

Annual Security Report Calendar

Year 2017

Crime Statistics 2014-2016



Queensborough Community College John M. Triolo

222-05 56th Avenue Director of Public Safety

Bayside, NY 11364 718-631-6320

College Overview

Queensborough Community College's Annual Security Report includes statistics for the previous three years concerning reported crimes that occurred on campus; in certain off-campus buildings owned or controlled by Queensborough Community College; and on public property within, or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, including crimes involving sexual misconduct, and other matters. Annual Security Report can be viewed at - <http://www.qcc.cuny.edu/publicSafety/docs/QCC-ASR-2016.pdf>. A hard copy is on file in the Public Safety Console room, Office of Human Resources [room A-412] and Office of Student Affairs [room L-418].

The college, a component of The City University of New York, is accredited by the Middle States Commission on Higher Education. Queensborough Community College offers transfer and career degree programs through 17 academic departments resulting in the Associate in Arts (A.A.), the Associate in Science (A.S.), and the Associate in Applied Science (A.A.S.) degrees. The College also offers non-credit courses, certificate programs and access to the visual and performing arts at the Queensborough Performing Arts Center (QPAC), which serves both the student body and the greater New York City Community. The College also houses the QCC Art Gallery which contributes to the educational and cultural vitality of the College and surrounding community. The Harriet and Kenneth Kupferberg Holocaust Resource Center (KHRC) is also located on the QCC campus. The mission of this center is to provide programs and resources to commemorate the victims of the Holocaust and to educate future generations about the ramifications of prejudice, racism, anti-Semitism and stereotyping in any society.

The campus is located at 222-05 56th Avenue, Bayside, NY 11364 in Queens County, a borough of New York City with a population of approximately 2.3 million people. The campus is situated on a 34 acre site and comprised of 16 buildings located on or contiguous to the campus.

The college enrolls approximately 15,000 degree program students who attend day and evening classes. In addition, the college, through the Office of Continuing Education serves in excess of ten thousand multi-cultural individuals during the academic year.

The college employs approximately 650 full-time faculty/staff and approximately 900 part-time/adjunct staff members.

Crime Reporting Procedure

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

1. Calling the Department of Public Safety's emergency telephone line (718) 631-6320 or Extension 6320 may be dialed within the college's telephone system.
2. Using the Emergency Assistance call boxes located at several locations on campus. Red emergency telephones are located in corridors of buildings throughout campus, which automatically dial the Department of Public Safety when the handset is picked up. Additional Blue Light Emergency Call Boxes have been installed throughout campus and are accessible for requesting emergency assistance.
3. Reporting the information to any member of the Department of Public Safety or in person at the Public Safety Office located on the 3rd floor of the Library Building.
4. All counselors are strongly encouraged, when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
5. Victims or witnesses may report crimes to persons designated as Campus Security Authorities, whose identities and contact numbers are listed in this report, who will then forward only the report of the crime– without divulging the name of victim or witness – to the Department

of Public Safety for inclusion in the annual crime report. The College recognizes the importance of confidentiality to victims and witnesses of crimes. For the purposes of providing crime statistics, pursuant to the Campus Security Act in the College's annual crime report, victim and witness information will not be included. However, complete confidentiality cannot be guaranteed in all other contexts. The College reserves the right to notify the police when it believes that such reporting is necessary for the protection of the College community. In many cases, however, that notification will be done without divulging the victim's identity and will be done only for the purpose of providing a campus-wide safety alert.

6. 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 calls please also notify the Department of Public Safety. They will also respond to assist and direct the police and other emergency personnel to the reported emergency.

HATE CRIMES 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

Queensborough Community College's daily crime log is maintained by the Public Safety Department. All reportable criminal incidents, whether they are Clery classified or not, are logged, provided that they have occurred in the reportable geography (On campus and public property immediately adjacent to the campus). It includes the following information: 1) date crime was reported, 2) date and time of the incident, 3) the nature of the crime, 4) the general location of the crime, 5) the disposition, if known and 6) special notes. The Crime Log is kept in the Public Safety Console Room on the Third Floor of the Library Building and it is available for inspection during regular business hours. The Crime Log is in a hardcopy format and is updated no less than two business days after the latest report comes in. If no reports are made during 30 calendar days, it is automatically updated. The Crime Log contains incidents for the past 11 calendar years.

CAMPUS SECURITY AUTHORITIES

Members of the college community may make reports of crimes and security incidents to these officials. Each year, the Public Safety Department requests data, via campus e-mail, from these authorities for inclusion in this report.

- Senior V.P. & Chief Operating Officer – **Sherri Newcomb** – Administration Building **Room A-505**, telephone **718-631-6221**
- V. P. for Student Affairs – **Michel Hodge** – Library Building **Room LB-412**, telephone **718- 631- 6351**
- Assoc. Dean for Student Affairs – **Brian Kerr**, Library Building **Room LB-418**, telephone **718-631- 6314**
- Director of Student Activities – **Gisela Rivera** – **Student Union Lower Level**, telephone **718-631- 6233**
- V.P. for Academic Affairs – **Timothy Lynch**- Administration Building **Room A-503**, telephone **718-631- 6604**
- Director of Counseling – **Wilma Fletcher-Anthony** – Library Building **Room LB-422**, telephone **718-631- 6370**
- Director of Health Services – **Isabel Hovevar**, Medical Arts Building **Room MC-02**, telephone **718-631- 6375**
- Athletic Director – **Jon Hochberg**, RFK Gymnasium **Room 216**, telephone **718-281- 5149**
- Chief Diversity Officer, Affirm Action/Pluralism and Diversity Compl. – **Jo Pantaleo**-Administration Building **Room A-309**, tel. **718-631-6391**
- Director of Port of Entry Program – **Florence Tse** – Science Building **Room S-108**, telephone **718-281-5410**
- Student Life Specialist – **Raymond Volel**, **Student Union Lower Level**, telephone **718-631-6233**
- Dean for Academic Operations – Administration Building **Room A-503**, telephone **718- 281- 5549**
- V.P for Pre-College Continuing Education – **Denise Ward**, Library Building **Room LB 118P**, telephone **718-631-6343**
- Title IX Officer – **Belinda Delgado**, Administration Building **Room A-413**, telephone **718-281-5755**
- Manager Center for International Affairs – **Lampeto (Bette) Efthymiou**, Library Building **Room LB-431**, telephone **718-631-6611**
- Program Manager Workforce and Professional – **Jeffrey Chen**, Library Building **Room 118D**, telephone **718-631-6343**
- Director Academy Advisement – **Frantz Alcindor**, Library Building **Room LB 434D**, telephone **718-281-5774**

Members of the college community may also make reports of crimes and security incidents to these officials. Each year, the Public Safety Department requests data via campus e-mail from these authorities for inclusion in this report.

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 see the link below:
[Policy-on-Sexual-Misconduct-12-1-14](#)

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

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

Title IX Coordinator, Belinda Delgado, Admin Rm. 408

718-281-5768, bdelgado@qcc.cuny.edu

VP for Student Affairs, Michel Hodge, Library Rm. 412

718-631-6351, mhodge@qcc.cuny.edu

Director of Public Safety, John M. Triolo, Library 3rd floor

718-631-6320, jtriolo@qcc.cuny.edu

Director of Human Resources, Ellen Adams, Admin Rm. 412

718-281-5028, eadams@qcc.cuny.edu

For more detailed information on Title IX including community and campus specific information resources, please also see CUNY policies, Getting Help, Understanding and Preventing Sexual Assault and Sexual Harassment at: <http://www.qcc.cuny.edu/titleix>

CUNY has adopted Policies and Procedures Concerning Sexual Misconduct, Sexual Assault, Stalking and Domestic and Intimate Partner Violence against Students, which addresses the prevention of sexual assaults and other forms of violence against CUNY students, on and off CUNY campuses. Specifically, the goal of the Policy is to: 1) provide the most informed and up-to-date sexual assault, domestic/intimate partner violence and stalking prevention education information to CUNY students; 2) create a comprehensive plan for CUNY colleges to follow in the event that a student is the victim of a sexual assault or other act of violence; 3) provide clear and concise guidelines for students

to follow in the event that they or someone they know has been the victim of a sexual assault or other act of violence; 4) ensure that all appropriate CUNY personnel receive education and training to assist victims of sexual assaults and other acts of violence; and 5) ensure that disciplinary procedures are followed in the event that the perpetrator is a CUNY student or employee.

***For access to the NYS DOJ sex offender registry: www.criminaljustice.ny.gov/nsor/index.htm

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.

[Policy on Sexual Misconduct](#)

PUBLIC SAFETY AND SECURITY SERVICES

Queensborough Community College's campus and the contiguous geographic perimeter of the campus is patrolled on a 24-hour basis by either Public Safety Officers, Campus Security Assistants and/or contract security guards. Public Safety Officers are sworn law enforcement/NYS Peace Officers under Criminal Procedure Law 2.10 Subsection 79 and have the power to make arrests in compliance with New York State Criminal Procedure Law Peace Officers Law. Contract security officers and Campus Security Assistants hold New York State guard licenses. At Queensborough Community College, incidents of a criminal nature that are reported to Public Safety are referred via complainant to the NYPD when appropriate. The City University of New York and Queensborough Community College have a Memorandum of Understanding with the NYPD for emergency, non-emergency and investigative response.

The Public Safety Department also oversees and continuously monitors a closed circuit television system with 285 cameras, as well as the fire alarm response system. Supplementing these campus security systems are 8, 2-way Emergency Help (Blue Light) Telephones located around the perimeter of the campus, and Red Emergency telephones located in interior hallways and public assembly areas that directly dial the Public Safety office. The College also employs an internal and external public address system which can be utilized by Public Safety to provide real-time direction to the campus community during times of emergency. The Public Safety Department also oversees the electronic intrusion alarm system that protects various buildings on campus.

Campus Security Escort

Upon request from any student, faculty or staff member, a member of the Public Safety Staff can provide an escort off of the premises as far as the municipal bus stops, which are located both on campus and directly across the street from the campus.

WORKING RELATIONSHIP WITH OTHER LAW ENFORCEMENT AGENCIES

At Queensborough Community College, incidents of a criminal nature that are reported to a Campus Peace Officer are referred via the complainant to the NYPD when appropriate. Queensborough maintains a cooperative relationship with local, state and federal law enforcement agencies. A written Memorandum of Understanding exists between all City University colleges and the NYPD in compliance with New York State Law.

OFF-CAMPUS ORGANIZATIONS CRIMES AND SAFETY HAZARD MONITORING

The college does not have any recognized off-campus student organizations or housing facilities. Because the College has no recognized student organizations with off-campus locations, the College does not monitor, or use local police to monitor, the activities of student organizations off-campus.

EMERGENCY NOTIFICATION AND RESPONSE

CUNY ALERT SYSTEM

All students, as well as faculty and staff are strongly encouraged to participate in the CUNY Alert system. The CUNY Alert system is designed to give you immediate and up-to-date information regarding weather, utility and emergency situations. The system can contact you and family or friends, as you designate, via text message, cell phone, landline and/or e-mail. The system can offer all methods of notice, a single method or any combination. It is user friendly and can prove to be invaluable before, during and after an emergency. Simply log onto www.cuny.edu/alert 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 that affirmatively chose to opt out of receiving CUNY Alert messages. If you have trouble accessing or modifying your account information in CUNY Alert, please come to the IT help desk located in room A-303 of the Administration Building.

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

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

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

TIMELY WARNINGS TO MEMBERS OF THE COMMUNITY

The decision to issue Timely Warnings is made by the Public Safety Director in consultation with the College President, the V.P. for Finance and Administration, the V.P. for Student Affairs and the V.P for Academic Affairs (the Emergency Management Team). Timely Warning Notices will be distributed as soon as practicable, with the goal of preventing a similar occurrence. The identities of victims and witnesses will not be included in the Timely Warning Notice. When it is appropriate, the College will issue a timely warning notice via the public address system, electronic mail and, if necessary, will place notices in staff and student mailboxes. The issuing of a timely warning is ultimately the decision of the Public Safety Department. Depending on the time sensitivity of the incident, the issuance of the Timely Warning may be made outside of the Emergency Management Team framework. As noted above, the College is a participant in the CUNY Alert system. Operated under the auspices of the New York State Emergency Management Office, CUNY Alert allows subscribers to receive messages of import regarding safety via email, cell and landline, text message or in any combination thereof. Signing-up is easy. These notifications are issued when man-made or natural incidents adversely affect the campus operations. In the event a crime is reported, including but not limited to those listed in the Clery Act, within the Clery Geography (on Campus, Public Property and Non-Campus Property), that, in the judgment of the Public Safety Director, and, when time permits, in consultation with the responsible authorities identified, constitutes a serious or continuing threat, a campus-wide timely warning notice will be issued. Access the University website at www.cuny.edu/alert.

IMMEDIATE NOTIFICATIONS

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

EMERGENCY RESPONSE EVACUATION FIRE DRILL TESTS

The college conducts evacuation and fire drills in each building twice a year, each semester, during both day and evening sessions. During these drills, building occupants are familiarized with **Campus Evacuation Procedures**. Each building has assigned fire/evacuation floor wardens (building/floor coordinators) who provided training and direction to the college community during drills and actual emergency events.

QCC's Emergency Response Plan has several elements. The plan outlines sample procedures for responding to various campus emergencies. It also outlines the different communication systems utilized to notify the campus community that a significant emergency or dangerous situation, involving an immediate threat to health or safety, exists.

The most important element of any emergency response plan is communication. Timely information is crucial in helping to ensure one's personal Safety. Students, faculty and staff are encouraged to join CUNY Alert to receive text or voice notifications of campus emergencies or weather related closings. Sign up is a simple process at www.cuny.edu/alert and will allow you to receive cell phone, home phone and/or email messages of important information and campus emergencies.

Other campus communication systems include: **QCC Alert system** (to all office and computer lab desk-top PC's); PA system (to individual buildings and/or "all buildings" broadcast); Exterior Voice Alert Notification System; Campus Email and student Tiger Mail system; QCC Website notices; Digital Signage system; Public Safety Vehicle Loud Speaker systems.

As members of the campus community, it is important for each of us to understand our roles and responsibilities, and to be prepared to respond if a crisis occurs. Please take a few minutes to look through the Public Safety website at <http://www.qcc.cuny.edu/Security/> and review the Emergency Procedures Quick Guide and other valuable safety information. Note: The plan is provided in its entirety to Executive and Administrative Leaders, and Department Heads throughout the campus. It was drafted by the QCC Department of Public Safety in conjunction and consultation with other campus and university administrators.

Purpose

The QCC Emergency Response Plan is a procedural document for organizing, coordinating and directing available resources toward the control of an emergency. The plan includes a chain of command establishing the authority and responsibility of various individuals. As with any document of this nature, the plan should be seen as a living text, subject to changes, update and revision as the environment of the College changes.

Emergency Notification Process

Upon receipt of a report that a significant emergency, involving a threat to the safety and/or security of the campus community exists, the Department of Public Safety will, without delay, conduct an investigation into the details of such reports. Upon verification of such an incident, established protocols will be followed regarding notification of the appropriate campus personnel, to include the Administrative hierarchy. Dependent on circumstances, the New York City Police Department will be notified for its appropriate action and/ or response. After consultation between responsible campus authorities, timely information will be broadcast to the affected campus population(s) and areas, through an integrated series of communication systems to include: CUNY Alert, QCC Alert, the Exterior Voice Alert Broadcast System, Building Public Address and Fire Alarm Systems, Digital Signage, Campus Email and Student Tiger Mail, and QCC Website Emergency Notifications, etc.

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

Defining Emergency Conditions

The following are the different levels of emergency with the appropriate communications, notifications, and involvement for each level:

LEVEL 1: A Level 1 emergency includes a minor department or building incident that can be resolved by the responding service unit. This may result in calling in personnel and notifying the department where the problem occurred. An example is the physical plant response to a broken water pipe. There is no need to notify or involve anyone outside of the affected area.

LEVEL 2: A Level 2 emergency includes a department or building incident that can be resolved with existing University resources or limited outside help. A Level 2 incident is usually a one-dimensional event that has a limited duration and little impact on the campus community beyond those using the space/ building in which it occurred. Examples include: minor chemical or fuel oil spills, building loss of heat or electricity for several hours, or a minor fire confined to a room and not involving hazardous chemicals. Notification may be made to University administration.

LEVEL 3: A Level 3 emergency is an incident that is primarily people, rather than infrastructure focused. Examples include: assaults, sexual assaults, building/ office occupations, hate crimes, or workplace violence. In these situations, the campus Emergency Response Team plans must be implemented with involvement from the Office of Public Safety or local law enforcement, and the University Emergency Management Team must be informed of the incident. Additionally, University/College Legal and Media Relations employees may need to be consulted depending upon the nature of the incident and its severity.

LEVEL 4: A Level 4 emergency includes a major emergency that impacts a sizable portion of the campus and/or outside community. Level 4 emergencies may be single or multi-hazard situations and often require considerable coordination both within and outside the University. Level 4 emergencies also include imminent events on campus or in the general community that may develop into a major University crisis or a full disaster. Examples include: bomb threats, heating plant failures, extended power outages, weather emergencies, major fires, contagious disease outbreaks, or domestic water contamination. In these situations, the campus Emergency Response Team plans must be implemented and the University Emergency Management Team must be notified and involved.

LEVEL 5: A Level 5 emergency includes a catastrophic emergency event involving the entire campus and surrounding community. Immediate resolution of the disaster, which is usually multi-hazard, is beyond the emergency response capabilities of campus and local resources. Examples include: earthquakes, tornadoes, or major hurricanes that require State and Federal assistance. In these situations, the campus Emergency Response Team plans must be implemented and the University Emergency Management Team must be notified and involved.

Emergency Procedures Quick-Guide

To reach the Department of Public Safety:

- From a campus telephone, dial extension 6320.
- Otherwise, dial 718-631-6320.
- Use on-campus Red Emergency Phones which automatically dial the Public Safety dispatcher upon picking up the handset.

To reach a New York City Police Operator:

- From a campus telephone, dial 9-911.
- Otherwise, dial 9-1-1.

To report an emergency:

- Immediately call the Public Safety Dispatcher or the NYPD and say: "This is an emergency."
- State the nature of emergency.
- Provide the number from which you are calling.
- Provide the location of the emergency.
- Unless there is an immediate threat to you, do not hang up until instructed to do so.

REMEMBER: Always be alert and aware of your surroundings and project a confident attitude. Report all suspicious activity to the Department of Public Safety at Ext. 6320 or at (718) 631-6320.

Person(s) Trapped in Elevator

When trapped in an elevator:

- PRESS alarm button and remain calm.
- Press Red Call Button and speak clearly into intercom.
- Give the location of the elevator, i.e., building and floor. When known, give the number of people trapped. Report any injuries or medical conditions.
- Report any noises or occurrences that happened before the event.
- Do not attempt to exit the elevator if doors should open between floors.

When reporting person(s) trapped in elevator, call Public Safety at Ext. 6320 or 1-718 631-6320 and provide the information above.

Be prepared:

- For each elevator you ride, locate the STOP button and the emergency Call button.

Utility Failure/Water Leak

When reporting a power outage/water leak:

- Provide the location of the incident.
- Report any noises or occurrences that happened before the incident.

Be prepared:

- Keep a flashlight handy.
- Know how to locate the nearest exit.
- If a leak threatens your work area, move items off the floor.
- Never touch fallen electrical lines or exposed electrical wiring.
- If a hazard exists, evacuation may be the next step. After consultation with the Administration, announcements regarding any building closures will be made, as necessary.

Hurricane/Severe Weather Preparedness

Before leaving your office:

- Turn off and unplug all electrical equipment.
- Where possible, move computers, fax machines, printers, etc., away from windows.
- Back up essential data files and documents.
- Clear desk surfaces.
- Secure or remove personal items.

- Cover your computer with plastic.
- Close window blinds and shades.
- Vacate offices, closing and locking all doors.

Remember: In any type of emergency, always assist others with disabilities.

For updates once you have left the campus:

- Listen to local television and/or radio stations.
- Call the QCC main number at 1-718-631-6262 and/or the Public Safety Office at 1-718-631-6320.
- Check your e-mail.
- Check your voice mail.
- Join and monitor emergency text updates from CUNYALERT
- Log on to the QCC and/or CUNY websites www.qcc.cuny.edu; www.cuny.edu

Note: In the event that your work area sustains significant damage, you may be instructed to temporarily relocate to another area or to an auxiliary

Location Report provided by the NYC

Medical Emergencies

1. All medical emergencies should be reported immediately to Public Safety ext. 6320
2. If the medical emergency is life threatening, then call 911 before dialing Public Safety. If you are in doubt, call 911.
3. If you call 911, be prepared to give your name; describe the nature and severity of the medical problem and the location of the victim. Try to answer all of the questions the dispatcher asks you and let him/her hang-up the phone first. Do not move the victim. If you are certified in CPR and First Aid and able to help, then try to assist the victim until help arrives.
4. Look for emergency medical ID's such as bracelets on injured persons and try to keep the victim as comfortable as possible until emergency personnel arrive.
5. If a medical problem is non-life threatening, call the Public Safety Department at ext. 6320. If the victim can be safely moved then he/she will be escorted to the Health Services Office, MC-02. If campus Public Safety personnel believe that a victim should not be moved or that emergency medical care is required immediately, then they will call 911. Please remember that the decision to call or not call 911 is not based on financial situation or insurance status. The focus is on assisting the ill or injured party.
6. The school employs full time registered nurses. The nurse's office is in Health Services, MC-02 and the extension is 6375.

REMEMBER:

- Do not hang up until instructed to do so by the Public Safety dispatcher.
- Do not move the victim unless he or she is in imminent danger.
- Assign someone to escort emergency personnel to the victim's location.
- Do not give the victim anything to eat or drink.
- Try to keep the victim calm and assure him or her that help is on the way.
- Comply with all instructions given by emergency response personnel and/ Safety Dispatcher at Ext. 6320

Gas Leaks, Odors, Fumes

When reporting an unusual odor and/or fumes:

- Provide your name and telephone number and the location of the problem.
- Provide information on the location of any suspected source of the odor.

REMEMBER:

- Under no circumstances should you should you enter a room or area from which a suspicious odor or vapor is being emitted. In fact, some dangerous gases are odorless, so do not let your safety be controlled only by your sense of smell.
- Should you need to evacuate an area **DO NOT HESITATE** and use the nearest safe exit and avoid the elevator when possible. Remember to assist any disabled individuals in the area!
- Do not use cell phones, two-way radios or open flames – a spark can cause an ignition leading to an explosion.
- Do not pull fire alarms if you detect gas.
- It is imperative to act quickly. The more quickly critical information is passed on to the Public Safety Dispatcher, the sooner the situation can be evaluated and communicated to the appropriate internal and/or external emergency response personnel.

Fire or Explosion

When reporting a fire or explosion:

- Provide your name, location and telephone number.
- Provide the location of the fire or explosion.
- Provide information on the number of persons trapped.
- Provide information on the number of persons injured.
- When the fire alarm sounds, complete evacuation is required.

Remember the following!

- If you or someone else is on fire – Stop, Drop and Roll.
- Follow instructions of Building and Floor Coordinators.
- Evacuate using the NEAREST UNCONTAMINATED STAIRWAY and EXIT.
- Close doors and windows as you leave, if possible.
- Never open a door without first checking for heat or smoke.
- Follow directions of Building or Floor Coordinators and/or Public Safety and other emergency response personnel.
- The most critical areas for immediate evacuation are the fire floor and floors immediately above.
- Do not use the elevator unless instructed to do so by emergency response personnel.
- If you find yourself in a smoke filled environment, “Stay Low & Go.”
- Assist disabled persons to move to a safe area preferably on/or adjacent to the landing of the closest safe stairwell and notify person(s) in authority of their location for evacuation by emergency personnel.
- Use a fire extinguisher only on small fires that can be controlled by such extinguishers.
- Identify the correct type of fire extinguisher depending on the type of fire.
- Never let the fire come between you and the exit.

Be prepared:

- Note the location of fire alarms, red emergency phones, extinguishers and other emergency equipment.
- Familiarize yourself with evacuation routes and fire drill procedures.
- Note the location of landmarks which may aid your exit when visibility is reduced by smoke.
- Locate at least two emergency exits from your floor and make sure they are free from obstruction.

Hazardous Material Incident

When reporting a hazardous material incident:

- Provide your name, location, telephone number.
- Provide the location of the hazardous material. Should you need to evacuate an area, **DO NOT HESITATE** – and use the NEAREST EXIT, remembering to help those who may need assistance. However, if you suspect contamination, do not leave the site until you are cleared by emergency response personnel.

REMEMBER:

- NEVER attempt to clean up a spill.
- Isolate the affected area by closing all means of access and egress.
- If you are the victim of a hazardous material incident, seek immediate medical attention!
- Do not hesitate to contact the Public Safety Dispatcher in the event that you come across any type of suspicious material or substance.
- Keep the telephone number to the Environmental Health and Safety Officer (Ext. 5148), 718-281-5148) readily available.

Bomb Threats

When reporting a bomb threat:

- Provide your name, location and telephone number.
- Tell the Public Safety Dispatcher exactly what the caller said.

If you receive a bomb threat do the following:

- Keep the caller on the phone as long as possible.
- Write down as much information as possible; do not rely solely on memory.
- Ask: “When is the bomb going to explode?”
- Ask: “Where is the bomb located?”
- Ask: “What does the bomb look like?”
- Ask: “What will cause the bomb to explode?”
- Ask: “Did you place the bomb?”
Ask: “How many bombs were placed?”
- Ask: “What is your address?”
- Ask: “What is your name?”

Be perceptive and take detailed notes. Listen for and try to detect:

- age of caller
- gender of caller
- ethnicity of caller
- any unusual voice or speech characteristics
- exact wording of threat
- background noises
- language ability of caller

If an EVACUATION is ordered, follow the directions of public safety and police personnel. STAY ALERT! Report any suspicious or unusual items: Some bombers may leave explosive devices in the evacuation path.

Behavioral Concerns

When reporting a psychological crisis/suicide attempt, threat or any other behavioral concern:

- Provide your name, location and telephone number.
- Explain the situation in detail to the Public Safety Dispatcher.
- Indicate if the person is armed and, if so, describe the weapon.

REMEMBER:

- Try not to leave the person unattended – but only if you do not feel that you are in any danger.
- Take all references to suicide seriously. Doing otherwise might prove deadly.
- Do your best to make the person feel safe until trained personnel have arrived.
- Try not to act shocked.
- Keep your own safety in mind at all times.
- Keep the telephone number to the Counseling Office (Ext. 6370, 1-718 631-6370) readily available.

Physical Violence/Criminal Activity

When reporting any incident involving a confrontation, fight, physical violence or suspected criminal activity:

- Provide your name, location and telephone number.
- Explain the situation to the Public Safety Dispatcher.
- Provide information on any known injuries.

Pay close attention to details, and try to determine the answers to these questions:

- How many people are involved?
- Do you see any weapons?
- Do you know any of the participants?
- Is anyone running away from the scene? In what direction?

Entering a vehicle?

- Color?
- Make/Model?
- License plate number?
- Are there any passengers in the vehicle?
- In which direction is the vehicle traveling?

Describe the participants by noting:

- Hair color
- Complexion
- Height, weight
- Gender
- General build
- Facial hair
- Markings, such as tattoos, piercings, scars
- Shirt color
- Pants color
- Shoes and hat description

Remember that weapons may be involved!

- If it can be accomplished safely, guide bystanders away from possible danger, but do not attempt to intervene or mediate with parties involved in an altercation or suspected criminal activity.

ACTIVE SHOOTER GUIDELINES

Active shooter situations are unpredictable and evolve quickly. But you are not helpless.

WHAT YOU CAN DO NOW

- Learn the building well. Re-learn it.
- Take special note of the location of the stairways.
- Consider it your obligation, if you are aware of any member of or visitor to the College who appears to be under extreme stress or is expressing violent intentions, to inform a responsible person at the College – a Public Safety Officer, any dean or director or faculty member, or any of the people listed at the end of these Guidelines.

WHAT YOU CAN DO IF YOU ARE IN AN ACTIVE SHOOTER INCIDENT

- First, if you can do it safely, call Public Safety at x6320 and/or 911.

Information to provide 911 operator if you know it:

- Location of the active shooter
- Number of shooters, if more than one
- Physical description of shooter/s
- Number and type of weapons held by the shooter/s
- Number of potential victims at the location

RUN: If there is an accessible escape path, take it. Be sure to:

- Have an escape route and plan in mind

If you can reach the stairs unobserved, do it.

- Evacuate regardless of whether others agree to follow
- Leave your belongings behind
- Help others escape, if possible
- Prevent individuals from entering an area where the active shooter may be
- Do not attempt to move wounded people

HIDE: If evacuation is not possible; find a place to hide where the active shooter is less likely to find you.

If you are in an office or classroom, stay there and secure the door. Lock it with a key or the latch on the inside of the lock. If you can't lock the door, place as much furniture as you can in front of the door. Stay low and quiet. Try to stay calm, and to calm those around you. Turn cell phone volume off. If possible, turn off lights.

- If you are in a hallway, get into a room and secure the door in a similar fashion.
- Have situational awareness. Do not corner yourself if at all possible.

FIGHT: As a last resort, and only when your life is in imminent danger, attempt to incapacitate the active shooter by:

- Acting as aggressively as possible against him/her.
- Throwing items and improvising weapons -- Books, cups, phones, any dense object.
- Yelling, screaming.
- Committing to your actions. Do not stop fighting until the shooter is completely incapacitated. If you chose to fight, there is no "mercy rule."

HOW TO RESPOND WHEN LAW ENFORCEMENT ARRIVES

Law enforcement's purpose is to stop the active shooter. Officers will proceed directly to the area in which the last shots were heard and will take action to stop the shooter. If the shooter is actively harming persons, they may fire their weapons even if bystanders are close.

- Officers may be armed with rifles, shotguns, handguns and sound grenades.
- Officers may shout commands, and may push individuals to the ground for their safety. It is not the time to expect polite conversation.
- Remain calm, and follow officers' instructions
- Put down any items in your hands (i.e., bags, jackets)
- Raise hands and spread fingers – keep your hands visible at all times.
- Avoid making quick movements toward officers such as holding on to them for safety.
- Avoid pointing, screaming and/or yelling.

Once you have reached a safe location, you will be asked to remain until the situation is under control, and all witnesses have been identified and questioned. Do not leave until law enforcement authorities have instructed you to do so.

Lock Down/Shelter in Place

A Lock Down or Shelter in Place condition occurs when it has been officially determined that it is unsafe to enter the outside environment.

- All people on campus must remain inside and be prepared to stay inside until the area is cleared of the hazard and once again declared safe to inhabit.
- The HVAC system will be turned off and buildings will be sealed if a toxic environment exists outside.
- Even if you are uncomfortable, you must not open a door or window! Doing so may jeopardize your life and the lives of others.
- You will be alerted and provided with additional information by one or more of these methods:

- Telephone/voicemail/e-mail messages
- CUNY Alert text messaging system
- Public Safety, Police or other emergency personnel
- Emergency Response Team member
- Building or Floor Coordinators

REMEMBER

- A lock down/shelter in place situation is usually newsworthy. Advise your family and friends on how to reach the college in case of emergency:
- The main QCC number is (718) 631-6262.
- The Department of Public Safety 24 hour number is 1-718- 631-6320.
- College officials will be in contact with news media and will keep campus personnel informed via CUNY Alert, e-mail, voicemail, college intercom, voice/siren alert system, word of mouth and any other available communications tool.

Faculty and staff – be prepared:

- If possible, keep non-perishable food and water in your office or work- space.
 - Have additional prescription medications available. Students should also carry extra medication.
 - Keep a battery-powered radio on hand.
 - Keep a flashlight with fresh batteries near your desk.
 - Keep a cell phone charger at work.
- Consult with your family to develop an Emergency Response Plan so everyone knows what to do in the event of a major crisis. This applies to students as well.

Evacuation Procedures; When evacuating the building or work area:

- Stay calm.
- Do not push or panic.
- Gather personal belongings if it is safe to do so. (Reminder: take prescription medications, keys, purse, glasses, etc. when possible since it may be hours before occupants are permitted back in the building).
- If safe, close the office door and window, but do not lock them.
- Assist disabled persons to move to a safe area preferably on/or adjacent to the landing of the closest safe stairwell and notify person(s) in authority of their location for evacuation by emergency personnel.
- Do not use the elevator unless told to do so by emergency personnel.
- Follow the instructions of Building and Floor Coordinators.
- Proceed to the designated evacuation meeting point.
- Re-enter the building only when advised to do so by police or emergency response personnel.

Remember

You MUST evacuate an area or building when ordered to do so, whether the order comes by means of an audible/visible alarm or alert, and/or through verbal directions from Public Safety or other emergency response personnel.

- Familiarize yourself with evacuation routes.
- Evacuation techniques are carefully selected keeping safety in mind. Unknown hazards may exist so always follow directions carefully.
- If you are given a specific route to take while evacuating, take that route in order to avoid contact with a toxic spill, fire or other dangerous situation.

IMPORTANT COLLEGE TELEPHONE NUMBERS:

Department of Public Safety - Ext. (6320) -- (718) 631-6320
 Health Services - Ext. (6375) – (718) 631-6375
 Counseling Services Ext. (6370) – (718) 631-6370
 Environmental Health and Safety Ext. (5148) – (718) 281-5148
 Student Affairs Ext. (6351) – (718) 631-6351
 Judicial Affairs Ext. (6314) – (718) 631-6314
 Student Activities Ext. (6233) – (718) 631-6233
 Information Technology Ext. (6348) – (718) 631-6348

EMERGENCY EQUIPMENT:

Emergency Call Box Locations:

- Exterior wall of Storage Building adjacent entrance to Parking Lot #6.
- Exterior wall of Temp. 3 Building adjacent to bus stop.
- Red Security Phones with direct dial to Public Safety are installed in building corridors throughout campus for use in emergencies.
 - Emergency Notifications will be broadcast through the following:
- CUNYALERT text messaging and voicemail.

- QCC Alert System (to all office and computer lab desk top PC's) • Campus-wide e-mail and student tiger mail and phone messaging.
- QCC Website
- Interior Public Address (PA) System.
- Campus Emergency Voice Alert System.
- Electronic Bulletin Board Signage System.

AED'S: Automatic External Defibrillators (AED'S) and bleeding control stations (Trauma Kits) are strategically located in college buildings throughout campus and in Public Safety vehicles. In addition to Public Safety personnel, other key college employees have received training in their use.

First Aid/CPR Trained: Public Safety personnel are also trained in basic first aid, as well as in administering CPR.

EMERGENCY RESPONSE AND RECOVERY

Emergency Response Preparation and Evacuation Testing Procedures: Annual Emergency Management training sessions are conducted by the Department of Public Safety in conjunction with the Office of Environmental Health and Safety for all Building and Floor Coordinators to review and reinforce their roles and responsibilities as fire and emergency facilitators. Emergency procedures are also discussed at new student and faculty orientations, and are also contained on the Department of Public Safety website and in Department publications.

Fire Alarms are tested each semester, during both the day and in the evening (4 times annually), in all campus buildings. Full evacuations are conducted during these unannounced drills in which the audible fire alarms and public address systems are sounded and tested.

The operation of the CUNY Alert (text and voice) messaging system, the QCC (desktop computer) Alert message system and the Exterior Speaker Emergency Voice Notification system are also tested regularly and on an on-going basis.

Periodic table-top exercises, addressing a variety of emergency scenarios, are conducted by the University Public Safety Office in conjunction with the individual campus Public Safety Departments.

Campus Peace Officers on patrol conduct regular checks of the red emergency phones located in the hallways of buildings throughout campus to ensure their proper operation. Safety checks are performed throughout campus as part of the officers' daily patrols. Any observed malfunction and/ or damage to facilities and/or equipment is documented in the appropriate manner and forwarded to the appropriate campus department for their attention.

The Department of Public Safety also conducts monthly lighting inspections campus wide with results forwarded to the Office of Building and Grounds for any necessary attention.

Aggressive traffic and parking enforcement efforts are also directed towards designated fire lanes and hydrant areas to facilitate their use in times of emergency.

PUBLIC SAFETY/SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

All Members of the college community are encouraged to attend crime prevention seminars that are conducted by the New York City Police Department and the Department of Public Safety. Crime prevention seminars are scheduled each semester and members of the college community are encouraged to actively participate for their own safety and the safety of others. All incoming students receive information about Title IX and CUNY's Sexual Misconduct Policy, awareness and prevention of sexual misconduct (as defined in CUNY's Policy on Sexual Misconduct) during initial orientation. Students and Staff are also given the opportunity to take training programs that covers sexual assault, relationship violence, stalking and harassment.

Emergency protocols and procedures are available by accessing the Department of Public Safety website at: <http://www.qcc.cuny.edu/publicsafety>

Along with the Office of the Vice President of Finance and Administration, Campus Facilities, and Physical Plant Services, the Director of Public Safety conducts on-going reviews of campus grounds and facilities. Special emphasis is placed on the need to ensure safe accessibility to buildings with special attention to landscape hazards as well as inadequate lighting. All public safety personnel, while on patrol, report potential safety and security hazards as well as entry door problems and elevator malfunctions.

ACCESS TO COLLEGE FACILITIES

Students, faculty, staff and visitors to Queensborough Community College have access to academic, recreational and administrative facilities and areas hosting cultural and entertainment events during scheduled hours and/ or when otherwise conducting official college business.

IDENTIFICATION CARDS

Faculty, staff and students are required to produce their college identification card to Public Safety Officers or other campus officials upon request.

Lost or stolen ID cards should immediately be reported to the Office of Public Safety and/or the Campus ID office in the Science Building Room 124.

VEHICULAR ACCESS TO THE CAMPUS

Vehicular traffic flow onto campus is restricted at approximately 11:30pm every night when the Public Safety officers close and lock the campus gates. All buildings are locked after scheduled classes or special events. During non-business hours, when the college is closed, entry to buildings is not allowed except with proper prior authorization. The college also maintains a Central Station alarm monitoring station on campus.

WEAPONS POLICY

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

COLLEGE REGULATIONS / CODE OF CONDUCT

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

HENDERSON RULES

1. A member of the academic community shall not intentionally obstruct and/or forcibly prevent others from the exercise of their rights. Nor shall he interfere with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, and community services.
2. Individuals are liable for failure to comply with lawful directions issued by representatives of the University/college when they are acting in their official capacities. Members of the academic community are required to show their identification cards when requested to do so by an official of the college.
3. Unauthorized occupancy of University/college facilities or blocking access to or from such areas is prohibited. Permission from appropriate college authorities must be obtained for removal, relocation, and use of University/college equipment and/or supplies.
4. Theft from, or damage to University/college premises or property, or theft of or damage to property of any person on University/college premises is prohibited.
5. Each member of the academic community or an invited guest has the right to advocate his position without having to fear abuse, physical, verbal, or otherwise, from others supporting conflicting points of view. Members of the academic community and other persons on the college grounds shall not use language or take actions reasonably likely to provoke or encourage physical violence by demonstrators, those demonstrated against, or spectators.
6. Action may be taken against any and all persons who have no legitimate reason for their presence on any campus within the University/college, or whose presence on any such campus obstructs and/or forcibly prevents others from the exercise of the rights or interferes with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, and community services.
7. Disorderly or indecent conduct on University/college-owned or controlled property is prohibited.
8. No individual shall have in his possession a rifle, shotgun, or firearm or knowingly have in his possession any other dangerous instruments or material that can be used to inflict bodily harm on an individual or damage upon a building or the grounds of the University/college without the written authorization of such educational institution. Nor shall any individual have in his possession any other instrument or material which can be used and is intended to inflict bodily harm on any individual or damage upon a building or the grounds of the University/college.
9. Any action or situation which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization is prohibited.

10. The unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs or other controlled substances by University students or employees on University/college premises, or as part of any University/college activities is prohibited. Employees of the University must also notify the College Personnel Director of any criminal drug statute conviction for a violation occurring in the workplace not later than five (5) days after such conviction.
11. The unlawful possession, use, or distribution of alcohol by students or employees on University/college premises or as part of any University/college activities is prohibited.

PENALTIES

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

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

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

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

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

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

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

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

2. Any tenured or non-tenured faculty member or other member of the instructional staff, or member of the classified staff engaging in any manner in conduct prohibited under the Bylaws, the applicable employment contract and/or substantive Rules 1-11 shall be subject to the following range of penalties: warning, censure, restitution, fine not exceeding those permitted by law or by the Bylaws of The City University of New York or suspension with/without pay pending a hearing before an appropriate college authority, dismissal after a hearing, ejection, and/or arrest by the civil authorities, and, for engaging in any manner in conduct prohibited under substantive rule 10, may, in the alternative, be required to participate satisfactorily in an appropriately licensed drug treatment or rehabilitation program. A tenured or non-tenured faculty member, or other member of the instructional staff, or member of the classified staff charged with, engaging in any manner in conduct prohibited under substantive Rules 1-11 shall be entitled to be treated in accordance with applicable provisions of the Education Law, or the Civil Service Law, or the applicable collective bargaining agreement, or the Bylaws or written policies of The City University of New York.
3. Any visitor, licensee, or invitee, engaging in any manner in conduct prohibited under the Bylaws, including the Henderson Rules 1-11. shall be subject to ejection, and/or arrest by the civil authorities.
4. Any organization which authorized the conduct prohibited under the Bylaws, including the Henderson rules 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.
2. In emergency or extraordinary circumstances, immediate suspension can be effectuated pending a hearing within seven (7) school days.
3. All other persons who violate New York State or Federal laws including those that govern gambling activities, the use of alcohol, and the possession, distribution, or consumption of any controlled substance will be subject to arrest.

UNIVERSITY POLICY RELATING TO DRUGS AND ALCOHOL

THE CITY UNIVERSITY OF NEW YORK POLICY ON DRUGS AND ALCOHOL

The City University of New York ("CUNY") is an institution committed to promoting the physical, intellectual, and social development of all individuals. As such, CUNY seeks to prevent the abuse of drugs and alcohol, which can adversely impact performance and threaten the health and safety of students, employees, their families, and the general public. CUNY complies with all federal, state, and local laws concerning the unlawful possession, use, and distribution of drugs and alcohol. The following standards of conduct are in effect at CUNY:

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

Students are expected to comply with the CUNY and college policies with respect to drugs and alcohol. Any student found in violation may be subject to disciplinary action under Article 15 of the CUNY Board of Trustees Bylaws, which may result in sanctions up to and including expulsion from the University. In addition, any student who resides in a CUNY residence hall and who is found to have violated any CUNY or college policy with respect to drugs and alcohol may be subject to sanctions under the CUNY Residence Hall Disciplinary Procedures, up to and including expulsion from the residence hall. The policy can be found at <http://www.cuny.edu/about/administration/offices/ohrm/cohr/drug-alcohol2011.pdf>.

DRUGS / ALCOHOL USE AMNESTY POLICY

CUNY encourages students to seek medical assistance related to drugs and/or alcohol use without fear of being disciplined for such use. CUNY also encourages students under the influence of drugs and/or alcohol who may be the victims of, witnesses to, or otherwise become aware of violence (including but not limited to domestic violence, dating violence, stalking, or sexual assault) or sexual harassment or gender-based harassment to report that violence or harassment. Students who in good faith call for medical assistance for themselves or others and/or who receive medical assistance as a result of a call will not be disciplined for the consumption of alcohol or drugs as long as there are no other violations that ordinarily would subject the student to disciplinary action. Similarly, students who may be the victims of, witnesses to, or otherwise become aware of violence or sexual harassment or gender-based harassment and who report such violence or harassment and who report such violence or harassment will not be disciplined for the consumption of alcohol or drugs in the absence of other violations that ordinarily would subject the student to disciplinary action. The distribution of illegal drugs, sexual misconduct, causing or threatening physical harm, hazing or damage to property, amnesty may not apply. The policy can be found at <http://www.cuny.edu/about/administration/offices/la/MedicalAmnesty-GoodSamaritanPolicy072814.pdf>

EMPLOYEES

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

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

BACKGROUND

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

LEGAL SANCTIONS

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

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

Further, pursuant to New York State law:

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

HEALTH RISKS

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

LSD (Acid)

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

Cocaine

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

MDMA (Ecstasy)

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

Heroin

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

Marijuana

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

Methamphetamine

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

PCP/Phencyclidine

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

Prescription Medications

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

Tobacco/Nicotine

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

Steroids

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

Alcohol

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

ALCOHOL AND SUBSTANCE ABUSE PROGRAMS

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

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

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

RESOURCES ON CAMPUS

The college's Alcohol/Substance Abuse Program is a part of the Department of Student Development/Student Affairs. The purpose of this program is to:

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

Strategies for Education and Prevention of Alcohol and Substance Abuse

- College-wide workshops, informational seminars and literature on substance abuse that focus on drugs, alcohol, cigarettes, and food are available through the Office of Health Services which is located in the Medical Arts Building, Room MC-02.
- Ongoing availability of pamphlets, books, videos, and audios designed to heighten awareness and provide information on the subject.
- Individual and group counseling and referral.

College Resources

- Counseling Center (718) 631-6370 – Library Rm. 422
- Dean of Students (718) 631-6314 – Library Rm. 418
- Department of Student Affairs (718) 631-6351 – Library Rm. 412
- Health Services (718) 631-6375 – Medical Arts Building Cellar, Rm. MC02
- Affirmative Action/Title IX Officer (718) 631-6391 – Administration Rm. 309

Self-Help, Referral Services and Treatment Programs Alcohol and Drugs

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

Detoxification and Outpatient/Inpatient Rehabilitation Facilities

New York County

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

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

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

Kings County

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

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

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

Queens County

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

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

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

Bronx County

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

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

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

Richmond County

Nassau County

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

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

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

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

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

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

ADDITIONAL RESOURCES OFF-CAMPUS

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

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

NYC Well (NYC Department of Health & Mental Hygiene)
Tel: 1-888-692-9355
<https://nycwell.cityofnewyork.us/en/>

DOMESTIC VIOLENCE RESOURCES

- NYC Domestic Violence Hotline (24 hour) 1-800-621-4673
- [NYPD Website](#)
- www.opdv.state.ny.us
- NYS Domestic Violence Hotline - 1-800-942-6906
- 911 for Emergency

WORKPLACE VIOLENCE RESOURCE

[Queensborough Community College Workplace Violence Prevention Program](#)

COUNSELING

For assistance and referrals, **students** should (1) consult the college website; or (2) contact the Counseling Center, located in the Library Building Room 422. Any student may contact our counselor at 718-631-6370.

For assistance and referrals, **employees** should consult with the Human Resources office at 718-631-6065. Assistance is also available through union employee assistance programs or through the CUNY Work/Life Program.

[CUNY Work/Life Program](#) (800) 833-8707

SEXUAL MISCONDUCT

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

Under the provisions of Title IX of the Education Amendments of 1972 (Title IX), 20 USC §§ 1681 et seq., and its implementing regulations, 34 CFR Part 106, discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance is prohibited. Sexual harassment of students, which includes acts of sexual violence, cyber stalking and unwanted physical contact of a sexual nature, is a form of discrimination prohibited by Title IX. Sexual Harassment is unwelcome conduct of a sexual nature that is

sufficiently serious to adversely affect your ability to participate in or benefit from an educational program. It includes unwelcome sexual advances, 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

Click on the text to directly view a copy of [the City University of New York Policy on Sexual Misconduct](#)

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

Title IX Coordinator Belinda Delgado Admin Rm. 408 718- 281-5768 bdelgado@qcc.cuny.edu
VP for Student Affairs Michel Hodge Library Rm. 412 718-631-6351 mhodge@qcc.cuny.edu
Director of Public Safety John M. Triolo Library 3rd floor 718-6316320 jtriolo@qcc.cuny.edu
Director of Human Resources Ellen Adams Admin Rm. 412 718-281-028 eadams@qcc.cuny.edu

You may also:

- Call the Department of Public Safety's emergency telephone line 718-631-6320. Extension 6320 may be dialed within the college's telephone system.
- Use one of the 42 Emergency Assistance Red Phones and 8 Blue light Emergency Call Boxes located throughout the Campus.
- Report the information to any member of the Department of Public Safety or in person at the Public Safety Office located in the Library 3rd Floor.
- Victims or witnesses may report crimes to persons designated as Campus Security Authorities (listed on the first page of this document), who will report the incident to the Title IX Coordinator and forward the report of the crime – without divulging the name of victim or witness – to the Department of Public Safety for inclusion in the annual crime report. Names and numbers of Campus Security Authorities are located on the first page of this report. The College recognizes the importance of confidentiality to victims and witnesses of crimes. For the purposes of providing crime statistics pursuant to the Campus Security Act in the College's Annual Security Report, victim and witness information will remain anonymous. However, complete confidentiality cannot be guaranteed in all other contexts. Victims of sexual violence will be encouraged, but not required to report the incident to law enforcement authorities. The College reserves the right to notify the police when it believes that such reporting is necessary for the protection of the College community. In many cases, however, that notification will be done without divulging the victim's identity and will be done only for the purpose of providing a campus-wide safety alert.
- In the event that the situation you observe or are involved in is of an extreme or life-threatening nature, call 911, the New York City Police Department's emergency phone number. If you make a 911 call, please also notify the Department of Public Safety. They will also respond to assist and direct the police and other emergency personnel to the reported emergency.

Bystander Intervention:

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

Prevention and Risk Reduction

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

11. Speak up if you hear someone discuss plans to take sexual advantage of another person.
12. Offer to help a friend or fellow/student or employee make a report and seek assistance and support.
13. Avoid isolated areas.
14. Attend parties with friends. Arrange to leave with your 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 on the campus, 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.
1. 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.
 2. 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. Though women and girls are primary targets of these crimes, men and boys are sexually victimized too, and have been found to suffer the same aftermath as women.

• When is there lack of consent?

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

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

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

• **Who is responsible for a sexual attack?**

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

College and Community Counseling and Support Services for Sex Offense Victims

On-Campus Assistance

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

Counseling

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

- Emergency: 911
- The 112 Precinct, Borough Sex Crimes Detective Squad, 68-40 Austin Street, Forest Hills, 718-520-9363
- The New York City Police Department Sex Crimes Report Line 212-COP-RAPE, open around the clock, is answered by a female detective at all times. It takes telephone reports of sex crimes, refers victims to counseling and other community services, provides information on police procedures and etc.
- The NYC Victims Services Agency: open 24 hours, seven days a week 212-577-7777. Provides crisis intervention for crime victims.
- The following [New York state department of Criminal Justice website](#) offers links to many additional resources
- Gay and Lesbian Anti-Violence Project with the new 24-hour Hotline: 212.714.1141
- [New York State Office of Victim's Services](#)
- [NYC Mayor's Office to Combat Domestic Violence/Family Justice Centers](#)
- [The U.S. Department of Justice's Office on Violence Against Women](#)

Prevention Education Programs

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

Prevention education materials and programs must be incorporated into campus orientation activities for all incoming undergraduate and graduate students (including transfers), and is required to be made available to all student activity groups, clubs and athletic teams. In addition, all residence halls are required to have a mandatory orientation on sexual assault, stalking and domestic/intimate partner violence prevention. Colleges are encouraged to assist in the organization of peer education groups and to provide resources to such groups so that the groups can provide training and outreach to other students throughout the academic year. Since the abuse of alcohol is frequently involved in occurrences of sexual assault and other forms of violence, it is important that the education program include education about the deleterious effects of alcohol abuse.

In addition, each College is required to provide periodic training relating to the prevention and handling of sexual assaults, stalking and domestic/intimate partner violence for all relevant personnel, including public safety officers, counselors, student affairs staff and residence hall assistants by experts trained in the field. Education and training must also be made available to any interested faculty and staff member. Each campus must have at least one qualified staff or faculty member serve as a designated liaison and trainer for additional trainings

Much useful information, including [resources about campus safety, sexual assault and harassment, domestic/intimate partner violence, stalking and dating violence](#) can be found at Department of Justice's Not Alone web page.

Additional Resources for [Title IX](#) and the Violence Against Women Act are available on the School's website

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

Sexual Assault

- According to federal statute, sexual assault is an offense that meets the definition of rape, fondling, or statutory rape, as used in the FBI's Uniform Crime Reporting (UCR) program. Under the UCR:
- Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling is the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory rape is sexual intercourse with a person who is under the statutory age of consent.

Domestic Violence

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

Dating Violence

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

For the purposes of this definition

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

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

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

Stalking

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

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

For the purposes of this definition

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.

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

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

Under New York State Penal and Criminal Procedure Laws

Crime	Illegal Conduct	Criminal Sanctions
<u>Rape in the first degree (PL § 130.35)</u>	A person is guilty when he or she engages in sexual intercourse with another person by forcible compulsion, with a person who is incapable of consent by reason of being physically helpless (e.g. being asleep, unconscious or due to alcohol or drug consumption), who is less than 11 years old or less than 13 and the actor is 18 or older.	Is a class B felony, with penalties up to 25 years in prison
<u>Rape in the second degree (PL § 130.30)</u>	A person is guilty when being 18 years old or more, he or she engages in sexual intercourse with another person less than 15, or with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated	Is a class D felony, with penalties up to 7 years in prison
<u>Criminal sexual act in the first degree (PL § 130.50)</u>	A person is guilty when he or she engages in oral sexual contact or anal sexual contact with another person by forcible compulsion, or with someone who is incapable of consent by reason of being physically helpless, or with someone less than 11 or with someone less than 13 and the actor is 18 or older.	Is a class B felony, with penalties up to 25 years in prison
<u>Forcible touching (PL § 130.52)</u>	A person is guilty when he or she intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire	Is a class A misdemeanor, with penalties up to 1 year in jail
<u>Sexual abuse in the first degree (PL § 130.65)</u>	A person is guilty when he or she subjects another person to sexual contact: by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the person is less than 11 years old.	Is a class D felony, with penalties up to 7 years in prison
<u>Aggravated sexual abuse in the first degree (PL § 130.70)</u>	A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11.	Is a class B felony, with penalties up to 25 years in prison

<u>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 (as provided by the Vice Chancellor's Office of Legal Affairs)

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

CAMPUS SEX CRIMES PREVENTION ACT

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

- Contact the police department in the jurisdiction in which the offender resides and/or in which the college is located.
- Contact John M. Triolo, Director of Public Safety, at 718-631-6320
- Call the Division's sex offender registry at 800-262-3257

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

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

OTHER LINKS TO UNIVERSITY POLICIES AND PROCEDURES

[Sexual Misconduct Policy](#)

[Equal Opportunity and Non-discrimination Policy](#)

[Student Sexual Misconduct Complainants' Bill of Rights](#)

[Workplace Violence](#)

[Campus Specific Plan](#)

[Domestic Violence in the Workplace:](#)

PROCEDURES IMPLEMENTING THE QUEENSBOROUGH COMMUNITY COLLEGE POLICY ON SEXUAL MISCONDUCT

[Title IX](#)

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 online.

THE QUEENSBOROUGH COMMUNITY COLLEGE'S CALENDAR YEARS 2014-2016 CRIME STATISTICS CHART ON THE NEXT PAGE. THE STATISTICS INCLUDED ON THESE CHARTS ARE DERIVED FROM REPORTED CRIMINAL INCIDENTS FROM THE FOLLOWING SOURCES:

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

THE CITY UNIVERSITY OF NEW YORK
POLICY ON SEXUAL MISCONDUCT

Table of Contents

I. Policy Statement	4
II. Prohibited Conduct	5
A. Sexual Harassment, Gender-Based Harassment and Sexual Violence	5
B. Retaliation	5
C. Certain Intimate Relationships	5
III. Title IX Coordinator	5
IV. Immediate Assistance in Cases of Sexual Violence	6
A. Reporting to Law Enforcement	6
B. Obtaining Immediate Medical Attention and Emotional Support	6
V. Reporting Sexual Harassment, Gender-Based Harassment or Sexual Violence to the College	7
A. Filing a Complaint with Campus Authorities	7
i. Students	7
ii. Employees	7
iii. Visitors	7
B. Support Assistance for Complainants	8
i. Students	8
ii. Employees	8
C. Request that the College Maintain a Complainant’s Confidentiality, Not Conduct an Investigation, or Not Report an Incident to Outside Law Enforcement.....	8
D. Action by Bystanders and Other Community Members	9
E. Amnesty for Drug and Alcohol Use.....	9
F. Reporting Suspected Child Abuse.....	9
G. Reporting Retaliation	10
VI. Reporting/Confidentiality Obligations of College and University Employees	10
A. Confidential Employees	10
i. For Students.....	10

ii. For Employees.....	11
B. “Responsible” Employees.....	11
C. All Other Employees.....	12
VII. Interim and Supportive Measures	12
A. Types of Interim and Supportive Measures	12
B. Process for Review of “No Contact” Orders.....	13
VIII. Investigating Complaints of Sexual Harassment, Gender-Based Harassment or Sexual Violence	13
A. The Investigation.....	13
B. Conflicts	14
C. Mediation	14
D. Timing.....	14
E. Report of Findings.....	15
F. Disciplinary Action	15
i. Discipline Against Students	15
ii. Discipline Against Employees	15
iii. Action Against Visitors.....	15
iv. No Disciplinary Action	16
G. Malicious Allegations.....	16
H. Relationship of CUNY’s Investigation to the Action of Outside Law Enforcement	16
I. Filing External Complaints	16
IX. College Obligations Under This Policy	16
A. Dissemination of Policies, Procedures and Notices	16
B. Training and Educational Programming	17
i. Training For Responsible Employees	17
ii. Student Onboarding and Ongoing Education.....	17
C. Campus Climate Assessments.....	17
X. Rules Regarding Intimate Relationships.....	18
A. Relationships between Faculty or Employees and Students	18
B. Relationships between Supervisors and Employees	18
XI. Definitions of Terms in this Policy.....	19

A. Affirmative Consent	19
B. Complainant	19
C. Complaint	20
D. Dating, Domestic and Intimate Partner Violence.....	20
E. Forcible Touching/Fondling.....	20
F. Gender-Based Harassment	20
G. Managers	20
H. Rape and Attempted Rape	20
I. Respondent	20
J. Retaliation	20
K. Sexual Activity.....	21
L. Sexual Assault	21
M. Sexual Harassment	21
N. Sexual Misconduct	22
O. Sexual Violence.....	22
P. Stalking.....	22
Q. Visitors	22
Appendix – Students’ Bill of Rights.....	23

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 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:

- 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

- 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:

- Inappropriate or unwelcome physical contact or suggestive body language, such as touching, groping, patting, pinching, hugging, kissing, or brushing against an individual's body;
- 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;
- Visual displays or distribution of sexually explicit drawings, pictures, or written materials; or
- 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:

- 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](#).

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