

CUNY SCHOOL OF PUBLIC HEALTH

Annual Security Report Calendar Year 2017 Crime Statistics Reporting Years 2014-2016

The CUNY School of Public Health
55 West 125th Street
New York, NY, 10027

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College Overview

The CUNY Graduate School of Public Health and Health Policy's Annual Security Report includes statistics for the previous three years of reported crimes that occurred on campus; in certain off-campus buildings owned or controlled by the CUNY Graduate School of Public Health and Health Policy; 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 about alcohol and drug use, crime prevention, the reporting of crimes, including crimes involving sexual misconduct, sexual assault, and other matters. The report can be found at <http://sph.cuny.edu/student-services/resources/title-ix/>. Hard copies of the *Annual Security Report* can be obtained at the 7th Floor security desk and in Room 815 or by calling (646-364-0272).

The CUNY Graduate School of Public Health and Health Policy is committed to teaching, research and service that creates a healthier New York City and helps promote equitable, efficient and evidence-based solutions to pressing health problems facing cities around the world. The School seeks to promote health and social justice in New York City and across the globe through innovation and leadership. The mission is to provide a collaborative and accessible environment for excellence in education, research, and service in public health, to promote and sustain healthier populations in New York City and around the world, and to shape policy and practice in public health for all.

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 crime, attempted crime, or criminal activity to the Office 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 Office of Public Safety's emergency telephone line at 646-364-0272 or extension 40272 from within the college's telephone system.
2. Reporting the information to any member of the Office of Public Safety at the 7th Floor security desk or the Public Safety Sergeant's Office, located in room 820 (646-364-9571).
3. All counselors are strongly encouraged to inform the persons they are counseling of the School's procedures for reporting 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. Names and numbers of campus Security Authorities are located in the next section of this report. The School recognizes the importance of confidentiality to victims and witnesses of crimes. For the purposes of providing crime statistics pursuant to the Clery Act in the School's annual crime report, victim and witness information will not be included. However, complete confidentiality cannot be guaranteed in all other contexts. The School reserves the right to notify the police when it believes that such reporting is necessary for the protection of the School 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 of an extreme or life-threatening situation, call 911, the New York City Police Department's emergency phone number. Please also notify the Department of Public Safety. They will respond and 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

A daily Crime Log is maintained that records, by the date reported, any crime that occurred on campus, on a non-campus building or property, or on public property or within the patrol jurisdiction of the Office of Public Safety going back to the School's opening in 2015. The log is kept at the 7th Floor security desk and in Room 815 and is available for public inspection.

Campus Security Authorities

The following persons are designated as Campus Security Authorities:

- Office of the Dean (Rm. 711, 646-364-9771)
- Office of the Chief of Staff (Rm. 710, 646-364-9772)
- Office of the Sr. Associate Dean for Administration (Rm. 713, 646-364-9774)
- Office of the Associate Dean of Students (Rm. 715, 646-364-9776)
- Office of the Associate Dean of Academic and Faculty Affairs (Rm. 712, 646-364-9773)
- Office of the Associate Dean for Research (Rm. 714, 646-364-9775)

Members of the college community may report crimes and security incidents to these officials. Each year, the Office of Security and Public Safety requests data from these authorities via an official letter, for inclusion in this report.

Reporting Incidents of Sexual Misconduct, including Sexual 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 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>.

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

- Title IX Coordinator - Edith Rivera, The Graduate Center, 365 5th Avenue, NY, NY 10016, Room 7301, 212-817-7410, rivera@gc.cuny.edu
- Director of Public Safety - John Flaherty, The Graduate Center, 365 Fifth Avenue, NY, NY, 10016, Room 9117, 212-817-7761, jflaherty@gc.cuny.edu
- Chief Student Affairs Officer - Dr. Ashish Joshi, SPH - 55 West 125 St, Room 715, 646-364-9776, ashish.josji@sph.cuny.edu
- Executive Director of Human Resources Ella Kiselyuk - The Graduate Center, 365 5th Avenue, NY, NY 10016, Room 8403, ekiselyuk@gc.cuny.edu

For more information, please see section "Reporting and Prevention of Sexual Assault and Sexual Misconduct Offenses, Stalking and Dating/Intimate Partner/Domestic Violence" later in this document. For more detailed information on Title IX including Community Resources, CUNY policies, Getting Help and Understanding and Preventing Sexual Assault and Sexual Harassment please go to <http://sph.cuny.edu/student-services/resources/title-ix/>.

Public Safety and Security Services

The CUNY Graduate School of Public Health and Health Policy, during operating hours, employs one Sergeant, two Campus Peace Officer and three Campus Security Assistants, usually assigned to the security desk or patrol duties. Campus Peace Officers are sworn law enforcement/NYS Peace Officers under Criminal Procedure Law 2.10 subsection 79 and have the power to make arrests in compliance with New York State Criminal Procedure Law Peace Officers Law. Campus Security Assistants are licensed as NYS Licensed Security Guards and do not have arrest powers (outside of the powers of a private citizen).

At the CUNY Graduate School of Public Health and Health Policy, incidents of a criminal nature that are reported to a Campus Peace Officer or Campus Security Assistant are referred via the complainant to the NYPD. The City University of New York and the CUNY Graduate School of Public Health and Health Policy have a Memoranda of Understanding with the NYPD for emergency, non-emergency, and investigative response.

The Office of Public Safety also oversees an electronic access control, intrusion alarm, and closed circuit television (CCTV) system designed to protect various parts of the building.

In addition, 55 West 125th Street has contract security officers supplied by building management in the lobby to serve as an additional layer of screening and protection. Building management also employs Fire Safety/Emergency Action Plan Directors as required by New York City Law to monitor fire alarm systems and coordinate emergency evacuations and responses.

While there is no regularly scheduled escort program, Public Safety officers can provide escorts to the nearest subway station if you are a victim of sexual harassment, sexual assault, stalking or dating/intimate partner/domestic violence.

Off-Campus Organizations Crimes and Safety Hazard Monitoring

Residence Halls/Off Campus Student Organizations

Because the CUNY Graduate School of Public Health and Health Policy has no housing facilities or recognized student organizations with off-campus locations, the CUNY Graduate School of Public Health and Health Policy does not monitor or use local police to monitor the activities of student organizations off-campus.

Emergency Notification & Response

CUNY Alert

All students, as well as faculty and staff are strongly encouraged to participate in the CUNY Alert system. The CUNY Alert system is designed to give you immediate and up-to-date information regarding weather, utility and emergency situations. The system can contact you and family or friends, as you designate, via text message, cell phone, landline and/or e-mail. The system can offer all methods of notice, a single method or any combination. It is user friendly and can prove to be invaluable before, during and after an emergency. Simply log onto www.cuny.edu/alert and follow the instructions. Contact information for all registered students and employees is included in the CUNY Alert system, except for the contact information for those students who affirmatively choose to opt out of receiving CUNY Alert messages. If you have trouble accessing or modifying your contact information in CUNY Alert, please come to the IT help desk.

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 the College Community

The Office of Security and Public Safety issues safety alert bulletins when deemed necessary and provides Timely Warning Notices via email to the campus community when crimes that present a serious or continuing threat occur in areas on or near the campus. Timely Warning Notices will be distributed as soon as practicable, with the goal of preventing a similar occurrence. The identities of victims and witnesses will not be included in the Timely Warning Notice. All persons reporting crimes to the Office of Security and 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 kept as part of the Office of Security and Public Safety's annual statistical report.

Immediate Notifications

Unless such notice and warning compromises the containment of an emergency, or would likely result in an expansion or exacerbation of an emergency, immediate notification of an emergency will take place through one – or a combination of – the following methods: CUNY-Alert, public address system announcements, campus-wide emails and college web-site notices. The Public Safety Director or his/her designee and building Fire Safety/Emergency Action Plan Directors are authorized to make such announcements. Again, please note that a circumstance may arise in which it would not be prudent or appropriate to issue an immediate notification if such release would compromise efforts to contain the emergency.

Emergency Drills

Building Management conducts two fire drills and one emergency action plan drill each year as required by local law. The CUNY Graduate School of Public Health and Health Policy participates in these drills. During these drills, building occupants are familiarized with campus evacuation procedures. Each floor has assigned fire/evacuation wardens who provide direction to the college community during drills and actual emergency events. These drills will be evaluated in order to assess and improve our emergency response capabilities. The college community will be notified of the drills in advance via community-wide emails. Other portions of the CUNY Graduate School of Public Health and Health Policy's Emergency Operations Plan, including emergency notifications, will be tested and evaluated at least once a year through announced and unannounced exercises.

Reporting an Emergency - An emergency can be reported in the following ways:

- Call x40272 to contact Public Safety during operating hours.
- Call 911 to report emergencies directly to the New York City Police, Fire and/or Emergency Medical Services. If calling 911 while on campus, also call Public Safety at x40272 so the emergency response can be expedited.
- For smoke or fire, pull the Fire Alarm Pull Boxes, which are bright red in color, located adjacent to all fire exits. Lifting the cover and pulling down the handle activates the alarm. A signal is sent to the fire command station in the building's main lobby and to a central dispatch station that notifies the FDNY. When pulled, this device will also activate an audible fire alarm on the floor where pulled and the floor above.

Evacuations - Know your escape route using the building's fire exits and fire stairs in advance (you should know your escape routes well enough to be able to make your way in the dark or in dense smoke). Also be prepared to use an alternate exit in case your primary route is obstructed. Remain calm and proceed to evacuate the area in an orderly manner. Rely on planning and knowledge, do not rush, push or panic. Listen for instructions from Fire Wardens, Security and Public Safety Officers and the Fire Safety/Emergency Action Plan Director (via public address announcements). Do not use an elevator to evacuate unless directed to do so by emergency service personnel.

Fire – In case of fire or visible smoke, pull the nearest fire alarm; call NYFD at 911 and/or Public Safety at x40272 or call lobby security at the other buildings where the School of Professional Studies leases space. Prepare to evacuate immediately upon the sounding of any fire alarm and alert those in the immediate area of

the danger. Follow the instructions given by the Fire Safety/Emergency Action Plan Director, Fire Wardens and Public Safety personnel. Before opening any door, touch the door with the back of your hand and do not open a door that is warm or hot. Close doors behind you to prevent fire spread, but make sure that you can reopen them if you need to retreat. Use stairs and not elevators. Help those less able and persons in wheelchairs to smoke free stairwells: Report their location and condition to NYFD and college public safety personnel. Do not remove any person from a wheelchair or attempt to carry or negotiate wheelchairs with people up or down the steps. When at other colleges, comply with posted or announced fire instructions.

Sheltering-in-Place – Sheltering-in-place simply means seeking immediate shelter inside a building. This course of action may be necessary during a release of toxic chemicals, biological agents or radiation to the outside air. When air quality may be threatened, sheltering in place keeps you inside an area offering more protection. Sheltering-in-place may also be used during civil unrest, severe weather or other emergencies. Stay inside the building and close all doors and windows. Seal off openings to your room if possible. Do not use elevators as they may pump air through the building. Remain in place until you are told that it is safe to leave.

Other Life Threatening Emergencies - Call NYPD or EMS at 911 and/or Campus Security at x40272. Call lobby security at the other buildings where the School of Professional Studies leases space. Public Safety personnel will assist and coordinate emergency response forces. CUNY Graduate School of Public Health and Health Policy peace officers and campus security assistants are not armed, and are not emergency medical technicians. The NYPD and Emergency Medical Service are called upon to perform these functions.

Injuries and Accidents - Students and employees injured in accidents should call Public Safety (x40272), seek medical attention, and notify their supervisor or the Graduate Center's Director of Human Resources as appropriate. Hazards should be reported immediately.

Publication of Emergency Procedures

Emergency response and evacuation procedures are reviewed, revised and updated as needed and published annually via the Annual Security Report. Additional information can be found at <http://www.gc.cuny.edu/About-the-GC/Resources-Services/Security-Public-Safety/Emergency-Procedures>.

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

Public Safety Awareness & Crime Prevention Programs

The Office of Public Safety takes the following preventative measures in an attempt to limit criminal activity: screening visitors, issuing ID cards, controlling access, monitoring closed circuit television cameras and other electronic security systems, patrolling the building, inspecting infrastructure such as doors, locks, lighting and alarm systems, responding to incidents and conducting investigations.

Staff and faculty receive information about Title IX, CUNY's Sexual Misconduct Policy and awareness and prevention of sexual misconduct (as defined in CUNY's Policy on Sexual Misconduct) during new staff orientations and are also given the opportunity to take The Everfi Haven online training program that covers sexual assault, relationship violence, stalking, and sexual harassment.

All students receive information about Title IX, CUNY's Sexual Misconduct Policy and awareness and prevention of sexual misconduct (as defined in CUNY's Policy on Sexual Misconduct) during the boot camp held during the first week of class each August. The CUNY Graduate School of Public Health and Health Policy will soon use the Everfi Haven online training program to inform students about sexual assault, relationship violence, stalking, and sexual harassment.

Community-wide emails containing crime prevention information are sent to students, staff and faculty whenever an incident takes place that poses an ongoing threat to the college community. The Graduate Center's Office of Security and Public Safety website has a crime prevention guide that offers tips on how to avoid becoming a victim of crimes that are likely to occur on and off campus which can be viewed at <http://www.gc.cuny.edu/About-the-GC/Resources-Services/Security-Public-Safety/Crime-Prevention-Guide>.

Presentations on personal security, sex offenses and other crimes, and drug and alcohol abuse are offered to the college community in conjunction with new staff orientations. The frequency of new staff orientation presentations varies from year to year, depending on the number of new hires. There were three such presentations in 2016. Targeted crime prevention presentations are also given to individual departments when there is a specific crime or safety related issue effecting that department. Arrangements can be made for specialized group presentations and individual consultation or counseling via the Office of Public Safety (Room 820, 646-363-9571).

Building Management Facilities staff maintains the building to minimize hazardous conditions. The Office of Public Safety also conducts regular patrols and inspections in an effort to uncover and report hazards. Special emphasis is placed on the need to ensure safe accessibility to the building with special attention to doors, locks, stairs, elevators, lighting and fire safety. You are encouraged to call the Public Safety Sergeant (Room 820, 646-364-9571 or 646-364-0272) if you observe any hazardous conditions.

Crime Prevention Tips - Actual and attempted violent crime, including sex crime, is virtually unknown on the CUNY Graduate School of Public Health and Health Policy campus. However, the possibility cannot be excluded. Accordingly, use general prudence, avoid isolated areas, and report suspicious observations to Public Safety at x40272

On Campus - While on-campus purse snatchings are unknown and pick pocketing is rare, the theft of unattended laptop computers, purses, pocketbooks, and wallets and their contents is not unheard of. Under no circumstances should cash, credit cards, garments, or other valuables be left unattended or in offices or furniture - nor should office or furniture locks be relied upon.

Off Campus - Local area crime is not within the CUNY School of Public Health and Health Policy's jurisdiction, but the School maintains liaison with the police and a neighborhood association to monitor trends and exercise influence. General rules of urban area prudence must be followed day and night, including:

- Avoid underpopulated or dark areas.
- Keep distant from building facades particularly avoiding empty storefronts.
- Cross the street rather than walk under construction scaffolding or through confined routes particularly during hours of darkness.
- Use corner rather than mid-block subway entrances.
- Be alert to street "scams" (e.g. clustered bystanders, unsolicited help with "accidental" spills, feigned distress, groups asking for directions, dropped money, or other opportunities for profit through "good faith" deposits, gambling, winning ticket cashing or other unusual or illicit enterprises).

- Be aware that jewelry, luggage, furs, cameras, camcorders, cash and other conspicuous valuables including expensive portfolios and briefcases may increase robbery risks.
- Wear or hold pocketbooks and equipment straps so that they quickly release in the event of an attempted snatch by running or mobile persons: Wearing them across the body, around the neck or wound around the hand can expose the wearer to the risk of serious injury.

Elevators - When waiting for an elevator, stand away from the door to avoid being pushed inside by someone nearby, but unseen. Do not get on an elevator occupied by a person or persons who make you feel uneasy. If you begin to feel uncomfortable, get off at the next floor. Always stand near the control panel and the emergency phone. If you are accosted in an elevator hit the alarm button and as many floor buttons as possible so the elevator will stop and the doors will open.

Laptops - Treat your laptop as though it were cash. If you would not place a hundred dollar bill on your desk while out to lunch, do not do it with a laptop either. Always secure your laptop in a locked desk or cabinet when not in use. When traveling in a car, do not leave your laptop on the seat next to you. Keep it out of sight in the trunk or place it under the passenger seat. If you park your vehicle and cannot take the laptop with you, make sure that it is locked in the trunk prior to reaching your destination. Be alert to unfamiliar persons in your work area and immediately report suspicious persons to the Office of Public Safety at x8363.

Data - Back up data files frequently and keep copies separate and secure. Carefully follow Office of Information Technology guidelines for passwords, anti-virus protection, and data backup. Data transmitted over the Internet or other networks filed on networked computers may be subject to interception/intrusion, inspection, manipulation, or destruction by sophisticated remote attack or equipment malfunction. The preparation, filing or transmission of credit card, banking, proprietary, personal, or other sensitive information should be limited to home computers and those commercial on-line services that provide satisfactory security assurances: The CUNY School of Professional Studies does not offer such assurances and will not accept liability for any data losses or damages.

Promptly report any data or computer irregularities, including virus detections, to the Office of Information Technology Help Desk at 646-364-8330.

Pickpocket Theft Prevention - Do not be distracted by strangers seeking directions. Be wary when someone tells you that there is something on your clothing such as a condiment when you have not come from an eating establishment. Do not carry valuables in a shoulder bag and do not let the bag hang behind you. Keep the flap to the purse close to your body. Try to carry a purse that has a zipper or locking device of some sort. Carry your wallet in your front or breast pocket. Be wary of people who drop things in front of you, such as change or keys. Keep handbags on your lap and keep your hand on it at all times while on public transportation. Be careful of the person who shoves or pushes you while trying to get to the rear or front of a bus or subway car.

Personal Safety in Your Car - Always lock your car after entering and exiting it and try to park in a well-lighted space. Before getting in your car, check the front and back seats to make sure no one is hiding inside. Do this even if your car is locked. Have your keys in hand so you don't have to linger before entering the car and be aware of your surroundings. Do not offer rides to strangers. If you suspect that someone is following you drive to the nearest open public place and sound your horn.

Access to School Facilities

Campus Facilities

Generally, the CUNY Graduate School of Public Health and Health Policy is open to students and visitors from 8:00 A.M. to 10:00 P.M. Monday through Friday The CUNY Graduate School of Public Health and Health Policy is closed on Saturday and Sunday. Access to The CUNY Graduate School of Public Health and Health Policy is by presentation of a valid CUNY ID card.

Identification Cards

All employees (staff and faculty) and students of the CUNY Graduate School of Public Health and Health Policy are required to carry a CUNY Graduate School of Public Health and Health Policy identification (ID) card with a current validation sticker in order to gain access to the building. CUNY policy requires members of the college community to show their identification cards when requested to do so by public safety officers or other officials of the college. All students enrolled at the School of Professional Studies will be issued an identification card that may be used for entry to the various CUNY libraries. Students may be asked to show the card when entering the School of Professional Studies or other CUNY buildings. Unless tuition is paid, students will not be issued validation stickers for their identification cards. These stickers are required for borrowing books from the library. Validation stickers may be obtained in the Bursar's Office. Students must show proof of payment for the current semester's tuition and fees before a card or validation sticker will be issued. Students who have lost their ID card will be issued a duplicate upon payment of a \$10 fee.

Guests

Guests having qualifying reasons to enter may gain access by presenting picture identification and signing in. Those entering are subject to screening by CUNY Graduate School of Public Health and Health Policy officers for compliance with expectations for sobriety, sanitation, and peacefulness.

Security Considerations in the Maintenance of Campus Facilities

Building Management Facilities staff maintains the building to minimize hazardous conditions. The Office of Public Safety also conducts regular patrols and inspections in an effort to uncover and report hazards. Special emphasis is placed on the need to ensure safe accessibility to the building with special attention to doors, locks, stairs, elevators, lighting and fire safety. You are encouraged to call the Public Safety Sergeant (Room 820, 646-364-9571) if you observe any hazardous conditions.

Weapons Policy

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

College Regulations / Code of Conduct

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

Henderson Rules

1. A member of the academic community shall not intentionally obstruct and/or forcibly prevent others from the exercise of their rights. Nor shall he/she 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/her 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/her possession any other instrument or material which can be used and is intended to inflict bodily harm on any individual or damage upon a building or the grounds of the University/college.
9. Any action or situation which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization is prohibited.
10. The unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs or other controlled substances by University students or employees on University/college premises, or as part of any University/college activities is prohibited. Employees of the University must also notify the College Personnel Director of any criminal drug statute conviction for a violation occurring in the workplace not later than five (5) days after such conviction.
11. The unlawful possession, use, or distribution of alcohol by students or employees on University/college premises or as part of any University/college activities is prohibited.

Penalties

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

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

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

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

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

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

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

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

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

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

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

In emergency or extraordinary circumstances, immediate suspension can be effectuated pending a hearing within twelve (12) school days.

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

University Policy Relating to Drugs and Alcohol

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

CUNY Standards of Conduct

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

CUNY Sanctions

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

Students

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

Drug/Alcohol Use Amnesty Policy

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

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.

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

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.

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.

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.

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

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.

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

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

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

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.

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.

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.

Alcohol and Substance Abuse Program

Formal drug and alcohol abuse education programs are not held at the CUNY Graduate School of Public Health and Health Policy. However, The GSPHHP has an online resource available that directs the students to access these services (<http://sph.cuny.edu/student-services/resources/tobacco-alcohol-and-drugs/>). The document detailing the alcohol and drug policy can be obtained at the Office of the Student Affairs at the Graduate School of Public Health and Health Policy located on the 7th floor at 55 West 125th street, New York, N.Y. 10027.

Off Campus Treatment Programs:

William Alanson White Institute

20 W 74th Street, NY, NY 10023

(212) 873-7070 phone intake

For referral questions/ concerns Ira Moses, Ph.D. (212) 873 0725.

Clinic applications can be downloaded by patients at www.wawhite.org

A psychoanalytic institute with interpersonal orientation that also offers addictions services. Individual low-fee treatment starts at \$40.

The Addictions Institute of New York

(Formerly the Smithers Alcoholism Training & Treatment Program)

1000 10th Avenue @ 59th Street

(212) 523-4000 and (212) 857-9990

Treatment for addictions typically includes group and individual therapy and can be intensive although specific treatment recommendations are made by the intake clinician. Non-Intensive Outpatient Services are usually recommended for people who have successfully progressed through more intensive inpatient or outpatient services and are now in need of ongoing support, relapse prevention, and/or family counseling. They also provide motivation enhancement therapy for those individuals who are trying to decide whether or not they have a substance use disorder and whether or not they want to commit to a treatment experience. Many insurances are accepted. A sliding scale fee is also available.

Addiction Psychiatry

The Addiction Psychiatry Division is a specialized service for patients who require simultaneous treatment of a psychiatric condition and a substance-related disorder. Each of these disorders can serve as a barrier to effective treatment of the other. Psychiatric medications and therapies may be rendered ineffective by coexisting drug/alcohol abuse. For more information on these addiction services, please call the following numbers:

Inpatient addiction psychiatry/Admissions (212) 420-4650

Outpatient addiction psychiatry (psychiatrists, psychologists, groups) (212) 420-4135

Inpatient /Outpatient Stuyvesant Square Rehabilitation programs (212) 420-2966 (outpatient) and (212) 420-4220 (inpatient)

Methadone maintenance (212) 726-6800 (via Mount Sinai Beth Israel)

Financial Assistance (212) 844-6041 (via Mount Sinai Beth Israel)

The Center for Motivation and Change

CMC: NYC
276 Fifth Ave
Suite 1101
New York, NY 10001
212.683.3339
<http://motivationandchange.com/>

CMC: Westchester
235 Main Street
5th Floor
White Plains, NY 10601
914.949.0540

The Center for Optimal Living (outpatient)

303 Fifth Avenue
Suite 1407
NY, NY 10016
(212) 213-8905
<http://centerforoptimalliving.com/>

Detoxification & Outpatient/Inpatient Rehabilitation Facilities

Drug Rehab New York 142 Mercer St New York, NY 10012
(888) 494-4673
<http://www.rehabandtreatment.com/new-york-drug-rehab?st-t=bing-drug-rehab-new-york>

New York Drug Rehabilitation Treatment Centers 137 Mercer St New York, NY 10012
(877) 818-4673
<http://www.treatmentcentersdirectory.com/>

Bellevue Hospital Center
462 First Ave.
New York, NY 10016
(212) 562-1000

St. Luke's-Roosevelt Hospital Center
1000 Tenth Ave.
New York, NY 10019
(212) 523-4000

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

12 Step Recovery Programs

Narcotics Anonymous (212) 929-6262
<http://www.newyorkna.org/>

Cocaine Anonymous (212) 262-2463
<http://www.canewyork.org/>

Marijuana Anonymous (800) 766-6779
<http://www.marijuana-anonymous.org/>

Alcoholics Anonymous (212) 647-1680
<http://www.nyintergroup.org/>

Nicotine Anonymous (631) 665-0527
<http://www.nicotine-anonymous.org/>

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

Other Resources

New York State Office of Alcoholism and Substance Abuse Services
Tel: (212) 970-3400
<http://www.rehabandtreatment.com/new-york-substance-abuse?st-t=bing-new-york-substance-abuse&vt-k=%2BNew%20%2BYork%20%2Bsubstance%20%2Babuse&vt-d=c&st-t=bing-new-york-substance-abuse&vt-k=%2BNew%20%2BYork%20%2Bsubstance%20%2Babuse&vt-d=c>

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

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 unwelcomed 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 unwelcomed sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature on or off campus.

The City University of New York Policy on Sexual Misconduct

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

- Title IX Coordinator - Edith Rivera, The Graduate Center, 365 5th Avenue, NY, NY 10016, Room 7301, 212-817-7410, rivera@gc.cuny.edu
- Director of Public Safety - John Flaherty, The Graduate Center, 365 Fifth Avenue, NY, NY, 10016, Room 9117, 212-817-7761, jflaherty@gc.cuny.edu
- Chief Student Affairs Officer - Dr. Ashish Joshi, SPH - 55 West 125 St, Room 715, 646-364-9776, ashish.josji@sph.cuny.edu
- Executive Director of Human Resources Ella Kiselyuk - The Graduate Center, 365 5th Avenue, NY, NY 10016, Room 8403, ekiselyuk@gc.cuny.edu

You may also:

- Call Public Safety at 646-364-0272. Extension 40272 may be dialed within the college's telephone system.
- Report the information to any member of the Department of Public Safety or in person at the lobby desk.
- Victims or witnesses may report crimes to persons designated as Campus Security Authorities (listed on page 2 in this document), who will report the incident to the Title IX Coordinator and forward the report of the crime to the Office of Public Safety for statistical 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 Security Report, victim and witness information will remain anonymous. However, complete confidentiality cannot be guaranteed in all other contexts. Victims of sexual violence will be encouraged, but not required to report the incident to law enforcement authorities. The College reserves the right to notify the police when it believes that such reporting is necessary for the protection of the College community. In many cases, however, that notification will be done without divulging the victim's identity and will be done only for the purpose of providing a campus-wide safety alert.
- In the event that the situation you observe or are involved in is of an extreme or life-threatening nature, call 911, the New York City Police Department's emergency phone number. If you make a 911 call please also notify Public Safety. They will also respond to assist and direct the police and other emergency personnel to the reported emergency.

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/>.

Bystander Intervention:

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

Prevention and Risk Reduction

- Convey strongly that you expect your rights to be respected.
- Meet new acquaintances in public places. Always have your own transportation or travel with good friends.
- Keep money in your pocket or purse for phone calls or pay for transportation if you must leave a situation abruptly.
- Be aware of how much alcohol is being consumed. It's best to avoid using alcohol. While not a direct cause of date rape, alcohol can increase your vulnerability by lowering your alertness and ability to react.
- Do not accept a drink from someone you do not know or trust. Do not drink from bowls or large common open containers.
- Do not continue to drink from a beverage you left unattended.
- Clearly define your sexual limit. If someone starts to offend you, be direct. Say no clearly when you mean no.
- If you feel that you are being pressured into unwanted sex, say something as soon as you can, before the behavior goes any further.
- Embarrassment should not keep you from doing what is right for you. Do not hesitate to raise your voice, stand up abruptly, or scream if the situation warrants it.
- Watch out for your friends and fellow students/employees. If you can do so safely, ask if they need help.
- Speak up if you hear someone discuss plans to take sexual advantage of another person.
- Offer to help a friend or fellow/student or employee make a report and seek assistance and support.
- Avoid isolated areas.
- Attend parties with friends. Arrange to leave with your friends.

What to Do if You Are Attacked

- After an attack, try to be as calm as possible in order to think clearly. Get to a safe place and call for help immediately. If you are in the building, contact Public Safety immediately; anywhere else call 911, call a relative or a friend or a rape crisis center. The NYC Police Department Sex Crimes Report Line is always open at 212-COP-RAPE.
- Remain in the same condition as when the attacker left. Do not change, wash, or destroy any clothing or any article that may be evidence.
- Do not wash, douche or comb your hair.
- Have a medical/gynecological exam at the nearest hospital emergency room as soon as possible. The doctor should note and treat any injury and take measures to combat the possibility of sexually transmitted diseases or pregnancy. If you report being raped, the doctor may be able to collect semen smears or other physical specimens as evidence.
- Show police any bruises or injuries, however minor, resulting from the attack. Also show injuries 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 Office of Public Safety will assist with notification of other law enforcement authorities and/or medical professionals if the student so chooses.
- New York State Department of Health has designated sexual assault forensic examiner ("SAFE") programs in hospitals that are designated as 24-hour centers of excellence. SAFE hospitals ensure the quality of collections, documentation, preservation and custody of physical evidence by a trained examiner and provide medical care that includes, but is not limited to, treatment, referral and follow-up, at no cost to the victim.
- As time passes, evidence may dissipate or become lost or unavailable, making investigation, possible prosecution or disciplinary proceedings or obtaining orders of protection more difficult. Even if a victim of sexual assault chooses not to file a complaint with law enforcement, the victim should consider having a sexual assault forensic exam, which will preserve the evidence in case the victim decides to file a report later.

• Who is a perpetrator?

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

• Who is a victim?

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

• When is there lack of consent?

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

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

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

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

• Who is responsible for a sexual attack?

In the absence of consent, the attacker is *always* responsible for having committed the sexual assault regardless of the victim's appearance, behavior, or conduct on previous occasions. An attacker cannot assume that the way a person dresses or acts 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 Assistant Dean of Students to obtain assistance in accessing medical and counseling services, or to make any necessary changes to the student's academic program. Victims of such crimes can obtain assistance from the Office of the Assistant Dean of Students throughout the disciplinary process. The Office of Public Safety can assist the victim in getting to and from campus classes, filing a police report and obtaining an order of protection against the perpetrator. The victim can also file a complaint with the College against a perpetrator who is a student or employee of the University with the Office of the Assistant Dean of Students and the Office of Public Safety.

In addition, the victim of a sexual assault will be provided with on-campus support in the form of 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.

Off-Campus Resources

- **Crime Victims Treatment Center** - (212) 523-4728
St. Luke's - Roosevelt Hospital Center, counseling, medical treatment, support services, legal advocacy; Monday to Friday 9:00 A. M. - 5:00 P. M.; crisis intervention and medical care, 24 hrs. at the emergency rooms at Ninth Ave. at 58th St. and 113th Street, east of Amsterdam Ave.
- **Gay and Lesbian Anti-Violence Project (24 Hrs.)** - (212) 714-1141
- **NYC Victims Services Agency (24 Hrs.)** - 212-577-7777.
Provides crisis intervention for crime victims.
- **NYS Office of Victim's Services** - <https://ovs.ny.gov/>
- **NYC Mayor's Office to Combat Domestic Violence/Family Justice Centers** - <http://www1.nyc.gov/site/ocdv/programs/family-justice-centers.page>
- **NYS Department of Criminal Justice** - <http://www.criminaljustice.ny.gov/pio/crimevictims.html>
- **NYS Office of Victim's Services** - <https://ovs.ny.gov/>
- **Sex Crimes Report Line/NYPD (24 Hrs.)** - (212) 267-RAPE
A female detective will provide immediate assistance and information about medical, legal, and emotional support services; strictly confidential, name not required.
- **Safe Horizon Crisis Hotline (24 Hrs.)** - (212) 577-7777

Prevention Education Programs – University Policy

Each CUNY College is required to develop materials and programs to educate its students, faculty and staff on the nature, dynamics, common circumstances and effects of sexual assault, domestic/intimate partner violence and stalking, and the means to reduce their occurrence and prevent them. 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.

Staff and faculty receive information about Title IX, CUNY's Sexual Misconduct Policy and awareness and prevention of sexual misconduct (as defined in CUNY's Policy on Sexual Misconduct) during new staff orientations and are also given the opportunity to take The Everfi Haven online training program that covers sexual assault, relationship violence, stalking, and sexual harassment.

All incoming students receive information about Title IX, CUNY's Sexual Misconduct Policy and awareness and prevention of sexual misconduct (as defined in CUNY's Policy on Sexual Misconduct) during the boot camp held during the first week of class each August. The CUNY Graduate School of Public Health and Health Policy will soon use the Everfi Haven online training program to inform students about sexual assault, relationship violence, stalking, and sexual harassment.

Additional information can be found at the following websites:

- Not Alone Federal Website – www.notalone.gov
- CUNY 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>.
- Title IX Sexual Assault, Stalking and Intimate Partner and Domestic Violence - <http://sph.cuny.edu/student-services/resources/title-ix/>.

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

Sexual Assault

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

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

- **Fondling** is the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory rape** is sexual intercourse with a person who is under the statutory age of consent.

Domestic Violence

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

Dating Violence

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

- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship
 - (ii) The type of relationship
 - (iii) The frequency of interaction between the persons involved in the relationship.

42 U.S.C. § 13925(a).

For the purposes of this definition

- (A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
- (B) Dating violence does not include acts covered under the definition of domestic violence

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

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

Stalking

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

- (A) fear for his or her safety or the safety of others; or
- (B) suffer substantial emotional distress.”

42 U.S.C. § 13925(a).

For the purposes of this definition

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

CUNY’s Sexual Misconduct Policy further defines **Stalking** as intentionally engaging in a course of conduct directed at a specific person with whom the perpetrator currently has, previously has had, or desires to have, some form of sexual or romantic relationship, that:

1. is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or
2. 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.

Sexual Assault Prevention - The CUNY School of Professional Studies has not had any reports or rumors of on-campus or local sexual offenses. This is not to say that it has not occurred without our knowledge or could not occur in the future. General rules of urban prudence must be applied together with precautions applicable to high-rise buildings and academic institutions. These include but are not limited to:

- Avoid freight elevators and lobbies.
- Be aware in library stacks and carrel areas.
- Use passenger elevators rather than stairs.
- Use restrooms in trafficked areas.
- Leave vacated class and meeting rooms promptly.

If you live in an apartment exercise care in traveling en route to or from the college at all times - sex and other crimes can and do occur about the city even during daylight hours. Good apartment security mandates the same general rules of urban and college security prudence and the following:

- Report access by strangers including the homeless to the building management.
- Report illicit activities in or near the apartment building to the police.
- Ensure that entry, hall, and your apartment doors are kept locked. Open them only for persons you know and expect and not for anyone with a story however dramatic or plausible.
- Do not enter elevators unless you feel comfortable with the occupants.
- Be prepared to use the elevator alarm button.
- Maintain control over your keys; keys can be easily and rapidly duplicated.

- Contact the building management if there are accessible windows that do not have fire department-approved bars or glass protection in addition to the window lock.
- Consider meeting persons with whom you are not well acquainted at more public places.

Domestic Violence and Stalking Education and Prevention - Domestic Violence often spills over to the workplace, usually in the form of stalking behavior. Stalking involves intentional and repeated actions that place an individual in reasonable fear for his or her safety. Stalking, a course of conduct used to maintain contact with, or exercise power and control over another individual, is a crime. According to the New York State Penal Law, stalking is committed when a person intentionally, for no legitimate purpose, engages in a course of conduct directed at a specific person and knows or reasonably should know that such conduct is likely to, or does, cause a particular type of fear or harm. You are being stalked if someone is:

- Repeatedly following or spying on you.
- Repeatedly calling your home and/or work.
- Repeatedly sending unwanted e-mails, letters, faxes, etc.
- Leaving unwanted gifts or items for you.
- Vandalizing or damaging your property.
- Threatening you or someone close to you.
- Repeatedly showing up, for no legitimate purpose, at places that you go to.

Safety Tips at School and Work - If you are a victim of domestic violence and/or a stalking victim you should contact your local police precinct. If you have obtained an order of protection against your abuser you should notify the Office of Security & Public Safety. You can also take the following precautions while at school or work:

- Provide Security with a copy of an order of protection and picture of the abuser.
- Keep a copy of the order of protection with you at all times.
- Tell your professor, supervisor or a co-worker about the situation and ask that person to call 911 and Security in an emergency.
- Have a back-up person if your primary contact is not available.
- Request that your desk be placed in a safe location.
- If possible, have someone screen your calls.
- Meet with Security so you can plan an escape route.
- Working with your professor or supervisor and Security; find a safe room with a phone to use in an emergency.

For Further Assistance and Resources:

SPH Public Safety	646-364-0272
Graduate Center Public Safety (24 hours)	212-817-7777
Director of Security & Public Safety	212-817-7761
Police (Emergency)	911
New York City Services (Information)	311
NYC Domestic Violence Hotline (24 Hours)	1-800-621-HOPE
For the Hearing Impaired	1-866-604-5350
NYS Domestic Violence Hotline (English/Spanish)	1-800-942-6906
Brooklyn Criminal Supreme Court	347-296-1076
Brooklyn Lower Criminal Court	347-404-9400
Brooklyn Family Court	347-401-9600
Bronx Criminal Court	718-618-2098
Bronx Family Court	718-618-2098
Manhattan Criminal Court	646-386-4500
Manhattan Family Court	646-386-5200
Queens Criminal Court	718-298-0792
Queens Family Court	718-298-0197
Staten Island Criminal Court	718-675-8700
Staten Island Family Court	718-675-8800
VINE (Victim Information Notification Everyday)	1-888-VINE-4-NY

- VINE is a 24 hour automated hotline that provides victims with the release date of inmates that are in the custody of the New York City or State Department of Correction prison system.

Definitions of Sex Offenses Under New York State Law

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

See the following 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.

Pertinent Sex Offenses and Criminal Sanctions under New York State Penal and Criminal Procedure

Laws

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

Admission of Sex Offenders

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 John Flaherty, Director of Security & Public Safety, at 212-817-7761.
- Call the Division's sex offender registry at (800) 262-3257.

To obtain information about Level 2 and Level 3 offenders only, you may:

- Contact the Division's sex offender registry web site – <http://www.criminaljustice.ny.gov/nsor/> and then click "Search the Sex Offender Registry," or
- Access the Division's Level 3 subdirectory electronically at the Director of Public Safety office during regular business hours or the local law enforcement agency for the jurisdiction in which the offender resides.

The City University of New York Policy on Sexual Misconduct

The policy can be found at <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>

Procedures Implementing the CUNY Graduate School of Public Health and Health Policy Policy on Sexual Misconduct

The policy and additional information can be found at <http://sph.cuny.edu/student-services/resources/title-ix/>.

Student Sexual Misconduct Complainants' 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 various rights including the prompt and thorough investigation of the complaint, assistance in filing a criminal complaint and assistance in obtaining medical treatment and counseling. The Student's Bill of Rights can be found at: <http://www1.cuny.edu/sites/title-ix/campus-websites/student-sexual-misconduct-complaints-bill-of-rights/campus/university/>

Workplace Violence

The City University of New York has a long-standing commitment to promoting a safe and secure academic and work environment that promotes the achievement of its mission of teaching, research, scholarship and service. All members of the University community—students, faculty and staff are expected to maintain a working and learning environment free from violence, threats of harassment, intimidation or coercion. While these behaviors are not prevalent at the University, no organization is immune.

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

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

All faculty, staff, students, vendors, contractors, consultants, and others who do business with the University, whether in a University facility or off-campus location where University business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with the University, such as former employees, former students, and visitors. When students have complaints about other students, they should contact the Office of Student Affairs at their campus.

Any person who is the subject of a potential violation of this policy or is a witness to such suspected violation, should report the incident to his or her supervisor, or in lieu thereof, to their respective Campus Public Safety Office. Students should report such incidents to the Office of Student Affairs at their campus or in lieu thereof, their campus Public Safety Office. The Campus Public Safety Office will work with the Office of Human Resources or the Office of Student Affairs on an appropriate response. **Any person experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call the Office of Security and Public Safety immediately, or call 911.**

The CUNY Workplace Violence Policy and additional information on workplace violence can be found at: <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>

Campus specific information can be found at: <http://www.gc.cuny.edu/About-the-GC/Resources-Services/Security-Public-Safety/Workplace-Violence>

Domestic Violence in the Workplace

The City University of New York disapproves of violence against women, men, or children in any form, whether as an act of workplace violence or in any employee's personal life. Domestic violence can spill over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover. CUNY is committed to full compliance of all applicable laws governing domestic violence in the workplace, to promoting the health and safety of its employees, and to making a significant and continual difference in the fight to end domestic violence. CUNY will review this policy annually and will notify all employees and the New York State Office for the Prevention of Domestic Violence ("OPDV") of any revisions.

If you are a victim of domestic violence and/or a stalking victim you should contact your local police precinct. If you have obtained an order of protection against your abuser you should notify the Office of Security & Public Safety to discuss a safety plan. Additional information on domestic violence can be found at http://policy.cuny.edu/manual_of_general_policy/article_v/policy_5.061/pdf/#Navigation_Location

CUNY Policy on Equal Opportunity and Non-Discrimination

It is the policy of the University to recruit, employ, retain, promote, and provide benefits to employees (including paid and unpaid interns) and to admit and provide services for students without regard to race, color, creed, national origin, ethnicity, ancestry, religion, age, sex (including pregnancy, childbirth and related conditions), sexual orientation, gender, gender identity, marital status, partnership status, disability, genetic information, alienage, citizenship, military or veteran status, status as a victim of domestic violence/stalking/sex offenses, unemployment status, or any other legally prohibited basis in accordance with federal, state and city laws. It is also the University's policy to provide reasonable accommodations when appropriate to individuals with disabilities, individuals observing religious practices, employees who have pregnancy or childbirth-related medical conditions, or employees who are victims of domestic violence/stalking/sex offenses. This Policy also prohibits retaliation for reporting or opposing discrimination, or cooperating with an investigation of a discrimination complaint. The entire policy can be found at: <http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/hr/policies-and-procedures/PEONon-Discrimination12.4.2014.pdf>

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.

Complaints

A proper relationship between the Office of Public Safety and the college community, fostered by trust and confidence, is essential to a successful security and safety program. In order for us to better understand the community's perception of our service; it is important that we investigate any allegation of inappropriate officer conduct. Your criticisms and constructive suggestions for improvement are welcome. Each complaint will be thoroughly investigated and appropriate corrective action will be taken when warranted. You can file a complaint with Public Safety Sergeant (Rm. 820, 646-364-9571 or by calling the Graduate Center's Director of Security & Public Safety at 212-817-7761.

If you feel that you would rather not contact the college, you can make your complaint directly to the Office of University Director of Public Safety at 646-664-2900. A member of the University Director's staff will be assigned to investigate the complaint and recommend appropriate action.

In a case where an officer is alleged to have committed an illegal or criminal act, the complaint can be made to the New York City Police Department and/or the Director of Security & Public Safety.

Crime Statistics Chart

The CUNY Graduate School of Public Health and Health Policy's crime statistics chart for calendar years 2014-2016 is on the last page of this report. Statistics were obtained from Graduate Center Public Safety incident reports, reports from Campus Security Authorities and reports from local police precincts.

Hard copies of the *Annual Security Report* can be obtained at the 7th Floor security desk and in Room 815 or by calling (646-364-0272).

The City University of New York (CUNY)
CUNY School of Public Health - Department of Public Safety (DPS)

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

On Campus Residential Only			
Reported to			Section TOTAL
DPS	NYPD	*Non DPS	
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0

* Denotes Report to other campus authorities

Hate Crimes Reported: None

Unfounded Crimes Reported: None

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

On Campus Residential Only			
Reported to			Section TOTAL
DPS	NYPD	*Non DPS	
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0

* Denotes Report to other campus authorities

Hate Crimes Reported: None

Unfounded Crimes Reported: None

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

On Campus Residential Only			
Reported to			Section TOTAL
DPS	NYPD	*Non DPS	
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0

* Denotes Report to other campus authorities

Hate Crimes Reported: None

Unfounded Crimes Reported: None

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, as well as a “students’ bill of rights” and implementing training and educational programs on sexual harassment, gender-based harassment and sexual violence to college constituencies; and
- 6) Gathering and analyzing information and data that will be reviewed in order to improve safety, reporting, responsiveness and the resolution of incidents.

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

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

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

II. Prohibited Conduct

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

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

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

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

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

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

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

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

III. Title IX Coordinator

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

IV. Immediate Assistance in Cases of Sexual Violence

A. Reporting to Law Enforcement

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

B. Obtaining Immediate Medical Attention and Emotional Support

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

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

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

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

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

A. Filing a Complaint with Campus Authorities

i. Students

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

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

ii. Employees

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

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

iii. Visitors

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

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

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

B. Support Assistance for Complainants

i. Students

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

ii. Employees

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

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

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

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

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

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

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

D. Action by Bystanders and Other Community Members

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

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

E. Amnesty for Drug and Alcohol Use

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

F. Reporting Suspected Child Abuse

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

G. Reporting Retaliation

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

VI. Reporting/Confidentiality Obligations of College and University Employees

An individual who speaks to a college or CUNY employee about sexual harassment, gender-based harassment or sexual violence should be aware that employees fall into three categories: (1) “confidential” employees, who have an obligation to maintain a complainant’s confidentiality regarding the incident(s); (2) “responsible”

employees, who are required to report the incident(s) to the Title IX Coordinator; and (3) all other employees, who are strongly encouraged but not required to report the incident(s).

A. **Confidential Employees**

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

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

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

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

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

B. **“Responsible” Employees**

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

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

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

- i. Title IX Coordinator and her/his staff
- ii. Office of Public Safety employees (all)
- iii. Vice President for Student Affairs and Dean of Students and all staff housed in those offices
- iv. Residence Life staff in CUNY owned or operated housing, including Resident Assistants (all)

- v. College President, Vice Presidents and Deans
- vi. Athletics Staff (all)
- vii. Department Chairpersons/Executive Officers
- viii. Human Resources staff (all)
- ix. University Office of the General Counsel employees (all)
- x. College/unit attorney and her/his staff
- xi. College/unit labor designee and her/his staff
- xii. Faculty members at times when they are leading or supervising student on off-campus trips
- xiii. Faculty or staff advisors to student groups
- xiv. Employees who are Managers (all)
- xv. SEEK/College Discovery staff (all)
- xvi. College Childcare Center staff (all)
- xvii. Directors of “Educational Opportunity Centers” affiliated with CUNY colleges

C. All Other Employees

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

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

VII. Interim and Supportive Measures

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

A. Types of Interim and Supportive Measures

Interim and supportive measures may include, among other things:

- i. Making necessary changes to academic programs, including a change in class schedule, making appropriate accommodations to permit the complainant to take an incomplete or drop a course or courses without penalty, permitting the complainant to attend a class via skype or other alternative means where appropriate, providing an academic tutor, or extending deadlines for assignments;
- ii. Making necessary changes to residential housing situations or providing assistance in finding alternate housing;
- iii. Changing an employee’s work assignment or schedule;
- iv. Providing the complainant with an escort to and from class or campus work location;

- v. Arranging appropriate transportation services to ensure safety;
- vi. Prohibiting contact between the complainant and the respondent (“no contact” orders);
- vii. Offering counseling services to the complainant, to the respondent, and, where appropriate, to witnesses, through the college Counseling Center or other appropriate college office, or a referral to an off-campus agency;
- viii. Providing the complainant assistance in obtaining medical and other services, including access to rape crisis centers;
- ix. Providing the complainant assistance with filing a criminal complaint and seeking an order of protection;
- x. Enforcing an order of protection;
- xi. Addressing situations in which it appears that a complainant’s academic progress is affected by the alleged incident;
- xii. In exceptional circumstances, seeking an emergency suspension of a student or an employee under applicable CUNY Bylaws, rules, policies and collective bargaining agreements.

B. Process for Review of “No Contact” Orders

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

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

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

A. The Investigation

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

The college Title IX Coordinator shall take prompt and effective steps reasonably calculated to end any sexual harassment, gender-based harassment or sexual violence, including: (i) taking interim measures; (ii) preventing retaliation; (iii) providing the complainant and the respondent with periodic status updates of the investigation and notice of outcome of the investigation; (iv) informing the complainant of her/his right to file a criminal complaint; (v) coordinating with law enforcement

agencies, as appropriate, after consultation with Public Safety; (vi) maintaining all documents of the investigation; and (vii) drafting a report of findings, which is to be submitted to the College President.

B. Conflicts

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

C. Mediation

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

D. Timing

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

E. Report of Findings

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

F. Disciplinary Action

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

i. Discipline Against Students

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

ii. Discipline Against Employees

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

iii. Action Against Visitors

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

iv. No Disciplinary Action

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

G. Malicious Allegations

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

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

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

I. Filing External Complaints

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

IX. College Obligations Under This Policy

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

A. Dissemination of Policies, Procedures and Notices

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

B. Training and Educational Programming

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

i. Training For Responsible and Confidential Employees

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

ii. Student Onboarding and Ongoing Education

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

harassment and sexual violence. The college shall also share information on domestic violence, dating violence, stalking and sexual assault prevention with parents of enrolling students.

C. Campus Climate Assessments

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

X. Rules Regarding Intimate Relationships

A. Relationships between Faculty or Employees and Students

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

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

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

B. Relationships between Supervisors and Employees

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

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

XI. Definitions of Terms in this Policy

- A. **Affirmative Consent** is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression. Consent may be initially given but withdrawn at any time. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. In order to give consent, one must be of legal age (17 years or older). Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by lack of consciousness or being asleep, being involuntarily restrained, or if the individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. When consent is withdrawn or can no longer be given, sexual activity must stop.
- B. **Complainant** refers to the individual who alleges that she/he has been the subject of sexual harassment, gender-based harassment or sexual violence, and can be a CUNY student, employee (including all full-time and part-time faculty and staff), or visitor. Under this policy, the alleged incident(s) may have been brought to the college's attention by someone other than the complainant.
- C. **Complaint** is an allegation of sexual harassment, gender-based harassment or sexual violence made under this policy.
- D. **Dating, Domestic and Intimate Partner Violence** is a pattern of coercive behavior that can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an intimate partner. Such violence may occur in all kinds of intimate relationships, including married couples, people who are dating, couples who live together, people with children in common, same-sex partners, and people who were formerly in a relationship with the person abusing them.
- E. **Forcible Touching/Fondling** is intentionally touching the sexual or other intimate parts of another person without the latter's consent for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire.
- F. **Gender-Based Harassment** is unwelcome conduct of a nonsexual nature based on an individual's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is sufficiently serious to adversely affect an individual's participation in employment, education or other CUNY activities. The effect will be evaluated based on the perspective of a reasonable person in the position of the complainant. An example of gender-based harassment would be persistent mocking or disparagement of a person based on a perceived lack of stereotypical masculinity or femininity.

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

- i. submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (quid pro quo);
- or
- ii. such conduct is sufficiently serious that it alters the conditions of, or has the effect of substantially interfering with, an individual's educational or work experience by creating an intimidating, hostile, or offensive environment (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of a complainant.

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

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

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

- ii. Verbal abuse or offensive comments of a sexual nature, including sexual slurs, persistent or pervasive sexually explicit statements, questions, jokes or anecdotes, degrading words regarding sexuality or gender, suggestive or obscene letters, notes, or invitations;
- iii. Visual displays or distribution of sexually explicit drawings, pictures, or written materials; or
- iv. Undue and unwanted attention, such as repeated inappropriate flirting, staring, or making sexually suggestive gestures.

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

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

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

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

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

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

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

The City University of New York
Students' Bill of Rights

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

- To report the incident to your campus.
- To report the incident to the University or campus public safety department and/or to file a criminal complaint with the NYPD, or to choose not to report.
- To receive assistance from your campus or others in filing a criminal complaint, which may include seeking an Order of Protection.
- To describe the incident only to those campus officials who need the information in order to properly respond and to repeat the description as few times as practicable.
- To request that the campus file conduct charges against the respondent(s). The decision on whether to bring charges rests with the campus.
- To be protected by your campus from retaliation for reporting the incident, and to have any allegations of retaliation addressed by the campus.
- To receive assistance and resources from your campus, including confidential and free on-campus counseling, and to be notified of other available services on- and off-campus, including, among other resources, the New York State Office of Victim Services.
- To receive assistance in seeking necessary medical services or treatment, including a Sexual Assault Forensic Examination (SAFE exam), on or off campus.
- To obtain, where appropriate, changes with respect to campus academic and living arrangements, no-contact orders, and other interim remedial measures to enable you to continue your education without undue stress or trauma.
- To have your complaints handled respectfully by the campus, and to be informed about how the campus will protect your privacy and confidentiality.
- To have your complaint investigated in a prompt, impartial and thorough manner by individuals who have received appropriate training in conducting investigations and the issues related to sexual harassment and sexual violence, and to be accompanied by a person of your choice at all meetings or hearings related to the process.
- To have your complaint against a student adjudicated by individuals who have received appropriate training on issues related to sexual harassment and sexual violence.
- To report incidents of sexual harassment or sexual violence that you experience while under the influence of alcohol or drugs without receiving discipline for your alcohol or drug use.
- To have the same opportunity as the respondent(s) to participate in a student disciplinary hearing before a faculty-student disciplinary committee, including the right to be present, to be assisted by a person of your choice, including an attorney, to present evidence, call witnesses, cross-examine witnesses, have your prior sexual history with persons other than the respondent(s) excluded from the hearing, have your prior mental health diagnosis and/or treatment excluded from the hearing, receive written notice of the outcome of the hearing, and to appeal from the decision.
- To participate in the investigative and disciplinary processes of the campus without interference with your civil rights or practice of religion.

Questions about CUNY's sexual misconduct policy and procedures may be directed to [your campus Title IX Coordinator](#). Information on resources and the process for filing a complaint is available on [CUNY's Title IX web page](#).

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