 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 act under the domestic or family violence law 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 relationships 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 the relationship
- (iii) The frequency of interaction between the persons involved in the relationship. 42 U.S.C. §13925(a).

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

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

#### Stalking

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

- A. fear for his or her safety or the safety of others; or
- B. suffer substantial emotional distress. 42 U.S.C. §13925(a).

CUNY's Sexual Misconduct Policy further defines Stalking as:

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

1. Is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or
2. 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 circumstance they may include direct intervention, calling law enforcement, or seeking assistance from a person in authority. In addition, the College encourages all community members to report an incident of sexual misconduct that they observe or become aware of to the Title IX Coordinator, and/or the Office of Public Safety and Student Affairs. Community members who chose to exercise this positive option will be supported by the College and protected from retaliation.

#### Preventing Date or Acquaintance Rape

- Convey strongly that you expect your rights to be respected.
- Meet new acquaintances in public places. Always have your own transportation or travel with good friends.
- Keep money in your pocket or purse for phone calls or pay for transportation if you must leave a situation abruptly.
- Be aware of how much alcohol is being consumed. It's best to avoid using alcohol. While not a direct cause of date rape, alcohol can increase your vulnerability by lowering your alertness and ability to react.
- Clearly define your sexual limit. If someone starts to offend you, be direct. Say no clearly when you mean no.
- If you feel that you are being pressured into unwanted sex, say something as soon as you can, before the behavior goes any further.
- Embarrassment should not keep you from doing what is right for you. Do not hesitate to raise your voice, stand up abruptly, or scream if the situation warrants it.

#### What to Do if You Are Attacked

- After an attack, try to be as calm as possible in order to think clearly. Get to a safe place and call for help immediately. If you are in the building, contact security immediately; anywhere else call 911, call a relative or a friend or a rape crisis center. The NYC Police Department Sex Crimes Report Line is always open at 212-COP-RAPE.
- Remain in the same condition as when the attacker left. Do not change, wash, or destroy any clothing or any article that may be evidence.
- Do not wash, douche or comb your hair.
- Have a medical/gynecological exam at the nearest hospital emergency room as soon as possible. The doctor should note and treat any injury and take measures to combat the possibility of sexually transmitted diseases or pregnancy. If you report being raped, the doctor must collect semen smears as evidence.

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

• When is there lack of consent?

Under New York law, lack of consent to a sexual contact may be demonstrated in the following ways: (1) forcible compulsion including the use of physical force or threat (express or implied) which places the person in fear of physical injury to self or another; (2) incapacity to consent on the part of the victim; (3) circumstances in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or (4) circumstances in which the victim clearly expressed by words or actions that he or she did not consent to engage in such sexual act and a reasonable person would have understood such person's words or actions as an expression of lack of consent to such conduct. A person is deemed incapable of giving consent if she/he is (a) under the age of 17, (b) mentally incapacitated (which may include incapacity due to the victim's ingestion of alcohol or drugs), (c) physically disabled or (d) physically helpless (asleep, unconscious or for any other reason physically unable to communicate unwillingness to act, which may also include incapacity due to the victim's ingestion of alcohol or drugs).

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

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

• Who is responsible for a sexual attack?

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



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

## **On Campus Assistance**

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

## **College Support Services**

Victims of sex offenses can get help on campus through Personal Counseling located in Rm. 0203 James Hall or the Women's Center in 227 New Ingersoll Hall. These offices can refer victims to off-campus support services.

There is a list of resources for sexual harassment and sexual assault survivors who need counseling, medical and/or legal help, or just empathetic, understanding, or support. This brochure can be accessed directly on Brooklyn College's Personal Counseling website at:  
<http://pc.brooklyn.cuny.edu/sexprvf.htm>

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

## **Contacting outside Agencies**

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

## **Off-Campus Resources**

- Emergency: 911
- The 70<sup>th</sup> Precinct, Borough Sex Crimes Detective Squad, 154 Lawrence Avenue, Brooklyn, NY 11230:718-239-4418; 718-851-5562.
- The New York City Police Department Sex Crimes Report Line 212-COP-RAPE, open around the clock, is answered by a female detective at all times. It takes telephone reports of sex crimes, refers victims to counseling and other community services, provides information on police procedures and etc.
- The NYC Victims Services Agency: open 24 hours, seven days a week: 212-577-7777. Provides crisis intervention for crime victims.
- The Gay and Lesbian Anti-Violence Project: 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](http://www.criminaljustice.ny.gov/pio/crimevictims.html)
- New York State Office of Victim's Services, <https://ovs.ny.gov/>
- NYC Mayor's Office to Combat Domestic Violence/Family Justice Centers, <https://nyc.gov/html/ocdv/html/help/fjc.shtml>

## **Prevention Education Programs**

Each CUNY College is required to develop materials and programs to educate its students, faculty and staff on the nature, dynamics, common circumstances and effects of sexual assault, domestic/intimate partner violence and stalking, and the means to reduce their occurrence and prevent them. These programs should seek to provide the most recent and relevant information, such as education pertaining to bystander intervention, the importance of peer networks and the significance of fostering a community of responsibility. **All students during (1) August orientation and (2) during mandatory Professional Development Time in early September** receives information about sexual assault prevention and reporting procedures. These are published annually in this document and are available on the school's website under Legal Notices, Annual Security Report.

**Much useful information, including resources about campus safety, sexual assault and harassment, domestic/intimate partner violence, stalking and dating violence can be found at [www.notalone.gov](http://www.notalone.gov)**

**Additional Resources for Title IX and the Violence Against Women's Act are available on the School's website at:**  
<http://www1.cuny.edu/sites/title-ix/campus/brooklyn-college/>

The Department of Public Safety provides Sexual Assault Crime Prevention information to all incoming students at all new student orientation programs, open houses and campus fairs. These brochures are also available at the Public Safety Office, Room 0202 Ingersoll Hall. In addition, the Public Safety Department in coordination with other college departments, specifically the Office of Student Affairs and the Women's Center, conduct seminars, lectures and workshops on domestic violence and sexual assault. These programs are advertised via a variety of media announcements during the academic year.

## **Disciplinary Procedure**

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

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

## **Definitions of Sex Offenses**

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

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

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

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

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

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

## **Campus Sex Crimes Prevention Act**

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

- Contact the police department in the jurisdiction in which the offender resides and/or in which the college is located.
- Contact **Donald Wenz** Director of Public Safety, at 718-951-5511
- Call the Division's sex offender registry at 800-262-3257

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

- Contact the Division's sex offender registry web site – [www.criminaljustice.ny.gov/nsor/index.htm](http://www.criminaljustice.ny.gov/nsor/index.htm) and then click on "Search for Level 3 Sex Offenses;" or
- Access the Division's Level 3 subdirectory electronically at the Chief of Public Safety office during regular business hours.

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

#### **Missing Persons:**

In accordance with state and federal law, the College maintains procedures for the investigation of reports of missing persons. In addition, in compliance with state and federal law, the College will notify the appropriate law enforcement agency within 24 hours of receiving a report of a missing student who resides in campus housing. The City University of New York Missing Person Policy is available at: [http://policy.cuny.edu/manual\\_of\\_general\\_policy/article\\_v/policy\\_5.27/pdf/#Navigation\\_Location](http://policy.cuny.edu/manual_of_general_policy/article_v/policy_5.27/pdf/#Navigation_Location). Policy adopted by the Board of Trustees on 12/1/2014 Cal. 4.C., with effective date of 1/1/2015. Amended by the Board of Trustees on 10/1/2015.

#### **Sexual Misconduct Policy:**

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

#### **Equal Opportunity and Non-discrimination Policy:**

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

#### **Student Sexual Misconduct Complainants' Bill of Rights:**

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

#### **Workplace Violence:**

<http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/CUNY-Campus-and-Workplace-Violence-Prevention-Policy-2.28.11-and-amended-9.26.2011.pdf>

#### **Domestic Violence in the Workplace:**

[http://policy.cuny.edu/manual\\_of\\_general\\_policy/article\\_v/policy\\_5.061/pdf/#Navigation\\_Location](http://policy.cuny.edu/manual_of_general_policy/article_v/policy_5.061/pdf/#Navigation_Location)

Is available at: <http://www1.cuny.edu/sites/title-ix/campus/brooklyn-college>

Hardcopies of these policies, contained within the Student handbook 2015 -2016, are available at the Office of the Dean of Students room 2113 Boylan Hall

**BROOKLYN'S COLLEGE CALENDAR YEARS 2013 - 2015 CRIME STATISTICS CHART ON THE NEXT PAGE. THE STATISTICS INCLUDED ON THESE CHARTS ARE DERIVED FROM REPORTED CRIMINAL INCIDENTS FROM THE FOLLOWING SOURCES:**

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

## **CRIME STATS**

Brooklyn College - Department of Public Safety (DPS)

Hate Crimes Reported: NoneHate Crimes Reported: NoneHate Crimes Reported: 2

Prior to calendar year 2014, Sex Offenses were categorized as Forcible and Non-Forcible 20

The City University of New York (CUNY)  
Brooklyn College – Department of Public Safety (DPS)  
**Reported Hate Crimes**

[illegible]

## **Sexual Harassment Policy**

It is the policy of the City University of New York and this College to prohibit sexual harassment of employees and students. It is a violation of policy for any member of the college community to engage in sexual harassment. It is a violation of policy for any member of the college community to take action against an individual for reporting sexual harassment.

This policy is related to and is in conformity with the equal employment opportunity policy of the University to recruit, employ, retain and promote employees without regard to sex, age, race, color or creed. Prompt investigation of allegations will be made on a confidential basis to ascertain the veracity of complaints, and appropriate corrective action will be taken.

## **Sexual Harassment Advisory Panel**

To implement the City University's and Brooklyn College's policy on sexual harassment, a Brooklyn College Sexual Harassment Advisory Panel has been established by the President.

### **Panel Functions**

To help educate the Brooklyn College Community about sexual harassment;

To assist in the informal resolution of complaints of sexual harassment brought by students, faculty and staff at Brooklyn College;

To provide a formal procedure, with full respect for due process, for formal complaints of sexual harassment brought by Brooklyn College Community members and to investigate formal complaints fairly, thoroughly and expeditiously. The Panel will report its findings and recommendations for corrective action to the President or appropriate Vice President.

### **Reporting Incidents**

Students, staff and faculty may report potential security problems or concerns to the Campus & Community Safety Services Office located at Room 0202 Ingersoll Hall or to Safety Services personnel on patrol or at stationary posts or to the Office of Student Affairs at 2113 Boylan Hall - (951-5352), or to any college officer, supervisor or chairperson. It is the responsibility of any of the above to inform the Coordinator of the Sexual Harassment Advisory Panel of the incident.

NOTE: THERE ARE TIME LIMITS FOR FILING COMPLAINTS. EXPLORE YOUR OPTIONS AND PROTECT YOUR RIGHTS.

### **Disciplinary Action**

The purpose of any recommended corrective action to resolve a formal complaint will be to correct or remedy the injury, if any, to the complainant and to prevent further harassment. Such actions may include written or verbal reprimand, suspension, dismissal or transfer of the harasser, a change of grade or other academic record for a student who has been the victim of harassment, a change in personnel action for an employee who has been victimized or other appropriate action.

NOTE:

- The accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding; and
- Both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault.

## **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. property, and fire bombings.

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

Any student who is a victim of a bias related crime should immediately report the incident to the Office of Student Affairs, Room 2113 Boylan Hall, 718-951-5352, and the Office of Campus & Community Safety Services, Room 0202 Ingersoll Hall, 718-951-5511. Students are encouraged to seek counseling from our trained psychologists on staff. They will assist with the consequences of bias related crime trauma and provide crisis intervention, in-office counseling, referral to other support services and self-help groups. Please contact Personal Counseling at 718-951-5363. The college will assist any student wishing to contact outside agencies, including local police, regarding charges and complaints of a bias related crime.

The College updates and advises the campus community about security procedures, including those related to hate crime, via the Annual Security Report.

### **Bias Crime Prevention Education Programs**

Similar to the Department's Sexual Assault Crime Prevention Program, the Brooklyn College Public Safety Department is now actively engaged in educating the campus community on the prevention of Bias (Hate) Related Crimes. Informational pamphlets are available at new student orientation programs, open houses and all campus fairs. In cooperation with the Office of Student Affairs, the prevention of Bias Related Crimes are the subject of seminars/lectures and workshops throughout the academic year. These programs also are advertised via various media announcements.

## **Investigation of Violent Felony Offenses and Missing Persons on Campus**

In accordance with the New York State Education Law Article 124 Section 6205 sub. 15, Brooklyn College has implemented procedures in cooperation with the New York City Police Department on the investigation of Violent Felony Offenses and Missing Persons on Campus.

### **Violent Felony Offenses**

Defined in Section 70.02 sub. 1 of the New York State Penal Law and include Class A, B, C, D and E violent felony offenses. These crimes will be immediately reported to the New York City Police Department by the Office of Campus & Community Safety Services. A joint initial investigation will be conducted and follow up investigation by the appropriate unit of the New York City Police Department will be conducted with the New York City Police Department as the lead agency. The college administration and college community will be kept informed and updated on developments.

### **Missing Persons on Campus Investigation**

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)

Brooklyn College does not maintain any dormitories or housing facilities on or off campus for students. Therefore, all reports of missing persons, as per New York City Police Department procedures, will originate in the precinct of residence of the missing person. The New York City Police Department will be the lead investigative agency on all reports of missing persons. However, the Office of Campus & Community Safety Services will assist in both on and off campus wide searches for any reported missing persons who have reason to be on campus.

## **Whistleblower Protection & Anti-Retaliation**

The Higher Education Opportunity Act establishes safeguards for “whistleblowers” by prohibiting any retaliatory action against any individual “with respect to the implementation of any provision” of the Clery Act.

## **"See Something...Say Something" Program**

Inaugurated in the Fall of 2007, the Department's “See Something...Say Something” Program was adopted. The program utilizes the entire campus community to be the eyes and ears of the Public Safety Department. In response to the war on terrorism and the tragic shooting incident at Virginia Tech in the Spring of 2007, the campus community is encouraged to report suspicious activity, packages, persons etc. to the Public Safety Office for investigation. Reporting persons may call the Public Safety Office emergency number directly at (718) 951-5511 or extension 5444 while on campus or if they prefer to remain anonymous, they can call the “Anonymous Reporting Hot Line” at (718) 951-4628. All information received will remain confidential. Persons are requested to report suspicious activity or persons even if they have doubts about the information or observations. “If it is nothing...it will be nothing”.

## **Off-Campus Student Organizations and On-Campus Dormitories**

Brooklyn College does not have any off campus student organizations nor does it have any on campus dormitories.

## **Civilian Complaint Procedure**

Any member of the campus community who has reason to lodge a service related complaint against a member of the Public Safety Department may do so as follows:

1. In writing, by preparing a "Civilian Complaint Form" available at the Public Safety Office – Room 0202 Ingersoll Hall; or
2. By phone at 718-951-5511, The Public Safety Office, by speaking with any supervisor or Public Safety Manager; or
3. By contacting the Director of Public Safety via e-mail at [Donald@Brooklyn.cuny.edu](mailto:Donald@Brooklyn.cuny.edu) ; or
4. By contacting the Office of the University Director of Public Safety by phone at 646-664-2900 or in writing at 555 West 57th Street, Room 1140, New York, New York 10019.

In addition, if you feel you may be criminal in nature it may be reported directly to the New York City Police Department.

All civilian complaints will be investigated. If the complaint is substantiated, appropriate disciplinary action against the officer will be taken, including criminal prosecution if the complaint is criminal in nature.

Complainants will be notified of the results of the complaint investigation upon request.

## **Preparing the Annual Disclosure of Crime Statistics**

As required by federal law, Brooklyn College's Annual Security Report and yearly crime statistics for this report are compiled on a calendar-year basis by the Brooklyn College Public Safety Office in accordance with the definitions of crimes provided by the FBI for use in the Uniform Crime Reporting (UCR) system. These statistics include the previous 3 years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by Brooklyn College; and on public property within, or immediately adjacent to and accessible from, the campus (Public Property consists of the following streets: All of Campus Road; Avenue H from Campus Rd. to Nostrand Avenue; Avenue H from Campus Rd. to Ocean Avenue; and Bedford Avenue from Campus Rd. to LIRR overpass). In addition, these stats are gathered from reported crimes to the safety services office/officers, crimes reported to other campus officials with significant responsibility for student and campus activities as well as those crimes reported to the local police precinct. These statistics also include persons referred for campus disciplinary action for categories required under the Clery Act including liquor law violations, drug law violations and illegal weapons possession. In addition to being attached to this report, these statistics can also be accessed at the Brooklyn College Security Website and at the United States Department of Education Website at: <http://www2.ed.gov/admins/lead/safety/campus.html#data>. Copies are available at the Public Safety Office – 0202 Ingersoll Hall.

## **Annual Security Report**

Brooklyn College's Annual Security Report and Crime Statistics can be accessed via the internet at:  
<http://www.brooklyn.cuny.edu/bc/offices/security>.

A printed copy of the guide is available, upon request, from the Office of Campus & Community Safety Services.

**APPENDIX**  
**CUNY POLICY ON SEXUAL MISCONDUCT**

THE CITY UNIVERSITY OF NEW YORK  
POLICY ON SEXUAL MISCONDUCT

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## I. Policy Statement

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

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

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

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

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

## II. Prohibited Conduct

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

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

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

Sexual violence is an umbrella term that includes sexual assault, such as rape/attempted rape, criminal sexual act, forcible touching, and sexual abuse. If of a sexual nature, stalking/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.

- B. **Retaliation.** This policy prohibits retaliation against any person who reports sexual harassment, gender-based harassment or sexual violence, assists someone making such a report, or participates in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence complaint.
- C. **Certain Intimate Relationships.** This policy also prohibits certain intimate relationships when they occur between a faculty member or employee and any student for whom he or she has a professional responsibility as set forth in Section X below.

### III. **Title IX Coordinator**

Each college or unit of CUNY has an employee who has been designated as the Title IX Coordinator. This employee is responsible for compliance with Title IX of the Education Amendments of 1972, which prohibits sex discrimination, including sexual harassment, gender-based harassment and sexual violence, in education programs. The Title IX Coordinator has overall responsibility for implementing this policy, including overseeing the investigation of complaints at her/his college or unit and carrying out the other functions of that position set forth in this policy. 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 complainant's identity, and notification of sexual violence under the New York Campus Safety Act is not required and will not be done if the complainant requests confidentiality.

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

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

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

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

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

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

**F. Reporting Suspected Child Abuse**

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

**G. Reporting Retaliation**

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

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

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

**A. Confidential Employees**

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

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

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

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

- (ii) **For Employees.** Although there is no one directly employed by CUNY to whom CUNY employees can speak on a confidential basis regarding sexual harassment, gender-based harassment or sexual violence, free confidential support services are available through [CUNY’s Work/Life Program](#), which is administered by an outside company. Confidential community counseling resources are also available throughout New York –  
City: <http://newyorkcity.ny.networkofcare.org/mh/services/subcategory.aspx?tax=RP-1400.8000-800>  
<http://nownyc.org/service-fund/get-help/rape-sexual-assault/medical-help-counseling-for-sexual-assault/>

**B. “Responsible” Employees**

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

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

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

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

**C. All Other Employees**

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

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

**VII. Interim and Supportive Measures**

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

Interim and supportive measures may include, among other things:

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

- (x) Enforcing an order of protection;
- (xi) Addressing situations in which it appears that a complainant's academic progress is affected by the alleged incident;
- (xii) In exceptional circumstances, seeking an emergency suspension of a student or an employee under applicable CUNY Bylaws, rules, policies and collective bargaining agreements.

## **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
- (iii) environment (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of a complainant.

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

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

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

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

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

**B. Gender-based harassment** is unwelcome conduct of a nonsexual nature based on an individual's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is sufficiently serious that it alters the conditions of, or has the effect of substantially interfering with an individual's educational or work experience by creating an intimidating, hostile, or offensive environment (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of the complainant. An example of gender-based harassment would be persistent mocking or disparagement of a person based on a perceived lack of stereotypical masculinity or femininity.

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

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



- (iii) **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.

**Questions about CUNY's sexual misconduct policy and procedures may be directed to Brooklyn College Title IX Coordinator/Chief Diversity Officer:** Patricio Jimenez, Rm.2147 Boylan Hall, 718-951-4128, [Patricio.Jimenez@Brooklyn.cuny.edu](mailto:Patricio.Jimenez@Brooklyn.cuny.edu).

**Please note that you may also contact anyone on the Title IX committee. Their information is below:**

Public Safety, Director, Donald Wenz, Rm.0202 Ingersoll Hall, 718-951-5511, [Donald@Brooklyn.cuny.edu](mailto:Donald@Brooklyn.cuny.edu).

Judicial Affairs and Civil Engagement, Director, Moraima Burgos, Rm.2113 Boylan Hall, 718-951-5352, [Moraima.Burgos@Brooklyn.cuny.edu](mailto:Moraima.Burgos@Brooklyn.cuny.edu).

Human Resources, Director, Renita Simmons, Rm.1231 Boylan Hall, 718-951-5137, [RWSimmons@Brooklyn.cuny.edu](mailto:RWSimmons@Brooklyn.cuny.edu).

**Information on resources and the process for filing a complaint is available on CUNY's Title IX web page.** <http://www1.cuny.edu/sites/title-ix/campus/campus/university/>

### **The City University of New York Students' Bill of Rights**

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

To report the incident to your campus.

To report the incident to the University or campus public safety department and/or to file a criminal complaint with the NYPD, or to choose not to report.

To receive assistance from your campus or others in filing a criminal complaint, which may include seeking an Order of Protection.

To describe the incident only to those campus officials who need the information in order to properly respond and to repeat the description as few times as practicable.

To request that the campus file conduct charges against the respondent(s). The decision on whether to bring charges rests with the campus.

To be protected by your campus from retaliation for reporting the incident, and to have any allegations of retaliation addressed by the campus.

To receive assistance and resources from your campus, including confidential and free on-campus counseling, and to be notified of other available services on- and off-campus, including, among other resources, the New York State Office of Victim Services.

To receive assistance in seeking necessary medical services or treatment, including a Sexual Assault Forensic Examination (SAFE exam), on or off campus.

To obtain, where appropriate, changes with respect to campus academic and living arrangements, no-contact orders, and other interim remedial measures to enable you to continue your education without undue stress or trauma.

To have your complaints handled respectfully by the campus, and to be informed about how the campus will protect your privacy and confidentiality.

To have your complaint investigated in a prompt, impartial and thorough manner by individuals who have received appropriate training in conducting investigations and the issues related to sexual harassment and sexual violence, and to be accompanied by a person of your choice at all meetings or hearings related to the process.

To have your complaint against a student adjudicated by individuals who have received appropriate training on issues related to sexual harassment and sexual violence.

To report incidents of sexual harassment or sexual violence that you experience while under the influence of alcohol or drugs without receiving discipline for your alcohol or drug use.

To have the same opportunity as the respondent(s) to participate in a student disciplinary hearing before a faculty-student disciplinary committee, including the right to be present, to be represented by a person of your choice, including an attorney, to present evidence, call witnesses, cross-examine witnesses, have your prior sexual history with persons other than the respondent(s) excluded from the hearing, have your prior mental health diagnosis and/or treatment excluded from the hearing, receive written notice of the outcome of the hearing, and to appeal from the decision.

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

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

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