FIRST ANNUAL REPORT

SPRING 2021



A Report on Activities of the Office of Compliance & Diversity in Calendar Year 2019





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ACKNOWLEDGMENTS The Office of Compliance & Diversity is indebted to the many faculty, staff, and students within the CUNY and John Jay community who work to make our campus climate more equitable, safe, respectful, and inclusive. The Office also thanks those who contributed to the development, content, review, and design of this report, with special thanks to Laura DeVries.

INTRODUCTION

The purpose of this report—the first of its kind at John Jay—is to provide information about, and transparency on, the College's efforts to prevent and address behaviors that may constitute harassment, including sexual misconduct, or discrimination under CUNY policies.1 These efforts—led by John Jay's Office of Compliance & Diversity (CDO)—are one component advancing the College's larger mission to promote a respectful and inclusive working and learning environment where everyone can thrive. They also further the College's core institutional values,2 which include fostering equity, justice, and respect.

This report stems from a multi-year initiative to improve the College's climate. In 2019, President Mason launched a campus-wide climate review process which involved gathering input from the entire John Jay community about their perceptions regarding safety, diversity, respect, and inclusion at John Jay-through open sessions, interviews, and focus groups, as well as online feedback tools and survey data. The resulting climate report³ included a recommendation that the College "create and publish an annual report of its diversity and complaint reporting data to provide greater transparency to the community around the enforcement of rules." This report delivers on that recommendation.

This first annual report includes information on harassment- and discrimination-related matters reported to the CDO in the 2019 calendar year, including matters reported to the CDO by a "Responsible Employee" (as defined on page 5) or by another office, such as the Department of Public Safety, the Office of Human Resources, the Office of the Provost, or the Office of the Dean of Students. The CDO works collaboratively with these offices, the Office of Legal Counsel, the CUNY University Title IX Coordinator, and other CUNY Central offices to address incidents of harassment and discrimination at John Jay. Future installments of this annual report will not only include data and information on matters reported to the CDO in the preceding calendar year, but also trend observations involving multiple years of data (including the 2019 data in this report).

See https://www.jjay.cuny.edu/harassment-discrimination-policies# harassment_discrimination_policy

²See https://www.jjay.cuny.edu/mission-statement

³See http://www.jjay.cuny.edu/sites/default/files/compliance diversity/Climate Review John Jay Report.pdf

While this report focuses mostly on the CDO's compliance-oriented activities, the work to foster a more respectful, equitable, and inclusive school climate is multifaceted. The CDO's role goes beyond investigatory work to ensure compliance with CUNY policies, and now includes greater focus on proactive outreach, training, strategy, and collaboration with other John Jay offices and stakeholders. A description of these expanded activities is included in the Looking Ahead section of this report, on page 18.

As this report (in addition to other observations and community feedback we've received in recent years) shows, we have more work to do to ensure that John Jay is welcoming, inclusive, and equitable for all members of the John Jay community. Our great hope is that this report helps to advance this goal by providing important information and data related to the health of our school climate; by underscoring the ability of all members of the community to report concerns related to harassment

and discrimination; by showing the College's efforts to respond appropriately to those concerns; and by encouraging all members of the John Jay community to take action to ensure our collective safety and wellbeing. We are committed to addressing allegations of harassment and discrimination of all kinds, and we will not tolerate retaliation against or intimidation of anyone who reports a concern to the College.

To discuss a matter or file a complaint involving harassment (including sexual misconduct) or discrimination of any kind—or if you have questions or feedback on this report—please contact Gabriela Leal, Interim Director, Office of Compliance & Diversity, at gleal@jjay.cuny.edu or visit http://www.jjay.cuny.edu/get-help-now. For more information on activities and resources mentioned in this report, please visit https://www.jjay.cuny.edu/preventing-harassment-and-discrimination-fostering-diversity-and-inclusion.







GUIDE TO THIS REPORT

This report includes data and information on:

- (1) all incidents or matters (whether or not they involved a complaint) reported to the CDO during calendar year 2019 concerning alleged discrimination or harassment:
- (2) complaints of harassment (including sexual misconduct) or discrimination filed with the CDO in 2019, as well as the outcomes of the investigations of these complaints and supportive measures offered or provided to the parties involved; and
- (3) anti-harassment/anti-discrimination trainings conducted by the College in 2019.

While this report is intended to be comprehensive, due to privacy obligations, it does not provide information that would identify the parties or the

details of particular matters. For example, matters are labeled broadly—using terms such as "harassment," "sexual misconduct," or "discrimination"—without including specific behaviors or allegations within these terms. In addition, this report does not include every matter or incident involving a dispute or potentially harmful behavior occurring at John Jay. Matters or incidents reported to other John Jay offices (such as Public Safety, Human Resources, the Provost, or Student Affairs) that do not involve harassment or discrimination are not addressed in this report. In addition, any matters involving harassment or discrimination that were reported only to a confidential employee (as opposed to a responsible employee), or to an external agency or organization, are not addressed in this report.

Key Terms Used in This Report

COMPLAINTS include allegations of sexual misconduct, harassment, discrimination, or retaliation made under CUNY's policies on Sexual Misconduct or Equal Opportunity and Non-Discrimination. Generally, if a matter involves sexual misconduct, harassment, discrimination, or retaliation, the person reporting the matter may choose whether or not to file a complaint regarding that matter. The CDO then conducts an investigation to assess the allegations in the complaint.

CONFIDENTIAL EMPLOYEE is an employee who is required not to share any identifying information with others (including the Title IX Office) about sexual misconduct, except as required by law in emergency circumstances (such as risk of death or serious bodily harm).

DISCRIMINATION is treating individuals differently or less favorably because of their protected characteristics—such as their race, color, religion, sex, gender, national origin, or any of the other bases prohibited by CUNY's Policy on Equal Opportunity and Non-Discrimination. For purposes of this report, "Discrimination" refers to matters unrelated to "Harassment."

HARASSMENT consists of unwelcome conduct based on a protected characteristic that has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or abusive work or academic environment. Such conduct can be spoken, written, visual, and/or physical. Sexual misconduct is a form of harassment.

MATTERS are all concerns reported by individuals to the CDO. A single matter can encompass several claims or allegations and may involve several individuals and/or events. Some, but not all, matters are complaints (see below). The CDO responds appropriately to all matters, even if the person reporting a matter chooses not to file a complaint.

RESPONSIBLE EMPLOYEES are individuals who are required to report allegations of sexual misconduct to the Title IX Coordinator or other designated official but will protect an individual's privacy to the greatest extent possible and share information with other staff only on a need-to-know basis.

SEXUAL MISCONDUCT refers to sexual harassment, gender-based harassment or sexual violence.

For a complete list of definitions of terminology used in this report, as well as a list of policies and resources related to harassment or discrimination, please visit the Appendix section, on pages 19-21.

⁴The scope of this report is limited to matters reported to the CDO in calendar year 2019; matters that were reported to the CDO prior to 2019 are not included, even if they were resolved in 2019. Matters resolved in 2020 are included, as long as they were reported to the CDO in 2019. The next annual report will address matters reported to the CDO in calendar year 2020.

Summary of Harassment and Discrimination Matters and Complaints Reported to the Office of Compliance & Diversity (CDO), 2019

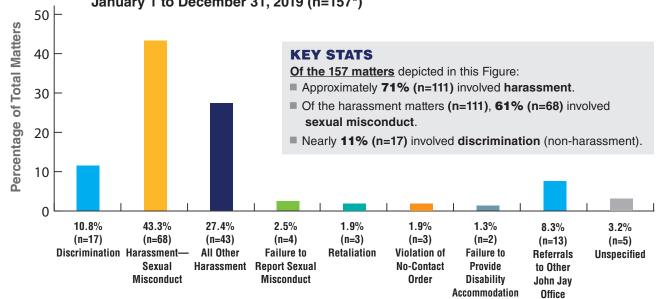
This section of the report begins by summarizing data on all matters, including those involving harassment or discrimination, reported to the CDO (whether or not the matters resulted in a formal complaint and investigation). We break down these matters by category of behavior (Figure 1), by alleged basis (Figures 2 and 3) and by alleged party (Figures 4, 5, and 6).

Later in this section, we focus on the subset of matters that resulted in formal complaints. We break discrimination and harassment complaints down by alleged basis (Figures 7 and 8). We then depict complaints that involved other categories of behavior (Figure 9). Finally, we provide a detailed description of the **nature and outcome** of each complaint that was reported to the CDO and investigated in calendar year 2019 (Table 1).

As is depicted below, more than seven out of ten matters reported to the CDO involve allegations

of harassment (the majority of which were sexual in nature); just over one in ten matters involves allegations of discrimination unrelated to harassment. Individuals elected to file a complaint in less than a quarter of matters reported to the CDO. Matters may not become complaints for several reasons: the matter may have been resolved or addressed even without a complaint or formal investigation; a reporting individual may exercise the right not to file a complaint; the identity of the potential complainant in a matter may be unknown; the potential complainant may be unable to be reached; or the matter may involve a topic for which the CDO does not have jurisdiction (such as a dispute about a grade received in a class or a workplace violence incident not involving harassment or discrimination). The CDO responds appropriately to all matters, whether or not they result in a complaint or investigation, including by offering supportive measures to individuals or referring matters outside the CDO's jurisdiction to the appropriate office.

FIGURE 1 MATTERS Reported to Office of Compliance & Diversity, by CATEGORY OF BEHAVIOR, January 1 to December 31, 2019 (n=157*)

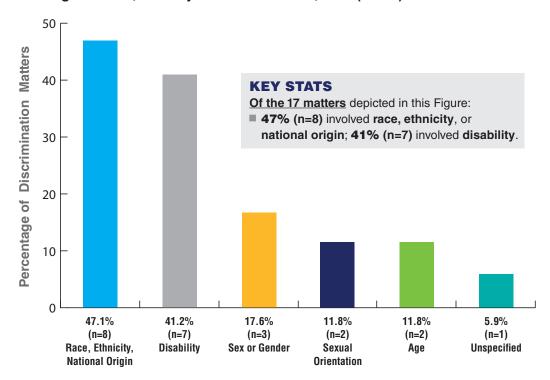


Matters Reported, by Category of Behavior

NOTES: *The sum of the number of matters in each category may exceed the total number of matters; this occurs because some "matters" involve more than one category (i.e., harassment and discrimination allegations).

"Matters" are measured by the number of concerns reported by individuals to CDO in 2019, including both complaints and concerns that did not result in a complaint. Matters can encompass several claims or allegations and may involve several individuals and/or events

FIGURE 2 Discrimination MATTERS Reported to Office of Compliance & Diversity, by Alleged BASIS, January 1 to December 31, 2019 (n=17*)



Discrimination Matters Reported, by Alleged Basis

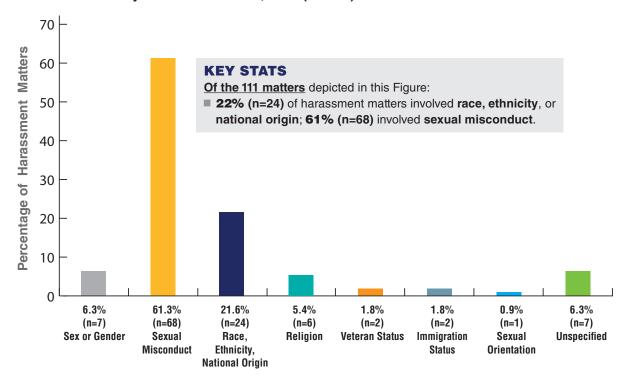
NOTES: A full list of categories or bases of discrimination prohibited by John Jay/CUNY is available at: https://www.jjay.cuny.edu/sites/default/files/compliance_diversity/Equal_Employment_Opportunity_Policy_CUNY.pdf

*The sum of the number of matters in each alleged basis of discrimination may exceed the total number of matters; this occurs because some "matters" involve more than one alleged basis of discrimination (e.g. race discrimination and gender discrimination).

"Matters" are measured by the number of concerns reported by individuals to CDO in 2019, including both complaints and concerns that did not result in a complaint. Matters can encompass several claims or allegations and may involve several individuals and/or events.



FIGURE 3 Harassment MATTERS Reported to Office of Compliance & Diversity, by Alleged BASIS, January 1 to December 31, 2019 (n=111*)



Harassment Matters Reported, by Alleged Basis

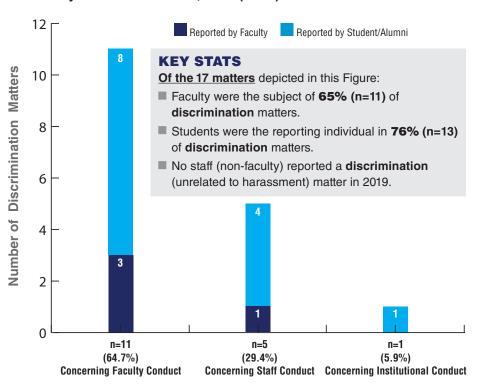
NOTES: A full list of categories or bases of discrimination (including harassment) prohibited by John Jay/CUNY is available at: https://www.jjay.cuny.edu/sites/default/files/compliance_diversity/Equal_Employment_Opportunity_Policy_CUNY.pdf

*The sum of the number of matters in each alleged basis of harassment may exceed the total number of matters; this occurs because some "matters" involve more than one alleged basis of harassment (e.g. sex-based harassment and religion-based harassment).

"Matters" are measured by the number of concerns reported by individuals to CDO in 2019, including both complaints and concerns that did not result in a complaint. Matters can encompass several claims or allegations and may involve several individuals and/or events.



FIGURE 4 ▶ Discrimination MATTERS Reported to Office of Compliance & Diversity, by PARTY, January 1 to December 31, 2019 (n=17)



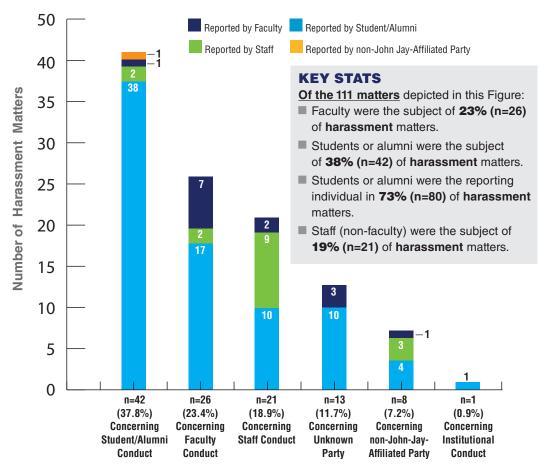
Conduct in Discrimination Matters, by Party

NOTES: "Matters" are measured by the number of concerns reported by individuals to CDO in 2019, including both complaints and concerns that did not result in a complaint. Matters can encompass several claims or allegations and may involve several individuals and/or events.

"Institutional conduct" refers to a broader office- or institution-wide policy or practice as opposed to the behavior of one or more individuals.



FIGURE 5 Harassment MATTERS Reported to Office of Compliance & Diversity, by PARTY, January 1 to December 31, 2019 (n=111)



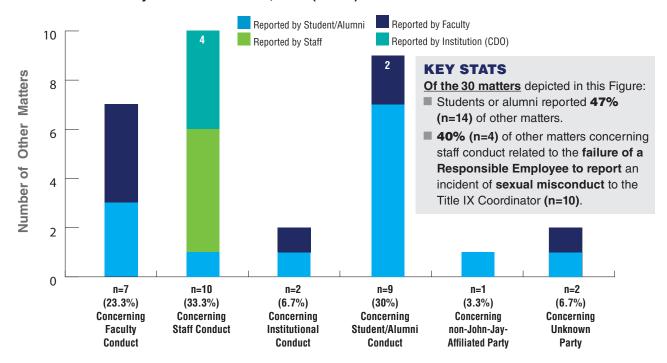
Conduct in Harassment Matters, by Party

NOTES: "Matters" are measured by the number of concerns reported by individuals to CDO in 2019, including both complaints and concerns that did not result in a complaint. Matters can encompass several claims or allegations and may involve several individuals and/or events.

> "Institutional conduct" refers to a broader office- or institution-wide policy or practice as opposed to the behavior of one or more individuals.



FIGURE 6 Deliver MATTERS Reported to Office of Compliance & Diversity, by PARTY, January 1 to December 31, 2019 (n=30*)



Conduct in Other Matters, by Party

NOTES: *The sum of the number of matters concerning each type of party may exceed the total number of matters; this occurs because some "matters" involve more than one type of party.

"Matters" are measured by the number of concerns reported by individuals to CDO in 2019, including both complaints and concerns that did not result in a complaint. Matters can encompass several claims or allegations and may involve several individuals and/or events.

"Other Matters" refers to matters involving failures to report sexual misconduct; violation of no-contact orders; retaliation; failure to provide a disability accommodation; referrals to other John Jay offices; and other unspecified topics.

"Reported by" refers to the person who initially brought the matter to the attention of a supervisor or administrative office at John Jay or, in the case of the Office of Compliance & Diversity, that initiated the investigation of the matter.

"Reported by Institution (CDO)" refers to matters in which the Office of Compliance & Diversity initiated an investigation of whether an employee failed to report sexual misconduct to CDO, as required by CUNY policy.

"Institutional conduct" refers to a broader office- or institution-wide policy or practice as opposed to the behavior of one or more individuals.

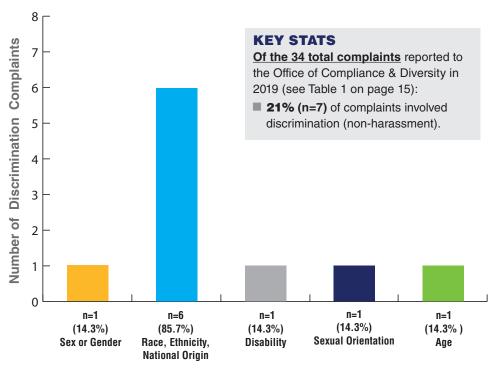
SPOTLIGHT ON TRAINING

- In 2019, the CDO conducted 13 formal trainings related to preventing and addressing harassment, sexual misconduct, and discrimination, with a total of 237 attendees. Topics included Title IX/Sexual Misconduct (ensuring that all members of John Jay understand their protections under federal law (Title IX) and CUNY's Policy on Sexual Misconduct to be free from—and to prevent and address sexual misconduct and sex-based discrimination) and Preventing Harassment/Discrimination and Fostering Professionalism in the Workplace (covering CUNY's Equal Opportunity and Non-Discrimination Policy and Policy on Sexual Misconduct as a springboard for fostering respect and equity in the workplace). Audiences included students, faculty and staff associated with academic departments, student groups, John Jay/CUNY residential facilities, athletics, and study-abroad programs.
- John Jay retained an expert facilitator to pilot training related to diversity, equity and inclusion for faculty in several academic departments.

- Beginning in 2019, the College leadership embarked upon a series of trainings and workshops on systemic racism and racial equity and engaged in structured follow-up conversations on race, diversity, and inclusion—with the ultimate goal of fostering an inclusive climate within and beyond the leadership and setting the foundation to increase racial equity throughout the College's activities and operations.
- The CDO offered multiple trainings and Q & A sessions related to CUNY's new Sexual Misconduct Policy (which went into effect in August 2020), including several sessions for Responsible and Confidential Employees (See Q & A on CUNY's new Sexual Misconduct Policy).
- The CDO embarked on a plan, in collaboration with Human Resources and other offices, to significantly increase training offerings for faculty, staff and students related to multiple topics, in order to pursue recommendations resulting from John Jay's climate review process and report. (See http://www.jjay. cuny.edu/climate-review.)



FIGURE 7 ▶ Discrimination COMPLAINTS Reported to Office of Compliance & Diversity, by Alleged BASIS, January 1 to December 31, 2019 (n=7*)



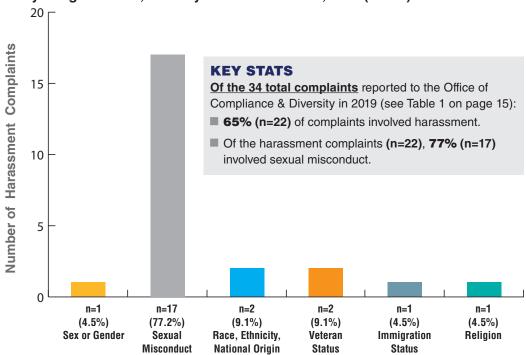
Discrimination Complaints Reported, by Alleged Basis

NOTES: *The sum of the number of complaints in each alleged basis of discrimination may exceed the total number of complaints; this occurs because some "complaints" involve more than one alleged basis of discrimination (e.g. sex-based discrimination and age-based discrimination).

A full list of categories or bases of discrimination prohibited by John Jay/CUNY is available at: https://www.jjay.cuny.edu/sites/default/files/compliance_diversity/Equal_Employment_Opportunity_Policy_CUNY.pdf



FIGURE 8 Harassment COMPLAINTS Reported to Office of Compliance & Diversity, by Alleged BASIS, January 1 to December 31, 2019 (n=22*)

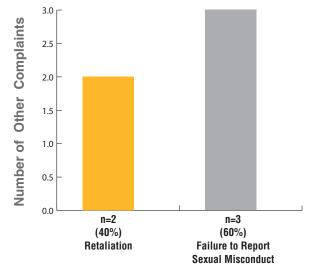


Harassment Complaints Reported, by Alleged Basis

NOTES: *The sum of the number of complaints in each alleged basis of harassment may exceed the total number of complaints; this occurs because some "complaints" involve more than one alleged basis of harassment ((e.g. sex-based harassment and religion-based harassment).

A full list of categories or bases of harassment prohibited by John Jay/CUNY is available at: https://www.jjay.cuny.edu/sites/default/files/compliance_diversity/Equal_Employment_Opportunity_Policy_CUNY.pdf

FIGURE 9 Description Office of Compliance & Diversity, by CATEGORY OF BEHAVIOR, January 1 to December 31, 2019 (n=5)



Other Complaints Reported, by Category of Behavior



TABLE 1 ▶ Description of Complaints Investigated January 1 through December 31, 2019 and Actions Taken

N=34	Complainant	Respondent	Category and Alleged Bases of Misconduct	Description/Actions Taken
1	Faculty	Faculty	Discrimination; Age, National Origin, Sexual Orientation	Complainant alleged discrimination in hiring/ promotion. Per CUNY policy, case closed when complainant filed separate federal complaint.
2	Student	Faculty	Harassment; Race, Religion	Complainant alleged harassing comments made in class. Case closed after complainant exercised right to withdraw complaint.
3	Faculty	Staff	Discrimination; National Origin, Sex/Gender, Sexual Orientation	Complainant alleged discrimination in service delivery. Allegations not substantiated after investigation.
4	Staff	Staff	Harassment; Race, Sex/Gender	Complainant alleged harassing workplace behavior. Allegations not substantiated after investigation.
5	Student	Staff	Discrimination; Race	Complainant alleged discrimination in refusal of Respondent to provide services to Complainant. Allegations not substantiated after investigation.
6	Student	Staff	Discrimination; Race	Complainant alleged discrimination for failure to provide assistance. Allegations not substantiated after investigation.
7	Student	Student	Harassment; Veteran Status	Complainant alleged harassing comments. Parties elected to participate in the informal resolution process. Agreement reached between parties.
8	Student	Faculty	Discrimination; Disability Status	Complainant alleged discrimination for failure to provide accommodation. One or more allegations substantiated after investigation. Matter referred for appropriate action. In addition, the College clarified and disseminated updated procedures related to accommodating students with disabilities.
9	Student	Student	Harassment; Veteran Status	Complainant alleged harassing comments. Case closed after complainant exercised right to withdraw complaint.
10	Student	Staff	Discrimination; Race	Complainant alleged discrimination in denial of admission to student program. One or more allegations substantiated after investigation. Matter referred for appropriate action. In addition, the program engaged in a review of admission policies and procedures and improved record-keeping.
11	Staff	Faculty	Harassment; Immigration Status	Complainant alleged offensive comments. Parties elected to participate in the informal resolution process. Agreement reached between the parties.

N=34	Complainant	Respondent	Category and Alleged Bases of Misconduct	Description/Actions Taken
12	Student	Institution (Academic Program)	Discrimination; Race	Complainant alleged discrimination in denial of admission to student program. Allegations not substantiated after investigation. Program adopted new policies to improve outreach to students.
13	Staff	Staff	Harassment; Sexual Misconduct	Complainant alleged unwanted sexual advances. Allegations not substantiated after investigation.
14	Staff	Student	Harassment; Sexual Misconduct	Complainant alleged stalking. Parties elected to participate in the informal resolution process. Agreement reached between the parties.
15	Student	Student	Harassment; Sexual Misconduct	Complainant alleged sexual assault. One or more allegations substantiated after investigation. Matter referred for appropriate action.
16	Student	Student	Harassment; Sexual Misconduct	Complainant alleged sexual assault. One or more allegations substantiated after investigation. Matter referred for appropriate action.
17	Staff	Staff	Harassment; Sexual Misconduct	Complainant alleged sexual assault. One or more allegations substantiated after investigation. Matter referred for appropriate action.
18	Student	Student	Harassment; Sexual Misconduct	Complainant alleged sexual assault. One or more allegations substantiated after investigation. Matter referred for appropriate action.
19	Faculty	Faculty	Harassment; Sexual Misconduct	Complainant alleged inappropriate comments/ behavior of a sexual nature and that Respondent previously filed malicious allegations with CDO. Allegations not substantiated after investigation.
20	Faculty	Non- John-Jay- Affiliated Party	Harassment; Sexual Misconduct	Complainant alleged inappropriate comments/ behavior of a sexual nature and that respondent previously made false allegations against complainant. Allegations not substantiated after investigation.
21	Staff	Staff	Harassment; Sexual Misconduct	Complainant alleged inappropriate comments based on sex. Parties elected to participate in the informal resolution process. Agreement reached between the parties.
22	Student	Staff	Harassment; Sexual Misconduct	Complainant alleged inappropriate behavior of a sexual nature. One or more allegations substantiated after investigation. Matter referred for appropriate action.
23	Student	Student	Harassment; Sexual Misconduct	Complainant alleged unwanted sexual advances. Case closed after complainant exercised right to withdraw complaint.

N=34	Complainant	Respondent	Category and Alleged Bases of Misconduct	Description/Actions Taken
24	Student	Staff	Harassment; Sexual Misconduct	Complainant alleged inappropriate sexual advances. Parties elected to participate in the informal resolution process. Agreement reached between the parties.
25	Student	Student	Harassment; Sexual Misconduct	Complainant alleged sexual assault. One or more allegations substantiated after investigation. Matter referred for appropriate action.
26	Student	Student	Harassment; Sexual Misconduct	Complainant alleged sexual assault. One or more allegations substantiated after investigation. Matter referred for appropriate action.
27	Student	Student	Harassment; Sexual Misconduct	Complainant alleged stalking. Case closed after Complainant exercised right to withdraw complaint.
28	Faculty	Non- John-Jay- Affiliated Party	Harassment; Sexual Misconduct	Complainant alleged inappropriate comments of a sexual nature. Case closed as respondent was not within the College's jurisdiction. Employees trained on CUNY Sexual Misconduct Policy.
29	Student	Student	Harassment; Sexual Misconduct	Complainant alleged sexual assault. Allegations not substantiated after investigation.
30	Staff	Staff	Retaliation	Complainant alleged retaliation for participating in an investigation. Allegations not substantiated after investigation.
31	Staff	Staff	Retaliation	Complainant alleged retaliation for filing sexual misconduct complaint. Allegations not substantiated after investigation.
32	Institution (Title IX Office)	Staff	Failure to report sexual misconduct	Title IX Office investigated failure of Responsible Employee to report incident of sexual misconduct to Title IX office. Allegations not substantiated after investigation. CDO provided department staff training on reporting obligations as Responsible Employees under CUNY Sexual Misconduct Policy.
33	Institution (Title IX Office)	Staff	Failure to report sexual misconduct	Title IX Office investigated failure of Responsible Employee to report incident of sexual misconduct to Title IX office. Per CUNY Sexual Misconduct Policy, one or more allegations substantiated after investigation. Matter referred for appropriate action.
34	Institution (Title IX Office)	Staff	Failure to report sexual misconduct	Title IX Office investigated failure of Responsible Employee to report incident of sexual misconduct to Title IX office (CDO). Allegations not substantiated after investigation. Title IX office (CDO) provided department training on reporting obligations as Responsible Employees under CUNY Sexual Misconduct Policy.

LOOKING AHEAD

John Jay is committed to confronting and disrupting biases, stereotypes, and discrimination by creating and implementing opportunities for equal access and success for underserved communities. It also strives to build an environment that offers every individual equal opportunities to grow and flourish. The information in this report is intended to shed light on efforts to realize these goals.

The work of the CDO, while vitally important, is only one part of a larger, College-wide effort to foster equity and inclusion at John Jay. As alluded to in the introduction and other areas of this report, the College has also continued to make progress on a number of recommendations outlined in its 2019 Campus Climate Review Report to foster a safe and respectful atmosphere at John Jay. Our work in this area is also now a core part of our 2020-2025 Strategic Plan.5

This is the College's first annual report on preventing and addressing harassment and discrimination. In the future, we look forward to continuing to improve the presentation of data and information to make this report even more useful to our community. If you have any questions about or feedback on this report, please contact Gabriela Leal at gleal@jjay.cuny.edu.

TAKING ACTION

In collaboration with multiple offices and departments throughout the College, John Jay and the CDO have taken action on a number of fronts, including:

- Updating the CDO website⁶ to be more informative and user-friendly;
- Continuing to pilot racial equity and respectful workplace trainings, and making plans to expand these efforts to more faculty, as well as staff and students;
- Enacting new protocols for informal resolutions;7
- Incorporating our new shared values in orientation for students and onboarding for staff;
- Implementing new technology tools, such as secure case management technology, to help track harassment- and discrimination-related complaints and dispositions; and
- Renewing a Diversity Committee with a focused mission and membership that represents broad and diverse perspectives from across our community.



⁵See https://www.jjay.cuny.edu/sites/default/files/u979/jjc_strategic_plan_20202025_v7.pdf

⁶See https://www.jjay.cuny.edu/preventing-harassment-and-discrimination-fostering-diversity-and-inclusion

See https://www.jjay.cuny.edu/sites/default/files/compliance_diversity/faqs_for_informal_resolutions.pdf

APPENDIX A: Definitions of Relevant Terms in This Report

NOTE: This report covers activities from the 2019 calendar year. Although many definitions listed below remain consistent post-2019, because CUNY's sexual misconduct policy changed in 2020, some terminology pertaining to sexual misconduct may be different today than how they were defined in 2019. For clarity in reading this report, the definitions below are as they existed in 2019.

Complainant refers to individuals who allege that they have been the subject of sexual misconduct, harassment, discrimination, or retaliation. A complainant can be a CUNY student, employee (including all full-time and part-time faculty and staff), or visitor.

Complaint is an allegation(s) of sexual misconduct, harassment, or discrimination made under CUNY's policies on Sexual Misconduct or Equal Opportunity and Non-Discrimination.

Confidential Employee is an employee who is required not to share any identifying information with others (including the Title IX Office) about sexual misconduct, except as required by law in emergency circumstances (such as risk of death or serious bodily

Discrimination is treating individuals differently or less favorably because of their protected characteristics—such as their race, color, religion, sex, gender, national origin, or any of the other bases prohibited by CUNY's Policy on Equal Opportunity and Non-Discrimination. For purposes of this report, "Discrimination" refers to matters unrelated to "Harassment."

Domestic/Intimate Partner

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

Emergency Interim Suspension

is a situation in which the College President or the President's designee may, in emergency or extraordinary circumstances, temporarily suspend a student pending an early hearing for not more than twelve (12) calendar days, unless the student requests an adjournment.

Faculty includes any instructor at John Jay with a teaching role, whether full-time or part-time, visiting, or adjunct.

Failure to Provide Disability Accommodation means the failure to provide reasonable accommodations and academic adjustments to allow qualified individuals with disabilities the opportunity to participate in programs, activities and employment at the College.

Failure to Report refers to the failure of a Responsible Employee (see definition below) to report incidents of sexual misconduct of which they become aware to the Title IX Coordinator or other designated official as required under the CUNY Policy on Sexual Misconduct.

Gender-Based Harassment/ Violence refers to 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.

Harassment consists of unwelcome conduct based on a protected characteristic that has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or abusive work or academic environment. Such conduct can be spoken, written, visual, and/or physical.

Inappropriate Relationships

include amorous, dating or sexual activity or relationships that occur between a faculty member or employee and any student for whom the faculty member or employee has a professional responsibility, or between supervisors and employees they supervise.

Informal Resolution refers to is a voluntary agreement between parties involved in an incident of alleged harassment, discrimination, or retaliation. Through the Informal Resolution process, the parties can voluntarily agree to "informally" resolve issues or complaints, which takes the place of a "formal resolution" (i.e., a full investigation and determination of responsibility by the College President and/or a disciplinary hearing panel).

Institutional Conduct refers to actions by a unit, office, or department of the College, or the College as a whole — i.e., beyond conduct attributable to a one or more specific individuals.

Investigation refers to the process by which an investigator in the Office of Compliance & Diversity interviews the complainant and respondent, along with any other witnesses or parties related to a complaint, and gathers other factual evidence related to a complaint of harassment. discrimination or retaliation.

Matters are concerns reported by individuals to the CDO in 2019. including those where the individual elected to file a complaint as well as concerns that did not result in a complaint. Matters can encompass several events and/or claims ("allegations") and may involve several individuals.

No-Contact Order is a collegeissued directive under which continued intentional contact with a party in a matter or investigation would subject to discipline. No-contact orders may be issued for both the complainant and the respondent, as well as other individuals as appropriate. Violations of no-contact orders are subject to discipline.

Non-John-Jay-Affiliated Party means a person who is not a current or prospective John Jay student, alumni, or employee.

Order of Protection is a court order that requires a person to stay away from another person, including her home, school or work. Violations of Orders of Protection are enforceable by the issuing court.

Referrals to Other John Jay Office refers to situations in which matters reported to the Office of Compliance and Diversity do not involve alleged harassment, discrimination or retaliation and therefore must be transferred to another John Jay office for appropriate handling. Offices to which matters may be referred include the Department of Public Safety, the Office of Human Resources, the Office of the Provost, the Office of the Dean of Students, or the Office of Legal Counsel.

Respondent refers to the individual who is alleged to have committed sexual misconduct, harassment. discrimination, or retaliation against a CUNY student, employee, or visitor.

Responsible Employees are individuals who are required to report allegations of sexual misconduct to the Title IX Coordinator or other designated official but will protect an individual's privacy to the greatest extent possible and share information with other staff only on a need-to-know basis.

Retaliation refers to adverse treatment of an individual as a result of that individual's reporting misconduct, assisting someone to report misconduct, opposing in a reasonable manner an act or policy believed to constitute misconduct, or participating in any manner in an investigation or resolution under John Jay policies governing sexual misconduct or equal opportunity and non-discrimination.

Sexual Assault is any form of sexual activity involving certain forms of sexual contact or penetration involving the mouth, fingers, or genitals that occurs without consent.

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.

Sexual Misconduct refers to sexual harassment, gender-based harassment or sexual violence.

Sexual Violence includes: (1) sexual activity without affirmative consent (i.e., a knowing, voluntary and mutual decision among all participants to engage in sexual activity), such as sexual assault rape/attempted rape. and forcible touching/fondling; (2) dating, domestic and intimate partner violence; (3) stalking; and (4) voyeurism.

Staff refers to any employee of John Jay who is not a member of the teaching faculty.

Stalking is intentionally engaging in a course of conduct (including unwanted appearances or communications) directed at a specific person that is likely to cause reasonable fear of material harm to the physical health, safety or property of such person or someone with whom such person is acquainted; causes material harm to the mental or emotional health of such person; or is likely to cause such person to reasonably fear that her/his employment, business or career is threatened.

Student/Alumni refers to a prospective or current student at, or a student who has graduated from, John Jay.

Substantiated Complaint refers to a complaint of harassment or discrimination in which the investigator or College President has determined by a preponderance of the evidence that it is more likely than not that the respondent committed the acts alleged in the complaint.

Supportive Measure includes steps taken to address immediate physical, emotional, academic, health- or safety-related, or other needs of one or more parties in a matter involving harassment, discrimination, or retaliation, while an investigation is pending.

Voyeurism is unlawful surveillance and includes acts that violate individuals' right to privacy in connection with their bodies and/or sexual activity.

APPENDIX B: Policies and Resources Related to Harassment and Discrimination

CUNY Policy on Sexual Misconduct (in effect since 8/14/2020)

https://www.cuny.edu/wp-content/uploads/sites/4/pageassets/about/administration/offices/legal-affairs/ policies-resources/Sexual-Misconduct-Policy.pdf

CUNY Policy on Sexual Misconduct (2018) (In effect through 8/13/20)

http://policy.cuny.edu/wp-content/uploads/sites/6/pageassets/general-policy/EDITED-CUNY-Policy-on-Sexual-Misconduct-2018-with-links-8.2.2018.pdf

CUNY Policy on Equal Opportunity and Non-Discrimination https://www.jjay.cuny.edu/sites/default/files/compliance diversity/Equal_Employment_Opportunity_Policy_CUNY. pdf

Students' Bill of Rights

https://www.jjay.cuny.edu/sites/default/files/compliance diversity/student_bill_of_rights.pdf

Supportive Measures for Students https://www.jjay.cuny.edu/get-help-now

Where to Report Sexual Misconduct at John Jay https://www.jjay.cuny.edu/get-help-now

Confidential Counseling at John Jay (will not be reported to Office of Compliance and Diversity for investigation) http://www.jjay.cuny.edu/get-help-now

Informal Resolution Options

https://www.jjay.cuny.edu/get-help-now#informalresolutions

Community Resources

https://www.jjay.cuny.edu/harassment-discriminationresources

