

City University of New York  
**John Jay College of  
Criminal Justice**

Department of Public Safety

*Diego Redondo, Director*

2024 Annual Security Report

*Includes crime statistics for 2021, 2022, and 2023*

524 W 59<sup>th</sup> Street  
New York, NY 10019



## Table of Contents

College Overview.....	5
Policy Statements.....	6
Annual Disclosure of Crime Statistics.....	6
Public Safety’s Authority.....	6
Campus Security Authorities.....	7
Crime Reporting Procedures.....	10
Reporting and prevention of sexual misconduct including sexual assault, sexual harassment, stalking, dating violence and domestic violence.....	11
Confidential reporting options.....	11
Civilian complaints.....	12
Clery crime log.....	12
Working Relationship with Other Law Enforcement Agencies.....	12
Investigations of violent felonies.....	13
Hate crime and bias related incidents.....	13
Off campus organizations crimes and safety hazard monitoring.....	14
Disclosure of hearing outcomes.....	14
Security and access to college facilities.....	14
Identification cards.....	15
College issued keys.....	15
Guests.....	16
Security considerations used in the maintenance of campus facilities.....	16
Safety escort service.....	17
Emergency phones and duress stations.....	17
Emergency notification and response.....	17
CUNY Alert.....	18
Emergency Notification Procedures.....	19
Timely Warnings.....	21
Immediate notifications.....	26
Emergency response and evacuation procedures.....	26
Testing of emergency response and evacuation procedures.....	27
Fire emergency plan.....	27

Hostile intruder .....	29
Bomb threat response plan .....	29
Medical emergencies.....	30
Mental health medical emergencies .....	30
Utility failure.....	32
Publication of emergency procedures .....	32
Crime prevention & security awareness programs .....	32
College regulations/Code of conduct-"Henderson Rules" .....	34
Weapons Policy.....	38
University policy relating to drugs and alcohol .....	38
CUNY Standards of conduct .....	39
CUNY Sanctions .....	39
Drug/Alcohol Use Amnesty Policy .....	40
Information for the CUNY community on the risks and consequences of drug and alcohol use .....	40
Health risks .....	42
Substance abuse.....	43
Drug and Alcohol Prevention Programs (DAAPP).....	44
On-Campus Alcohol and Substance Abuse Resources.....	44
Off-campus alcohol and substance abuse resources .....	44
Detoxification and Outpatient/Inpatient Rehabilitation Facilities by County .....	45
Sexual Misconduct.....	46
Reporting and prevention of dating violence, domestic violence, sexual assault and stalking .....	46
Prevention education programs .....	47
How to be an active bystander.....	48
Prevention and risk reduction .....	48
Procedures victims should follow in the case of alleged dating violence, domestic violence, sexual assault or stalking .....	49
How to report dating violence, domestic violence, sexual assault or stalking.....	50
Options about the involvement of law enforcement and campus authorities .....	52
Who is a perpetrator?.....	52
Who is a victim? .....	53
When is there lack of consent? .....	53
Who is responsible for a sexual attack? .....	53

Complainant's Rights .....	53
College and community counseling and support services for those affected by sexual misconduct .....	54
College support services.....	55
Counseling for employees.....	55
Contacting outside agencies.....	55
The City University of New York Policy on Sexual Misconduct.....	56
Investigation and Disciplinary Procedure for Allegations of Dating Violence, Domestic Violence, Sexual Assault and Stalking pursuant to CUNY's Policy on Sexual Misconduct.....	56
Consent .....	57
Definitions of Sexual Assault, Dating Violence, Domestic Violence and Stalking under New York State Law .....	58
Pertinent Sex Offenses and Criminal Sanctions Under New York State Penal and Criminal Procedure Laws .....	60
Admission of potentially dangerous students.....	61
Campus Sex Crimes Prevention Act.....	61
Searching for Level 1 sex offenders (or those with a pending risk level):.....	61
Missing students .....	62
Additional links to cuny policies and procedures.....	62
Crime Statistics for John Jay College: 2021-2023.....	64
Unfounded Statistics .....	66
Definitions of Geography .....	66
Uniform crime reporting (UCR) federal definitions related to clery .....	66
Campus map .....	72
Macaulay Honors College information.....	73
CUNY's Policy on Sexual Misconduct.....	82





*On Friday, January 31, 2025, the U.S. Department of Education issued a Dear Colleague Letter stating, "[E]ffective immediately, the United States Department of Education's (ED) Office for Civil Rights (OCR) will enforce Title IX under the provisions of the [2020 Title IX Rule](#), rather than the recently invalidated 2024 Title IX Rule." For this reason, CUNY's 2020 Policy on Sexual Misconduct (attached) replaces the fully rescinded 2024 Policy on Sex-Based Misconduct as the policy applicable to all open and future Title IX matters, including all "open Title IX investigations initiated under the 2024 Rule.*

**As per the 2016 Clery Handbook, pg. 9-10:**

"If your institution changes its safety and security policies, you must update the information in your most **recent annual security report to reflect your new policies**. The statements or descriptions in your annual security report must accurately reflect your institution's current procedures."

**College Overview**

John Jay is one of the nation's premier criminal justice and liberal arts institutions. The College brings together Pulitzer Prize-winning faculty and undergraduate/graduate students in diverse liberal arts disciplines to engage with issues of justice and diversity.

The campus is located at 524 W 59<sup>th</sup> Street in Manhattan, a borough of New York City, whose population is approximately 1.63 million. The campus is comprised of four buildings located on or contiguous to the campus and two non-campus locations.

The College enrolls approximately 12,500 full- and part-time degree program students who attend day and/or evening classes. The College employs approximately 1040 full-time faculty/staff and 1550 part-time adjunct/staff members.

The school's namesake, John Jay, was the first Chief Justice of the United States Supreme Court and one of the founding fathers of the United States. John Jay was a native of New York City and served as governor of New York State.

### **Policy Statements**

These policy statements provide information regarding CUNY John Jay College security and fire safety policies. Campus safety, public safety services, and other information on Public Safety can be found on the John Jay College Public Safety website at [https://www.jjay.cuny.edu/departments-public-safety](https://www.jjay.cuny.edu/departments/public-safety).

### **Annual Disclosure of Crime Statistics**

John Jay College's 2024 Annual Security Report includes statistics for the previous three years about reported crimes that occurred on campus, in certain off-campus buildings owned and controlled by John Jay College, and on public property within or immediately adjacent to and accessible from the campus. These statistics are compiled from campus incident reports, reports from designated Campus Security Authorities and from the local NYPD precincts. The report also includes institutional policies concerning campus security, alcohol and drug use, crime prevention, the reporting of crimes, including those that involve sexual misconduct, in addition to emergency and evacuation procedures. This data is reported to the United States Department of Education via an annual web-based data collection website. This Annual Report is published prior to October 1<sup>st</sup> of each year and is available to all (visitors, as well as, current and perspective students and employee) via the College website. Current students and employees are notified of the availability of the Annual Security Report via email. As required, this report is made available to all students, faculty, and staff annually. This report, as well as past reports, is posted on the John Jay College website at: [The Jeanne Clery Disclosure of Campus Security Policy & Campus Crime Statistics Act, or Clery Act | John Jay College of Criminal Justice \(cuny.edu\)](#). To obtain a hard copy of the report, please visit the Department of Public Safety in room L2.61 of the New Building.

### **Public Safety's Authority**

John Jay College's main campus grounds and the contiguous geographic perimeter of the main campus are patrolled on a 24-hour basis by Public Safety Officers. Public Safety Officers are sworn law enforcement/NYS Peace Officers under Criminal Procedure Law 2.10 subsection 79 and have the power to make arrests in compliance with New York State Criminal Procedure Law Peace Officers Law. Public Safety Peace Officers receive training in accordance with the New York State Division of Criminal Justice Services (NYS DCJS) training requirements for Public Safety Officers. Officers also participate in continual in-service training to maintain State

compliance. At John Jay College, incidents of a criminal nature that are reported to a Peace Officer are referred, with the complainant's consent, to the New York City Police Department. The Department of Public Safety conducts administrative investigations involving violations of CUNY policies, rules, and regulations. These investigations may involve students, faculty, staff, and visitors on college property. Referrals necessitating further review and action may be made to the Office of Student Affairs, the Office of Compliance & Diversity, and/or Human Resources.

The Department of Public Safety currently consists of 1 Director, 1 Deputy Director, 1 Lieutenant/Assistant Director, 7 Sergeants, 3 Campus Security Specialists and 13 Peace Officers assigned to patrol the campus. Additionally, the College employs 30 Campus Security Assistants who are assigned to fixed posts and patrol duties. Campus Security Assistants are licensed as NYS Licensed Security Guards and do not have arrest powers (outside of the powers of a private citizen).

The Department of Public Safety also oversees the closed-circuit television (CCTV) system and monitors more than 500 security surveillance cameras as well as fire alarm systems to ensure the safety of the College community. As part of the campus security systems, there are 70 panic alarm buttons that have been installed in administrative offices and over 150 emergency phones that are conspicuously located throughout the campus; there are also duress stations located in bathroom stalls in the New Building, Haaren Hall and Westport and the buildings are equipped with public address systems. A Fire Safety Director is on duty during normal hours of operation, or when the building has occupancy of 100 persons above and below ground level or 500 persons in the entire building.



**PANIC ALARM**



**FIRE ALARM PULL STATION**

### **Campus Security Authorities**

Campus Security Authorities are defined as officials of a college who have significant responsibility for student and campus activities, including, but not limited to public safety, student affairs, student activities, student discipline and campus judicial proceedings. An official

is defined as any person who has the authority and the duty to act or respond to issues on behalf of the college. Examples include administrators, directors, deans, department heads, chairpersons, advisors to students/student organizations, athletic coaches, etc.

When they become aware of incidents, Campus Security Authorities are required to report to Public Safety any allegation or report of any Clery-reportable offense. Campus Security Authorities are required to report to Public Safety all reported crimes that fall that are Clery reportable offenses, regardless of the outcome of the investigation into the reported offense.

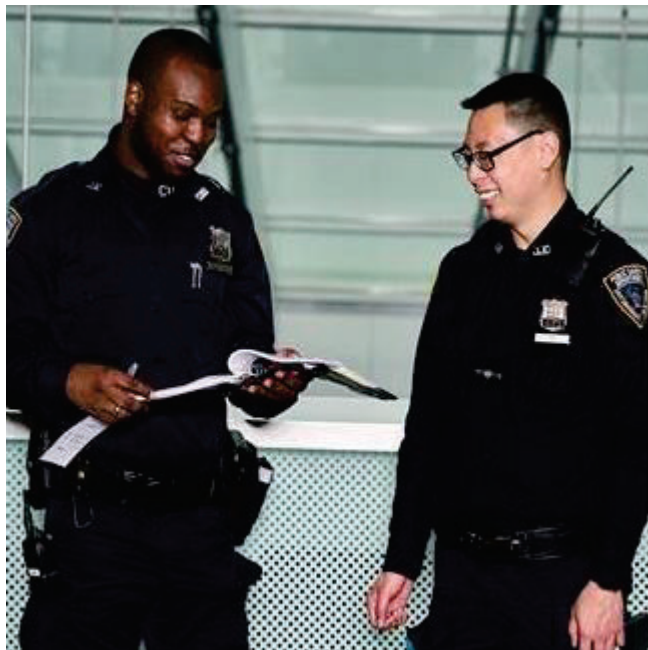
Members of the College community may make reports of crimes and security incidents to any of the officials listed below. Each year, the Department of Public Safety requests data, via campus e-mail, from these authorities for inclusion in this report:

**Campus Security Authorities include, but are not limited to:**

Director of Public Safety- Diego Redondo
Phone: (212) 237-8521, Room L2.61.04 NB
Director of Athletics- Catherine “Cat” Alves
Phone: (212)-237-8395, Room 42107HH
Assistant Vice President and Dean of Students – Dominic Stellini
Phone: (212)237-8211, Room L.65.00 NB
Director of International Students & Programs- Kenneth Yanes
Phone: (212) 484-1339, Room 53003T
Chief Legal Counsel- Myrna Forney
Phone: (212) 237-8911, Room 623.04T
Director of Health Services-Malaine Clarke
Phone: (212) 621-4101, Room L.66.08 NB
Vice President of Enrollment Management & Student Affairs - Daniel Matos
Phone: (212) 484-1303, Room 600B
Chief Librarian- Ellen Sexton
Phone: (212) 237-8258, Room 12102T
Director of Counseling- Gerard Bryant
Phone: (646) 557-4552, Room L.68.05 NB
Associate Director of Financial Aid- Michael Scaduto
Phone: (212) 237-8872, Room 607.01B
Chief Information Officer - Joseph Laub
Phone: (212) 484-1108, Room L2.63.18 NB
Gender Based Violence Prevention & Response Advocate- Jessica Greenfield
Phone: (646) 557-4535, Room L.67.07 NB
Chair of the Department of Africana Studies- Gail Garfield
Phone: (212) 237-8659, Room 520.24HH
Chair of the Department of Anthropology- Edward Snajdr
Phone: (212) 237-8262, Room 9.63.19 NB
Chair of the Department of Art and Music- Claudia Calirman



Phone: (646)-557-4648, Room 325.20HH
Chair of the Department of Counseling & Human Services-Mickey Melendez
Phone: (212) 237-8101, Room 8.65.19 NB
Chair of the Department of Criminal Justice- Evan Mandery
Phone: (212)-237-8389, Room 631.06 HH
Chair of the Departments of Economics- Geert Dhondt
Phone: 646-557-4845, Room 9.63.11 NB
Chair of the Department of English- Jean Mills
Phone: (212) 237-8706, Room 7.63.12 NB
Chair of the Department of History- Stephen Russell
Phone: (212) 237-8290, Room 8.65.11 NB
Chair of the Department of Interdisciplinary Studies- Susannah Crowder
Phone: (212) 237-8304, Room 6.65.03 NB
Chair of the Department of Latin American & Latinx Studies- John Gutierrez
Phone: (212) 237-8667, Room 8.63.09 NB
Chair of the Department of Law, Police Science & Criminal Justice Admin.-Heath Grant
Phone: (212) 393-6377, Rooms 422.24 HH
Chair of the Department of Mathematics and Computer Science-Shweta Jain
Phone: (212) 237-8843, Room 6.65.20 NB
Chair of the Department of Modern Languages and Literatures- Vincente Lecuna
Phone: (646) 557-4413, Room 7.65.03 NB
Chair of the Department of Philosophy- Michael Brownstein
Phone: (212) 237-8338, Room 8.63.19 NB
Chair of the Department of Political Science- Maxwell Mak
Phone: (646)-557-4662, Room 9.65.15 NB
Chair of the Department of Psychology-Daryl Wout
Phone: (646) 557-4652, Room 7.63.22 NB
Chair of the Department of Public Management- Jason Rivera
Phone: (212) 393-6424, Room 533.4 HH
Chair of the Department of Science- Jennifer Rosati
Phone: (212) 393-6868, Room 5.66.04 NB
Chair of the Department of Security, Fire & Emergency Management- Jay Gates
Phone: (646) 557-4406, Room 7.63.32 NB
Chair of the Department of SEEK- Erica King-Toler
Phone: (212)-237-8175, Room 432.15 HH
Chair of the Department of Sociology- Richard Haw
Phone: (212)-237-8076, Room 6.65.05 NB



## **Crime Reporting Procedures**

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 reported condition and make necessary notifications to the local police precinct when appropriate. Criminal activities, as well as other emergencies, can be reported by:

1. Calling the Department of Public Safety's emergency telephone line by dialing 8888 from any campus telephone or (212) 237-8888. In the event you observe or are involved in an extreme or life-threatening situation call 911, the New York City emergency phone number. A call should also be made to the Department of Public Safety at ext. 8888 or (212) 237-8888 to expedite and direct responding emergency personnel to your location.
2. Using one of the emergency phones, duress stations or panic buttons located throughout the campus.
3. Meeting with any member of the Department of Public Safety in person at the Public Safety Office located in the New Building, room L2.61 or at one of the desk posts located at the entrances of each building.
4. Meeting with Counselors who are encouraged to inform the persons they are counseling of all procedures to report crimes to the Department of Public Safety on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics when appropriate.
5. Meeting with persons designated as Campus Security Authorities (CSAs) and informing them about incidents in which you were involved in or witnessed. CSAs will then forward only the report of the crime without divulging the names of victim or witness(es) to the Department of Public Safety for inclusion in the annual security report. Names and numbers of CSAs are on pages 9-11 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 Clery Act in the College's Annual Security Report, victim and witness information is not 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 made without divulging the victim's identity.

6. Visiting the Public Safety Department's "Anonymous Tip" webpage. The webpage is an alternate means by which individuals can relay valuable information in an anonymous manner. The College's goal is to provide a service to receive information from those individuals who are reluctant to become involved in reporting criminal activity and who realize that an injustice has occurred. The Anonymous Tip webpage may be accessed using the following link: <https://doitapps2.jjay.cuny.edu/public-safety-tips/>.
7. Referring individuals to the Behavioral Intervention Team (BIT) which has been created to identify, investigate, assess, refer, monitor, and act in response to behaviors exhibited by students that may pose a threat. The purpose of BIT is to provide for the safety, health, and well-being of all its students, faculty, and staff. You can obtain more information on BIT and make a BIT referral by going to the following web page: <https://www.jjay.cuny.edu/behavioral-intervention-team>.

### **Reporting and prevention of sexual misconduct including sexual assault, sexual harassment, stalking, dating violence and domestic violence**

The City University of New York Policy on Sexual Misconduct is attached to the end of this report. The Policy can also be accessed by clicking the following link: [CUNY's Sexual Misconduct Policy](#).

Allegations of Sexual Misconduct including Sexual Harassment, Sexual Assault, Stalking, or Domestic and Dating Violence should be reported to one of the individuals listed below.

- Chief Legal Counsel, Myrna Forney  
Room 623.04 T, (212) 237-8911, [mforney@jjay.cuny.edu](mailto:mforney@jjay.cuny.edu)
- Director of Public Safety, Diego Redondo  
Room L2.61, (212) 237-8521, [dredondo@jjay.cuny.edu](mailto:dredondo@jjay.cuny.edu)
- Assistant Vice President and Dean of Students, Dominic Stellini  
Room L.65.00 New Building, 212-237-8211, [dstellini@jjay.cuny.edu](mailto:dstellini@jjay.cuny.edu)
- Assistant Vice President for Administration Oswald Fraser  
Room 1046B, (212) 237-8704, [ofraser@jjay.cuny.edu](mailto:ofraser@jjay.cuny.edu)

For more detailed information on [CUNY's Sexual Misconduct Policy](#) including community and campus specific resources, please also see CUNY policies, Getting Help, Understanding and Preventing Sexual Assault and Sexual Harassment at [Campus Title IX Webpages](#) and click on the campus you would like more information on.

### **Confidential reporting options**

If you are the victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may still want to consider making a confidential report. With your permission, a Public Safety officer can file a report on the details of the incident without revealing your identity (except if the incident involves allegations of sexual misconduct, which Public Safety employees must report to the Title IX Coordinator). The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, John Jay College can keep an accurate record of the number of incidents involving students, employees, and visitors;

determine where there is a pattern of crime with regards to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the College. Professional counselors are encouraged to refer persons they are counseling to report crimes to Public Safety on a voluntary, confidential basis for inclusion in the annual security report by following this procedure.

Any on-campus crime witnessed by a John Jay College student or employee must be reported to the Department of Public Safety as soon as possible. Complaints regarding Public Safety personnel should be forwarded to the Director of Public Safety. The Department of Public Safety is responsible for reporting and conducting a follow-up investigation when an incident is reported.

### **Civilian complaints**

All formal complaints will be fully investigated, and appropriate corrective action will be taken.

### **Clery crime log**

All crimes that are reported to the Department of Public Safety are annotated in the Crime Log (also known as the "Daily Crime Log"). All reportable criminal incidents are recorded, if they occurred in the reportable geographic area of the College campus (on campus and public property), whether they are Clery-classified or not. The Daily Crime Log includes the following information: 1) date the 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 Clery Compliance Officer maintains the crime log and updates it daily. Any faculty, staff, student, visitor, or vendor can view the crime log which is kept in the Public Safety Office (Room L2.61, New Building), during normal business hours. The log is in hardcopy format. The log is updated no later than two business days after the latest report is received. The log contains incidents for the past two calendar years. If you wish to review entries as far back as seven calendar years, please make the request in person or by phone at 212-237-8524. Your request will be granted within two business days. Information may be temporarily withheld from the log if it would jeopardize an ongoing investigation, jeopardize the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence.

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

The John Jay College Department of Public Safety maintains a cooperative relationship with local, state, and federal law enforcement agencies. A written Memorandum of Understanding exists between CUNY Colleges and the New York City Police Department (NYPD) in compliance with New York State Law. The NYPD provides the College with crime statistics for incidents that occurred within the geographical area of the campus in compliance with the Department of Education's Students Right to Know Act.



### **Investigations of violent felonies**

In accordance with New York State Education Law, John Jay College maintains a plan for the investigation of violent felonies, which includes coordination with appropriate law enforcement agencies. 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, John Jay College will notify the appropriate law enforcement agency within 24 hours of receiving a report of a violent felony.

The Department of Public Safety conducts investigations involving violations of CUNY rules and policies. These investigations may involve students, staff, and visitors of the College. If necessary, the report may be referred to the Office of the Vice President for Enrollment Management and Student Affairs, Human Resources, or other administrative staff for further review and action.

### **Hate crime and bias related incidents**

Bias or hate crimes are crimes motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender, gender identity, disability or alienage.

Bias-related incidents are behaviors which constitute an expression of hostility against the person or property of another because of the targeted person's race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender, gender identity, disability or alienage. According to New York Penal Law Section 485, a person commits a hate crime when he or she commits a specified criminal offense and either:

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

Examples of hate crimes may include, but are not limited to threatening phone calls, hate mail (including electronic mail), physical assaults, vandalism, destruction of property, and fire bombings. Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous conviction of the offender. Students, staff, or faculty who commit bias crimes are also subject to University disciplinary procedures and a range of sanctions up to and including suspension, expulsion, or termination of employment.

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 the incident to the Public Safety Department. Student victims of bias crime can also avail themselves of counseling and support services through the Office of Counseling Services. Employees can contact the CUNY Work/Life Program, CCA@Your Service at (800) 833-8707.

**2021-No hate crimes reported,  
2022- Six hate crimes reported  
2023- Six hate crimes reported.**

There were zero (0) in 2021, six (6) reported in 2022: three (3) reports of vandalism based on race, and three (3) reports of intimidation- one (1) based on national origin, one (1) based on religion and one (1) based on sexual orientation, and six (6) reported in 2023: six (6) reports of intimidation- two (2) based on sexual orientation, two (2) based on national origin, one (1) based on race, and one (1) based on religion.

### **Off campus organizations crimes and safety hazard monitoring**

John Jay College does not have any recognized off-campus student organizations. The College maintains an off-campus building, the Macaulay Honor's College, which is located at 35 W. 67<sup>th</sup> Street, New York, NY 10023. The college does not have on campus facilities for housing or sleeping. Students interested in housing are advised to pursue private accommodations through off-campus student housing providers. There are three providers available for students to consider. There is no exclusive housing for JJC students as all facilities listed provide accommodations to students attending institutions throughout the NYC area.

Information regarding student housing can be obtained at

<https://www.jjay.cuny.edu/admissions/housing-resources>

### **Disclosure of hearing outcomes**

The University will, upon written request, disclose to an alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

### **Security and access to college facilities**

#### **Campus Facilities**

John Jay College is a commuter school; there are no residences or dormitories on campus. To date, there are no off-campus student organizations. The specific hours of operation of the College's buildings can be found at <https://www.jjay.cuny.edu/about/governance-leadership/finance-administration/public-safety/public-safety-desk-locations-hours>. Access to campus buildings is limited to faculty, staff, students, alumni, guests, and visitors who are conducting official College business.

**Campus access hours****Hours of operation for the New Building and Haaren Hall are:**

**Monday – Thursday:** 7:00 a.m. – 11:00 p.m.

**Friday:** 7:00 a.m. – 9:00 p.m.

**Saturday:** 7:00 a.m. – 6:30 p.m.

**Sunday:** 8:00 a.m. – 5:30 p.m.

All students, faculty and staff must possess a College ID card which must be presented to a College official or Public Safety personnel upon request. The Library is open to students, faculty, staff, as well as other CUNY students. Library hours are posted in the calendar/hours tab on the web at [calendar | \(cuny.edu\)](#). During midterms and finals, the Library may have extended hours to accommodate students for studying. The College reserves the right to refuse entry or to remove anyone regardless of status for rule infractions or safety reasons.

**Identification cards**

All students, faculty and staff must possess a College ID card which must be presented to a College official or Public Safety personnel upon request. New students, faculty, and staff must obtain an identification card at the Public Safety Office Room L2.61, New Building.

Effective August 2021, individuals who wish to obtain or update their ID card must meet the Measles, Mumps, and Rubella Vaccination (MMR) requirements with the Health Office.

The ID card is the property of the College and must be presented upon request of a College official or Public Safety personnel. If an ID card is lost or stolen, one can be obtained at the Public Safety Office, Room L2.61 of the New Building. To obtain a replacement ID card, a replacement fee of \$10.00 is required which must be paid at the Bursar's Office during their business hours. If an individual is no longer affiliated with the College, the individual must return the College issued ID card to the Department of Public Safety.

**College issued keys**

Administrators, faculty, and staff are issued keys to their respective offices and/or buildings. It is the responsibility of the key holder to safeguard the keys issued. If the key is lost, it must be reported to Public Safety so an incident report can be filed, and there will be a key replacement fee of \$10.00 which must be paid at the Bursar's Office during their business hours. If a lock needs to be replaced, there is a fee of \$50.00 which can be paid via a departmental account transfer, or at the Bursar's Office during their business hours. During non-business hours, when the College is closed, entry to campus buildings is not allowed except with prior written authorization and approval by Department Chairperson sent to Public Safety in writing to [publicsafety@jjay.cuny.edu](mailto:publicsafety@jjay.cuny.edu); see [Hours of Operation](#).

## **Guests**

All guests are expected to comport themselves in a manner consistent with an academic environment. Guests must stop at the Public Safety desk, show valid (government issued) photo identification, and state his/her destination and purpose of the visit. Guests are granted access to the campus only after permission is granted from the member of the College community being visited, verification of official business, or the legitimacy of the visit is otherwise confirmed. Members of the College community are encouraged to submit the names of expected guests to [publicsafety@jjay.cuny.edu](mailto:publicsafety@jjay.cuny.edu) from their assigned John Jay College e-mail address. This should be done at least a day prior to the visit; their access to the campus will then be expedited.

Guests are subject to the instruction of Public Safety personnel as well as administrative personnel. A guest attending an event will be asked to leave if he/she appears to be intoxicated or refuses to follow directives given by Public Safety or Administrative staff.

Permission to enter onto the college property is revocable at any time. Persons not having a legitimate purpose to be on campus may be asked to leave by Public Safety personnel. We ask for your cooperation in promoting a safe and secure college environment. If you see something unusual or someone acting suspiciously, please report it to Public Safety immediately.

## **Security considerations used in the maintenance of campus facilities**

The Department of Public Safety's Central Operations is open 24 hours a day, 7 days a week. Central Operations (the Command Center) are in Room L2.61.00 of the New Building, where Public Safety Officers monitor approximately 500 interior/exterior surveillance cameras, a fire alarm system, a key control system, the emergency phone line, panic buttons, and maintain a logbook of all the reported incidents, events and campus conditions. While conducting patrols, officers must report potential safety and security hazards as well as entry door problems, elevator malfunctions and Automated External Defibrillator (AED) operating conditions to the central operator.

The central operator keeps accountability of the officers/supervisors that are on duty and dispatches them, as needed, to different areas of the campus. The central operator is responsible for contacting appropriate personnel if a campus condition is reported (i.e. Facilities Management, Environmental Health and Safety, Information Technology, etc.). Any conditions which appear unsafe should be directly reported to any Public Safety Officer as soon as possible. Public Safety personnel carry two-way mobile radios programmed through a repeater to enhance effectiveness. A special two-way radio is located at Central Operations that can communicate with other CUNY campuses. Each building has a public address system with speakers which allows Public Safety personnel to communicate with the building's occupants.

Along with Facilities Management, Public Safety personnel conduct ongoing reviews of campus grounds and facilities. Special emphasis is placed on the need to ensure safe accessibility to buildings with special attention to landscape hazards as well as inadequate lighting.



### **Safety escort service**

The Department of Public Safety operates a safety escort service upon request. Under certain circumstances related to an individual's safety, a member of the Department of Public Safety staff may provide an escort for a student, faculty, or staff member, to nearby public transportation. Please call Public Safety Central Command 212-237-8524 or ext. 8524 prior to your departure time.

### **Emergency phones and duress stations**

There are several telephones located throughout campus buildings that may be used to report emergencies. Supplementing the campus security systems are 70 panic alarm buttons that have been installed in some administrative offices and over 150 emergency phones that are conspicuously located throughout the campus. There are also duress stations located in each bathroom in the New Building, Haaren Hall and Westport.



**EMERGENCY PHONE**



**DURESS STATION**

### **Emergency notification and response**

The purpose of this policy is to establish emergency response and evacuation procedures for John Jay College, as required by the Higher Education Opportunity Act of 2008. This policy applies to all students and employees of John Jay College.

The Emergency Response Team is comprised of representatives from the following John Jay College Departments: Information Technology, Student Affairs, Facilities Management, Human Resources, Legal Counsel, Wellness Center, and Public Safety.

For the purposes of this policy a significant emergency or dangerous situation involves an immediate threat to the health or safety of students, employees, or visitors occurring on campus. In the event of a confirmed emergency, John Jay College will initiate and provide

notifications to the appropriate segment(s) of the University community of a significant emergency or dangerous situation.

### **CUNY Alert**

All students, as well as faculty and staff are strongly encouraged to participate in the CUNY Alert system. The CUNY Alert system is designed to give you immediate and up-to-date information regarding weather, utility, and emergency situations. The system can contact you or your family/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](http://www.cuny.edu/alert) and follow the instructions. Contact information for all registered students and employees is included in the CUNY Alert system, except for the contact information for those students who affirmatively choose to opt out of receiving CUNY Alert messages. If you have trouble accessing or modifying your contact information in CUNY Alert, please come to the IT help desk.

The system is activated via a web-based system controlled by the New York State Office of Emergency Management. CUNY Alert is the CUNY branded emergency alert system that is based on the NYAlert system operated by 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 on an alert.

CUNY is committed to respecting your privacy. To personalize your CUNY Alert settings, you must sign into your CUNYfirst account to edit the notification preferences. 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. If 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.

The following members of the Department of Public Safety have been trained in the use of the emergency notification system and are authorized to send CUNY Alert notifications: The Director, Deputy Director and Lieutenant/Assistant Director. Members of the

Department of Information Technology (DoIT) are also capable of sending out CUNY Alert notifications.

### **Emergency Notification Procedures**

Any individual on campus who has information about an emergency or dangerous situation that may affect the John Jay College campus must notify the Department of Public Safety as soon as possible.

The John Jay College Department of Public Safety is responsible for confirming emergencies, in conjunction with John Jay College administrators, local first responders, and/or the National Weather Service, that may warrant the distribution of an emergency notification to the John Jay College community.

Emergency notification for incidents that may pose an immediate threat to health and safety will be made unless issuing a notification will, in the professional judgment of responsible authorities in consideration of the safety of the John Jay College community, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

### **POSSIBLE SCENARIOS AND SAMPLE MESSAGES**

#### **Active Shooter:**

1. There is a report of a shooting in (list building and exact location). If it is safe to do so exit the building or barricade yourself in a secured room. NYPD is responding.
2. There is a report of shots fired (in a general area). If it is safe to do so exit the building or barricade yourself in a secure room. NYPD is responding.
3. There is a report of a suspicious person with a weapon in (list building and exact location). If it is safe to do so, exit the building or barricade yourself in a secured room. NYPD is responding.
4. There is a report of a shooting at a location in close proximity to the College. NYPD is requesting we lock-down the College at this time. Please remain inside your building. NYPD is responding.

Note that in all instances when occupants are advised to leave the building, they will be advised to do so by law enforcement personnel, which includes Public Safety personnel.

If the threat is real, the Director of Public Safety (or his designee) will notify the VP for Finance and Administration, VP for Student Affairs & Enrollment Management, VP for Public Affairs & Strategic Initiatives and the University Director of Public Safety. If safe to do so, Public Safety will begin making announcements in the building via the PA system and messages\* will be sent.

The messages will be as follows:

- a. Exit the building if it is safe to do so; if not:
- b. Close, lock or barricade the room you are in.
- c. Cover windows and turn off the lights.
- d. Do not answer the door.

- e. Put cell phones on silent; do not turn them off.
- f. Wait for law enforcement or Public Safety to arrive.

**Evacuation of Building:**

1. At this time, we are asking all occupants of this building (list building) to evacuate the building due to (give reason). Follow the instructions of Public Safety, the Fire or Police Departments.
  - o In most instances advise occupants to move at least 500 feet away from the building.

**Flood or Water Leak:**

1. Due to a flooding condition on (list building and exact location) we are asking occupants to vacate said floor(s) at this time. The College remains open. Only classes on floors (list floors) have been cancelled.
2. Due to a water leak at the exterior of the building (list building) the College will be opened (list time) later in the day.
3. Due to a flooding condition we are shutting down the water in (list building and exact location) for the next (list duration). Bathrooms will be locked on floors (list floors). We apologize for the inconvenience.

**Fire:**

1. There is a report of a fire (list exact location). Please evacuate the building as quickly as possible. Use the nearest stairwells. Do not use the elevators. FDNY is en route. Exit the building and walk at least 1 block away.
2. There is a report of a fire in proximity to John Jay College. At this time, we are not being asked to evacuate. We will keep you posted.
3. In most instances advise occupants to move at least 500 feet away from the building.

**Fire Alarm:**

1. The fire alarm has been activated in (list building and exact location). Public Safety and Facilities Management are investigating the condition. We will keep you posted.
2. The fire alarm has been activated in (list building and exact location). Public Safety and Facilities Management are investigating the condition. FDNY is on the scene. We will keep you posted.
3. In all instances advise occupants to move at least 500 feet away from the building in the event of an evacuation.

**Smell of Smoke or Gas:**

1. There are reports of (list odor) in (list building). Public Safety and Facilities Management are investigating. No alarms have been activated at this time.
2. There are reports of (list odor) in (list building). Public Safety and Facilities Management are investigating. FDNY has been notified and is responding.
3. There are reports of (list odor) in (list building). FDNY, Public Safety and Facilities Management are investigating.
4. In all instances advise occupants to move at least 500 feet away from the building in case of an evacuation.



**Extreme Weather Events:**

1. Any weather-related event will be addressed by CUNY central. John Jay College will take their directions from CUNY central.
2. The message will be formulated by CUNY Central.

**Timely Warnings**

The "Timely Warning Notice," [hereinafter the notice] specifically related to compliance with the federal Clery Act, requires colleges and universities to notify students and employees whenever there is a report of a crime that poses a serious or ongoing threat to the safety of campus community members so that they can protect themselves from harm. The Clery Act requires a notice to be issued when the specific crimes outlined in the Act are reported to Campus Security Authorities (CSA) with significant responsibility for student and campus activities, campus safety, or the local police AND the reported crime(s) are believed to have occurred on campus, or in non-campus buildings or property, or on public property contiguous to the campus.

Counselors are encouraged to inform the persons they are counseling of all procedures to report crimes to the Department of Public Safety on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics as well as the issuance of a notice when appropriate.

The Department of Public Safety will issue a notice for crimes occurring on the John Jay College Clery Geography (On Campus, Public Property, and Non-campus property), that present a serious or continuing threat to the campus community as required by the requirements of the Jeanne Clery Act to aid in the prevention of similar occurrences. The notice will be distributed as soon as practicable, with the goal of preventing similar occurrences. The identities of victims and witnesses will not be included in the notice.

Individuals on campus should notify the Department of Public Safety of crimes as soon as possible. The Department of Public Safety will gather all pertinent information about the nature of the crime from the reporting person and other available sources (these may include, but are not limited to other witnesses, the campus surveillance system, and the ID card access system).

1. The notice is typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:
  - a. Murder/Non-Negligent Manslaughter
  - b. Aggravated Assault (an attack intended to cause serious injury, usually involving a weapon; cases involving assaults among known parties which result in an aggravated injury)
  - c. Robbery involving force or violence
  - d. Sexual Assault (will include a review of the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known

by the Director of Public Safety, or designee). Reports of cases involving sexual assault may be delayed in reporting after the incident occurred, impacting the opportunity to distribute a Timely Warning Notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice,

- e. Major incidents of arson.
2. The notice may be issued for other Clery crimes as determined necessary by the Director of Public Safety or his/her designee in his/her absence. Notices for other crime classifications and locations, even though not required by the law, may be issued as “emergency notifications.”
3. Based on the information available, the Director of Public Safety or his/her designee shall determine the content of the notice and the method by which to disseminate the warning to the campus community, and will issue/initiate the distribution of the notice.
4. The notice will typically be issued to all current students and employees via email using their college email accounts. It may also be issued using some or all the following methods of communication: text messages, voice messages, or the College website. The content of the notice may include but is not limited to the nature of the crime, the area where the crime occurred, a description of the suspect(s), and safety tips. It is the responsibility of the Director of Public Safety or his/her designee to determine whether a crime presents a serious or continuing threat to the campus community and issue the notice if necessary.
5. The Director of Public Safety’s designee may include: The Deputy Director, Lieutenant/Assistant Director of Public Safety, and the designated members from the Department of Information Technology (DoIT).

### **SAMPLE TIMELY WARNING NOTICES**

#### **Murder & Non-negligent manslaughter**

You are receiving this timely warning notice as part of John Jay College’s commitment to providing campus related crime information, in compliance with the federal Clery Act.

1. On (date) the Department of Public Safety received a report of a (violent act) in (list building and exact location), (number) person(s) has/have been fatally injured. If it is safe to do so exit the building or barricade yourself in a secured room. The suspect, who has been described as (provide detailed description) remains at large. NYPD is responding.

Please follow the following instructions:

- a. Exit the building if it is safe to do so; if not:
- b. Close, lock or barricade the room you are in
- c. Cover windows and turn off the lights.
- d. Do not answer the door.
- e. Put cell phones on silent; do not turn them off.
- f. Wait for law enforcement or Public Safety to arrive

**If you have witnessed a crime, please call 911 and/or report it to Public Safety at (212) 237-8524.**

**Aggravated Assault:**

You are receiving this timely warning as part of John Jay College's commitment to providing campus related crime information, in compliance with the federal Clery Act.

1. On (date) the Department of Public Safety received a report of a person with a weapon in (list building and exact location), (number) person(s) has/have been severely injured. If it is safe to do so, exit the building or barricade yourself in a secured room. The suspect, who has been described as (provide detailed description) remains at large. NYPD is responding.

Please follow the subsequent instructions:

- a. Exit the building if it is safe to do so; if not:
- b. Close, lock or barricade the room you are in
- c. Cover windows and turn off the lights.
- d. Do not answer the door.
- e. Put cell phones on silent; do not turn them off.
- f. Wait for law enforcement or Public Safety to arrive

**If you have been a victim of an assault, please call 911 and/or report it to Public Safety at (212) 237-8524.**

**Robbery:**

You are receiving this timely warning as part of John Jay College's commitment to providing campus related crime information, in compliance with the federal Clery Act.

1. The Department of Public Safety received (# of reports) of robbery that have occurred (list exact locations) during (specify time range). The suspect, who has been described as follows (provide detailed description) has been observed in possession of (describe weapon). Incidents have been reported to the NYPD, but no arrests have been made.

**Safety Tips: Walk in well-lit areas. It is recommended that you travel in groups during the evening hours. Remain Alert! Do not walk while using your cellphone. Also, be mindful of individuals following you. You may request a Public Safety escort to the subway station.**

**If you have been a victim of a robbery, please call 911 and/or report it to Public Safety at (212) 237-8524.**

**Rape/Sexual Assault:**

You are receiving this timely warning as part of John Jay College's commitment to providing campus related crime information, in compliance with the federal Clery Act.

1. On (date) the Department of Public Safety received a report that a (student/faculty/staff member/visitor) was sexually assaulted on campus in (list exact location). The suspect, who has been described as follows (provide detailed description) fled the scene towards (specify direction). The incident has been reported to the NYPD, but no arrests have been made. There was no weapon observed.

**Safety Tips: Be aware of your surroundings; walk-in well-lit areas. Try to avoid secluded areas when alone. When meeting new individuals, let a friend know where you are and who you are with. Communicate your limits clearly. Trust your instincts; if you feel uncomfortable in a situation, leave.**

**If you have been a victim of a sexual assault, please call 911, report the incident to Public Safety at (212) 237-8524 or the Title IX Coordinator at 646-557-4674. To speak with someone confidentially, visit the Counseling Services Center located in room L.68 in the New Building, or email [counseling@jjay.cuny.edu](mailto:counseling@jjay.cuny.edu) to schedule an appointment.**

**5. Hate Crime (vandalism of property):**

You are receiving this timely warning as part of John Jay College's commitment to providing campus related crime information, in compliance with the federal Clery Act.

1. The Department of Public Safety received (# of reports) of fires set by an individual(s) (provide detailed description) at (list building and exact locations). [Describe incidents] The incidents have been reported to the NYPD; however, no arrests have been made. The incidents have been classified as hate crimes by the NYPD's Hate Crimes Task Force.

**If you observe any suspicious activity on campus, please report it to Public Safety at (212) 237-8524.**

**Burglary**

You are receiving this timely warning as part of John Jay College's commitment to providing campus related crime information, in compliance with the federal Clery Act.

1. The Department of Public Safety received (# of reports) of burglaries in offices located (exact location). In each case there was damage to the door's lock. Personal and college owned items have been stolen from each location. A review of CCTV footage has revealed that there are (specify number) suspects, (provide detailed description) however, none have been identified. The incidents have been reported to the NYPD, no arrests have been made.

**Safety Tips: Refrain from storing personal/valuable items in your office. Have DoIT lock down electronic devices (you can contact DoIT at ext. 8200).**

**If you have been the victim of a burglary, observed any suspicious activity on campus or can provide any information regarding this matter, please report it to Public Safety at (212) 237-8524.**

### **Motor Vehicle Theft**

You are receiving this timely warning as part of John Jay College's commitment to providing campus related crime information, in compliance with the federal Clery Act.

1. The Department of Public Safety received (# of reports) of motor vehicle theft at (exact location) on (dates/times). It appeared that the suspect(s) entered the vehicles by breaking the driver side windows of each vehicle. Neither vehicle had an alarm system. The vehicles have yet to be recovered. All incidents have been reported to the NYPD, no arrests have been made.

**Safety Tips: Install an alarm system on your vehicle or for a more cost-effective measure, purchase a steering wheel lock. Do not leave valuable items in plain view inside your vehicle. Ensure that all windows are closed. Park in well-lit areas.**

**If you observe any suspicious activity on or around campus, please report it to Public Safety at (212) 237-8524.**

### **Fondling:**

You are receiving this timely warning as part of John Jay College's commitment to providing campus related crime information, in compliance with the federal Clery Act.

1. The Department of Public Safety received (# of reports) of fondling on (dates/times); both individuals reported being touched by an individual who has been described as (provide detailed description) on their (provide location on body) one took place (exact location), the other (exact location). The suspect is still at large.

**If you have been the victim of a fondling incident, observed any suspicious activity on campus or can provide any information regarding this matter, please report it to Public Safety at (212) 237-8524 or the Title IX Coordinator at 646-557-4674. To speak with someone confidentially, visit the Counseling Services Center located in room L.68 in the New Building, or email [counseling@jjay.cuny.edu](mailto:counseling@jjay.cuny.edu) to schedule an appointment.**

### **Stalking**

You are receiving this timely warning as part of John Jay College's commitment to providing campus related crime information, in compliance with the federal Clery Act.

1. The Department of Public Safety received (# of reports) of stalking from a student who reported that an individual (provide detailed description) has followed her from (exact location) to (exact location) on multiple occasions. On (specify date) the individual attempted to access campus via the (exact location) entrance under false pretenses but was denied access. While following the student, the subject stated (provide statement). The suspect is still at large.

**Safety Tips: Try to avoid walking alone, or if you must walk alone, walk in well populated areas. If you are the victim of stalking behavior through electronic means,**



**block the individual on your phone and through all forms of social media. Make your social media pages private so you are required to approve all friend requests. Change your phone number or email address.**

**If you have been, or believe that you are currently, the victim of stalking behavior, observed any suspicious activity on campus or can provide any information regarding this matter, please report it to Public Safety at (212) 237-8524 or the Title IX Coordinator at 646-557-4674. To speak with someone confidentially, visit the Counseling Services Center located in room L.68 in the New Building, or email [counseling@jjay.cuny.edu](mailto:counseling@jjay.cuny.edu) to schedule an appointment.**

### **Arson**

You are receiving this timely warning as part of John Jay College's commitment to providing campus related crime information, in compliance with the federal Clery Act.

1. An incident of arson was reported to Public Safety on (date/time). The arson occurred at (exact location/ date and time). The perpetrator has been described as (provide detailed description), he/she (state actions taken by the perpetrator). The fire was detected and extinguished before any alarms were activated. The suspect is still at large.

**If you observe any suspicious activity on or around campus, please report it to Public Safety at (212) 237-8524.**

### **Immediate notifications**

Unless such notice and warning compromise 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 more of the following: (1) CUNY Alert, (2) Verbal announcement through the college's public address system, (3) Campus-wide e-mail and/or (4) College website notice. The following personnel are authorized to make such announcements: President or his/her designee, Public Safety Director, or his/her designee.

### **Emergency response and evacuation procedures**

John Jay College maintains an Emergency Preparedness Plan that outlines responsibilities of campus units during emergencies. This plan outlines incident priorities, campus organization and specific responsibilities of units or positions. The plan is available online at: <https://new.jjay.cuny.edu/about/governance-leadership/finance-administration/public-safety/emergency-preparedness>. There is also the Faculty and Staff Emergency Response Guide for on campus emergencies: <https://new.jjay.cuny.edu/emergency-response-guide>.

The main goal of the John Jay College Emergency Preparedness Plan is the preservation of life, protection of property, and the continuity of campus operations. Other objectives include but are not limited to:

- Delegation of responsibility to emergency personnel.
- Coordination of emergency operations with external agencies such as the NYPD, FDNY, NYC Emergency Management, etc.

The emergency response and evacuation procedures are tested at least twice each year. Students and employees are given information about the locations of the emergency exits in the buildings and are provided with the designated assembly areas for each facility for a short-term building evacuation. The Department of Public Safety does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, the location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Public Safety staff on the scene will communicate information to the College community regarding the developing situation or any evacuation status changes.

During an emergency, the College may use the public address system to advise the College community of procedures to be followed. The Department of Public Safety is authorized to make such announcements. Public Safety personnel will also assist in directing building occupants to a safe location. The building will remain unoccupied until deemed safe to re-enter by emergency personnel.

### **Testing of emergency response and evacuation procedures**

The College conducts eight (8) fire drills per calendar year, one of which must be conducted during the first week of the summer session to ensure compliance with NY Education Law 807. During these drills, building occupants are familiarized with campus evacuation procedures. Each building has assigned fire/evacuation floor wardens who provide training and direction to the College community during drills and actual emergency events.

### **Fire emergency plan**

Floor wardens and searchers are designated to serve specific areas of the building. When appropriate, they will be activated. They are trained to assist with the evacuation process throughout the campus. Their job is to facilitate evacuations and common space assembly of all kinds and to pass information to the fire safety command station, please comply with their directions.

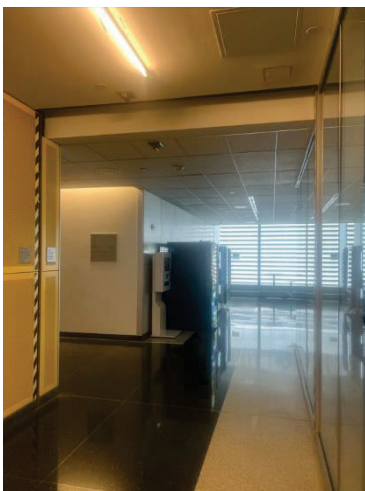
When fire alarms ring, please make note of the announcement that immediately follows. It will provide you with instructions on where to assemble. If a false alarm occurs, an “all clear” announcement will follow via the fire command response system. Treat all fire alarms as real unless otherwise directed by the floor wardens or members of the public safety staff. Below are general guidelines for dealing with a fire. But remember, WHEN IN DOUBT CALL 911 OR ACTIVATE A FIRE PULLSTATION.

1. Be familiar with the location of stairways, fire extinguishers, fire exits, and pull boxes in the buildings. NOTE: Fire gates, which are designed to contain the spread of fire and smoke, will close upon fire alarm activation caused by all fire detection devices in the New

Building. The fire gates will not close upon alarm caused by activation of a manual pull station.

2. If a minor fire appears controllable, immediately contact (personally or preferably have someone else call) the Department of Public Safety at 212-237-8888 or ext. 8888. Locate a portable fire extinguisher and promptly direct the discharge of the fire extinguisher toward the base of the flame by squeezing the trigger and moving the hose in a side- to-side motion while aiming at the base of the fire. **Do not use water extinguishers (which are generally silver) on electrical fires.**
3. In the case of large fires that do not appear controllable, immediately activate a fire pull station and, if time permits, call 212-237-8888 or ext. 8888 to report the exact location of the fire. If time permits, close the door of the room where the fire exists.
4. When the building evacuation alarm is sounded, always assume that an emergency exists. Touch closed doors: do not open them if they are hot. If the door is cool, brace yourself behind the door and open it slowly. Bracing yourself behind the door prevents the door from being blown open due to the pressure created by the fire. Walk quickly to the nearest exit and alert others to do the same. Do not use the elevators during a fire.
5. Smoke is the greatest danger in a fire, so stay near the floor where the air will be less toxic.
6. Once outside, move to a clear area at least 500 feet away from the affected building. Keep streets, fire lanes, hydrants and walkways clear for emergency vehicles and crews. These essential personnel must be allowed to do their jobs.
7. Do not return to an evacuated building unless told to do so by the FDNY or a College official.
8. If you become trapped inside of a building during a fire and a window is available, place an article of clothing (shirt, coat, etc.) outside the window as a marker for rescue crews. If possible, place a wet cloth at the base of the door(s) to keep smoke from entering. Shout at regular intervals to alert emergency crews of your location. Dampen a cloth with water, place it over your nose, and breathe lightly through it. It is understood that these items may not be available to you—hence the importance of moving quickly and knowing your escape routes.
9. Should your clothing catch fire, stop, drop, and roll. Rolling on the ground will help smother the fire; this is in fact very effective.

## Fire Gates



## **Hostile intruder**

When an intruder in a campus building is actively causing deadly harm or presents the threat of imminent deadly harm to people, immediately seek cover, and contact 911 and the Public Safety Department, if at all possible. Remember only call 911 when it is safe to do so, give as many details as possible regarding location, number of assailants, means of aggression and other pertinent information. When a hostile intruder is actively causing deadly harm or the threat of imminent deadly harm to people on the campus grounds, US Department of Homeland Security recommends the following course of action:

**EVACUATE** – if you can safely do so, run as fast as you can. Have an escape route and plan in mind. If outside, use buildings, trees, shrubs, and cars as concealment. Leave your belongings behind. If you can get away from the immediate area of danger, summon help and warn others.

**HIDE OUT** - If you decide to hide, take into consideration the area in which you are hiding. Hide where you are out of the aggressor's view. Stay as quiet and calm as possible. Block entry to your hiding place and lock the doors (if possible). Silence all electronic devices. Do not give your position away or stand-up until Public Safety or civil authorities give an "all-clear" signal.

**TAKE ACTION** – Only do this as a last resort and only when your life is in imminent danger. If you choose to confront the aggressor, use all manner of materials at hand as weapons, including books, chairs, or any object near at hand. Act with physical aggression and throw items at the aggressor.

## **Bomb threat response plan**

While it is important to note that most bomb threats are unfounded, it is the policy of the College that they must be taken seriously. Each threat will be thoroughly investigated and will be considered suspect until all avenues of investigation have been explored.

1. A suspicious looking box, package, object, or container in or near your work area may be a bomb or explosive material. Do not handle or touch the object. Move to a safe area (far from the object) and call the Department of Public Safety immediately at 212-237-8888 or ext. 8888. Do not operate any electronic devices, radios, or light (power) switches.
2. If you receive a bomb threat, remain calm and try to obtain as much information as possible from the caller. Specifically try to ascertain the following:
  - a) The location of the device.
  - b) The time, if any, the device is scheduled to go off.
  - c) The appearance or type of container used for the device.
  - d) The reason for placing the device.
  - e) The size of the bomb.
  - f) The type of explosive used in the device.
  - g) The name of the caller or organization taking responsibility.
  - h) Any additional information that might be available.
3. The person receiving the call should note the following:
  - a) Male or female voice.
  - b) Time of call.
  - c) Mood of caller (excited, nervous, calm, and despondent).

- d) Background noises that may be present at the location of the caller.
  - e) Approximate age of the caller.
  - f) Any other peculiarities that may be helpful in identifying the source of the call or its purpose.
4. The police will be called, and the building may be subject to full or partial evacuation. When evacuating the building, use only the stairs. Do not use elevators. Move well away from the building and follow the instructions of floor coordinators and emergency personnel on-scene.
  5. If there is an explosion:
    - a) Immediately take cover under sturdy furniture.
    - b) Stay away from the windows.
    - c) Do not light matches.
    - d) Move well away from the site of the explosion to a safe location.
    - e) Use stairs only, do not use elevators.

### **Medical emergencies**

All medical emergencies should be reported to Public Safety immediately at 212-237-8888 or ext. 8888. Public Safety personnel are trained first responders and will render aid until emergency personnel arrive. Individuals are to follow the directions of the responding Public Safety staff members.

1. If the medical emergency is life threatening, Public Safety will respond with emergency equipment. Public Safety will notify 911. When available, a Public Safety EMT will be dispatched to the scene to provide patient assessment and care under NYC Basic Life Support treatment protocols. A Public Safety Officer will then escort arriving emergency personnel to the scene.
2. If a medical problem is non-life threatening, responding Public Safety officers will assess the victim and will escort/transport the victim to the Health Office (students only) if they can safely be moved. Emergency Medical Service (EMS) will be called for all other parties upon request.
3. Aid will not be given to a patient who knowingly and willingly refuses it. If the victim refuses medical aid, the Public Safety Officer will document the victim's refusal of care and have the victim sign the written record. Any refusal to sign will be documented.

### **Mental health medical emergencies**

The balance of the demands of school and personal life can be challenging. The Counseling Services Center provides individual and group support services to students who are currently enrolled at John Jay College. The Center also provides English as a Second Language (ESL) support services for Spanish speaking students. Counseling sessions are confidential. Sessions generally last 45 minutes and are usually held once a week. The Counseling office is in room L.68 of the New Building and their telephone number is 212-237-8111, or ext. 8111.

1. If there is no imminent physical danger, you can speak to a counselor in L.68 of the New Building. If a Counselor is not available, please contact Public Safety for additional resources.



2. Whenever an individual demonstrates or reports a risk of self-destructive or suicidal behavior, immediate assistance is needed, and Public Safety should be notified **immediately at** 212-237-8888 or ext. 8888. Public Safety will take necessary measures to ensure their safety and refer them to appropriate resources.

Employees have access to mental health services via the Employee Assistance Program (EAP)-CCA@YourService ([www.myccaonline.com](http://www.myccaonline.com) / 800-833-8707 Company Code: CUNY).

## **Utility failures**

### Power Failure

The following actions are to be taken by members of the College community in the event of a power failure:

1. Report any power failure immediately to Public Safety at 212-237-8888 or ext. 8888. In the event of a building wide power failure, phones may not function. If no other emergency exists, you can go to one of the Public Safety desks.
2. The building emergency generator can provide emergency power to the building for several hours. Lights, public address, and fire command as well as access control are wired into this system. In the event of loss of power in any building, **an emergency generator will supply low-level light until power is restored.**
3. Having a flashlight attached to a key chain, belt clip or in a bag may be helpful even when not in the school. The flashlight function on your cellphone could also help. Never use candles.
4. During daylight, add as much natural lighting as possible by raising blinds.
5. Faculty with classes should remain where they are until notified otherwise.
6. During a power failure or possible power failure, **never use an elevator.** If you become trapped in an elevator during a power outage, use the emergency "Call for Help" button in the elevator to contact Public Safety. Wait for assistance. Do not panic.
7. Once power is restored, Public Safety will make an announcement using the college's public address system. Evacuation may not be necessary during a power failure.

### Plumbing Problem/Flooding

Cease using all electrical equipment. Notify Public Safety immediately. If necessary, vacate the area and prevent anyone else from entering. If a toilet overflows or water is accumulating in an area, contact Facilities Management at 212-237-8541 or ext. 8541.

### Gas Leaks

Gas leaks are very rare but can be very serious. If you smell gas, go to a safe area, and contact Public Safety at ext. 8888. Do not use a mobile phone near a gas leak whether here or at home. Gas vapors can be ignited by static electricity.

### Biological, Chemical Spill Response or Nuclear Attack Procedures

1. In the event of a biological chemical spill Facilities Management and Public Safety will respond and will determine the actions to follow.
2. Upon receiving confirmation of an imminent or ongoing biological or chemical spill that poses great risk to life at the College, the President or his/her designee shall declare a

campus-wide emergency. This state of emergency may initiate a lockdown of the building and/or its total evacuation. Note: Notification will be made via college website, voicemail, public address system and/or CUNY Alert if possible.

3. Building occupants will be kept informed of changes as they develop by college officials. The following actions will be taken if necessary: (a) building wide air-handlers will be turned off and intakes sealed, if possible, (b) building occupants will be directed to enclosed areas of the building unless otherwise directed by civil authorities to provide the most insulation and (c) updates on emergency will be given, if practicable, by the same methodologies as indicated above.

### **Publication of emergency procedures**

Emergency response and evacuation procedures are published annually via the Annual Security Report. The Department of Public Safety encourages members of the College community to use this report as a guide for safe practices both on and off campus. Hard copies are available in the Department of Public Safety, located in room L2.61 of the New Building.

### **Crime prevention & security awareness programs**

The Department of Public Safety issues Timely Warnings or Emergency Notifications when deemed necessary to the campus community when serious crimes occur in areas on or near the campus. The Department maintains a relationship with the police precincts that are responsible for the surrounding areas of the campus perimeter and providing additional response assistance. All persons reporting crimes to the Department of Public Safety are encouraged to promptly report the incident to the local police precinct concerned. A record of each report related to a college incident made to the local precincts is maintained as part of the Department of Public Safety's Annual Security Report.

Crime prevention is a high priority for the Department of Public Safety and the College community. The department encourages community members to be vigilant and aware of their surroundings, both on and off campus, and to take responsibility for their own safety and security and that of others. Crime prevention seminars are scheduled each semester and members of the College community are encouraged to actively participate. All incoming students receive information about campus crime prevention programs, CUNY's Sexual Misconduct Policy and awareness and prevention of sexual misconduct (as defined in CUNY's Policy on Sexual Misconduct) during initial orientation.

Along with Facilities Management, Public Safety personnel conduct 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. Building engineers and cleaners report health and safety issues during normal work assignments.

The Department of Public Safety also provides students, faculty, and staff with crime prevention information, along with other safety related material, during scheduled events on campus as well as via email safety bulletins. Some of the education programs offered include:

1. **Crime Prevention Brochures:** Brochures are available from the Department of Public Safety to all members of the College community in the Public Safety office as well as during tabling events throughout the semester. Topics include personal safety, crime prevention tips, and ID theft prevention.
2. **Emergency Preparedness Training:** The Department of Public Safety has NYS Division of Criminal Justice certified general topics instructors with special training and provides training to all members of the College community for active shooter awareness, emergency evacuations, basic fire safety, first aid and AED/CPR and Stop the Bleed.
3. **Fire Safety Prevention Training:** Fire safety training is provided to designated fire wardens on campus. In addition, the Department of Public Safety will provide fire safety training to faculty/staff upon request. Fire safety training is provided to the Children's Center.
4. **Child Safety Workshops:** The Department of Public Safety provides training to the children in the Children's Center on fire safety. Fire Drills are conducted monthly.
5. **Security Surveys and Vulnerability Assessments:** The Department of Public Safety conducts security surveys and vulnerability assessments during daily patrols to identify areas of the campus that present vulnerabilities to the safety of the College community. Public Safety personnel report potential safety and security hazards, and non-operational conditions (elevator, doors, lighting, etc.) for appropriate remediation. If a department has specific concerns, they could request a security assessment be conducted by Public Safety.
6. **Escort Service:** Under certain circumstances related to an individual's safety, a member of the Department of Public Safety staff may provide an escort to nearby public transportation. Please call Public Safety Central Command 212-237-8524 or ext. 8524 prior to your departure time to make the request.
7. **Other Educational Programs:** The Department of Public Safety can provide training programs free of charge on Public Safety related topics not listed above. We offer a variety of programming on civilian response to an active shooter, emergency preparedness, sexual assault prevention and awareness, domestic violence awareness, what is consent, workplace violence prevention, safety tips and bystander intervention to name a few. Sessions are held throughout the semester and upon request. To request to attend a training session, please email [publicsafetytrainings@jjay.cuny.edu](mailto:publicsafetytrainings@jjay.cuny.edu). Other departmental training sessions are as follows:
  - **Office of Compliance & Diversity**-various subjects relating to Title IX, Sexual Misconduct, and sexual violence for students as well as employees.
  - **The Women's Center for Gender Justice**- various topics including, but not limited to, dating/intimate partner violence, discrimination, and issues within the LGBTQ+ community for students as well as employees. To access information about upcoming events, you can visit the Women's Center's Instagram page at: <https://www.instagram.com/jjcwomenscenter/>

- **Human Resources**-Employee Sexual and Interpersonal Violence Prevention and Response Course (E SPARC) and Workplace Violence for employees.
- **Counseling Services Center**- The “Alcohol and Other Drug (AOD) Prevention Program” has online training programs for students regarding counseling and referral services for substance and alcohol misuse.

Please visit our website at: <https://new.jjay.cuny.edu/about/governance-leadership/finance-administration/public-safety/training> for more information. To request an officer to speak at your event, contact us in advance at 212-237-8524.

### **College regulations/code of conduct**

#### **rules and regulations for the maintenance of public order pursuant to article 129-a of the education law (CUNY “Henderson rules”)**

The tradition of the University as a sanctuary of academic freedom and center of informed discussion is an honored one which is to be guarded vigilantly. The basic significance of that sanctuary lies in the protection of intellectual freedom: the rights of professors to teach, of scholars to engage in the advancement of knowledge, and of students to learn and to express their views, free from external pressures or interference. These freedoms can flourish only in an atmosphere of mutual respect, civility, and trust among faculty and students, and only when members of the University community are willing to accept self-restraint and reciprocity as the condition upon which they share in its intellectual autonomy.

Academic freedom and the sanctuary of the University campus extend to all who share these aims and responsibilities. They cannot be invoked by those who would subordinate intellectual freedom to political ends, or who violate the norms of conduct established to protect that freedom. Against such offenders the University has the right, and indeed the obligation, to defend itself.

We accordingly announce the following rules and regulations to be in effect at each of our colleges, which are to be administered in accordance with the requirements of due process as provided in the Bylaws of the Board of Higher Education.

With respect to enforcement of these rules and regulations, we note that the Bylaws of the Board of Higher Education provide that:

The President, with respect to his/her educational unit, shall:

- Have the affirmative responsibility of conserving and enhancing the educational standards of the college and schools under his/her jurisdiction.
- Be the advisor and executive agent of the Board and of his/her respective College Committee and as such shall have the immediate supervision with full discretionary power in carrying into effect the Bylaws, resolutions, and policies of the Board, the lawful resolutions of the several faculties.
- Exercise general superintendence over the concerns, officers, employees, and students of his/her educational unit.

## **Henderson Rules**

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



11. The unlawful possession, use, or distribution of alcohol by students or employees on University/College premises or as part of any University/College activities is prohibited.

### **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: admonition, warning, censure, disciplinary probation, restitution, suspension, expulsion, 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 time stated in the warning, may cause 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.

**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 be stated 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 1- 11 shall have its permission to operate on campus rescinded.

Penalties 1-4 shall be in addition to any other penalty provided by law or The City University Trustees.

#### **Additional campus rules**

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 Article 15.3 of the Board of Higher Education Bylaws.

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

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



### **Weapons policy**

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

### **University policy relating to drugs and alcohol**

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

CUNY property, including CUNY residence halls, as well as when they are engaged in any CUNY-sponsored activities off campus.

### **Who needs to know this policy?**

All CUNY senior management, students, prospective students, employees, and prospective employees.

### **CUNY Standards of conduct**

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

### **CUNY Sanctions**

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

### **Students**

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



Standards that clearly prohibit the unlawful possession, use, sale or distribution of illicit drugs and alcohol on College property or as part of any school activities can be found on the Department of Public Safety's website at: <https://www.jjay.cuny.edu/about/governance-leadership/finance-administration/public-safety/policies-procedures/cuny-drugs-alcohol-policy> .

### **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. Standards that clearly prohibit the unlawful possession, use, sale or distribution of illicit drugs and alcohol on college property or as part of any school activities can be found on the Human Resources Policies & Procedures webpage at [HR Policies & Procedures | John Jay College of Criminal Justice \(cuny.edu\)](https://www.jjay.cuny.edu/human-resources/policies-procedures).

### **Drug/Alcohol Use Amnesty Policy**

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

### **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, except for students living in the Graduate School and University Center's graduate housing



facilities who may lawfully possess and consume alcoholic beverages. 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 (NOTE: marijuana possession is not prohibited by New York State law if the individual is over 21 years old), and several 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 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 proximity.

*Further, pursuant to New York State law:*

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

5. Appearing in public under the influence of narcotics or a drug other than alcohol to the degree that a person may endanger him or herself or other persons or property, or annoy persons in his vicinity, is a violation, punishable by a fine and imprisonment up to 15 days. Penal Law § 240.40

### **Health risks**

The following is a 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.

### **Substance abuse**

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

- Using drugs and/or alcohol on a regular basis.
- Losing control of the amount of drugs and/or alcohol used after being high or drunk.
- Constantly talking about using drugs and/or alcohol.
- Believing that drugs and/or alcohol are necessary to have fun.
- Using more drugs and/or alcohol to get the same effects as in the past.
- Avoiding people to get high or drunk.
- Pressuring others to use drugs and/or alcohol.
- Forgoing activities that were once priorities (e.g., 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.

## **Drug and Alcohol Prevention Programs (DAAPP)**

### **On-Campus Alcohol and Substance Abuse Resources**

The College's Department of Student Affairs has several services to help students in need of assistance for alcohol and substance use/abuse through the Wellness Center, which consists of Counseling Services and Health Services. These programs have information on alcohol & substance abuse and make referrals to outside mental health, health, and substance abuse treatment programs. In addition, counselors are available in the Wellness Center to assist students.

The Wellness Center is a great resource to obtain educational material designed to heighten awareness about alcohol & substance use/abuse, tobacco addiction, and many other health related topics. The Center also has the Alcohol and Drug Prevention Program (AOD), which utilizes a comprehensive approach to address alcohol and other drug-related problems. For information regarding AOD, please visit the website at: [Alcohol & Drug Prevention Program | John Jay College of Criminal Justice \(cuny.edu\)](http://www.jjay.cuny.edu/about/governance-senior-leadership/finance-administration/office-human-resources/employee-resources/cuny-employee-assistance-program), for further information and resources.

Appointments for the Wellness Center or the Counseling Services offices can be made by calling 212-237-8111 or ext. 8111. Both offices welcome walk-ins (no appointment needed).

OFFICE	LOCATION	ROOM	TELEPHONE NUMBER
Health Services	New Building	L.68	212-237-8052
Counseling Services	New Building	L.68	212-237-8111

CUNY employees can seek assistance through the CUNY Work/Life Program, CCA@Your Service at (800) 833-8707 or the following website:

<https://www.jjay.cuny.edu/about/governance-senior-leadership/finance-administration/office-human-resources/employee-resources/cuny-employee-assistance-program>

### **Off-campus alcohol and substance abuse resources**

- National Association for Children of Alcoholics: 301-468-0985
- National Mental Health and Drug Abuse Hotline: 1-800-662-HELP (4357)
- Al-Anon/Alateen (hope & help for young people who are the relatives & friends of a problem drinker): 1-800-344-2666
- 24 Hour Cocaine Support Line: 1-888-966-8152
- Addiction Treatment: 1-877-8-HOPENY
- Marijuana Anonymous: 1-800-766-6779

## **12 Step Recovery Programs**

Narcotics Anonymous (212) 929-6262 <http://www.newyorkna.org/>  
Cocaine Anonymous (212) 262-2463 <http://www.canewyork.org/>  
Marijuana Anonymous (212) 459-4423 <https://marijuana-anonymous.org/venue/new-york-ny/>  
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 by County**

<b>KINGS</b>		
Bridge Back to Life Center, Inc.	175 Remsen St., 10 <sup>th</sup> Floor Brooklyn, NY 11201	(718) 852-5552
Kings County Hospital Center	606 Winthrop St. Brooklyn, NY 11203	(718) 245-2630
Interfaith Medical Center	1545 Atlantic Avenue Brooklyn, NY 11213	(718) 613-4330
<b>NEW YORK</b>		
Bellevue Hospital Center	462 First Ave. New York, NY 10016	(212) 562-4141
Greenwich House, Inc.	190 Mercer Street New York, NY 10012	(212) 677-3400
Mount Sinai West	1000 Tenth Ave New York, NY 10019	(212) 523-6491
<b>QUEENS</b>		
Flushing Hospital Medical Center	4500 Parsons Boulevard Flushing, NY 11355	(718) 670-5078
Samaritan Village, Inc.	138-02 Queens Blvd. Jamaica, NY 11435	(718) 206-2000
Daytop Village, Inc.	316 Beach 65 <sup>th</sup> St. Far Rockaway, NY 11692	(718) 474-3800
<b>BRONX</b>		
St. Barnabas Hospital	4535 East 183 <sup>rd</sup> St. Bronx, NY 10457	(718) 960-9000
Montefiore Medical Center	3550 Jerome Ave., 1 <sup>st</sup> Floor Bronx, NY 10467	(718) 920-4067
Bronx-Lebanon Hospital Center	1276 Fulton Ave., 7 <sup>th</sup> Floor Bronx, NY 10456	(718) 590-1800



<b>RICHMOND COUNTY</b>		
Staten Island University Hospital Center	375 Seguine Ave. Staten Island, NY 10309	(718) 226-2000
Richmond University Medical Center	427 Forest Ave. Staten Island, NY 10301	(718) 876-2362
Camelot of Staten Island, Inc.	4442 Arthur Kill Rd. #4 Staten Island, NY 10309	(718) 356-5100
<b>NASSAU COUNTY</b>		
Long Beach Medical	455 East Bay Dr. Long Beach, NY 11561	(516) 897-4300
North Shore University Hospital	400 Community Dr. Manhasset, NY 11030	(516) 562-3010
Nassau Health Care Corporation	2201 Hempstead Tpke East Meadow, NY 11554	(516) 572-6394

## **Sexual Misconduct**

### **Reporting and prevention of dating violence, domestic violence, sexual assault and stalking**

CUNY prohibits, among others, the offenses of dating violence, domestic violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the university community. Toward that end, John Jay issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases. The City University of New York Policy on Sexual Misconduct is attached to the end of this report. The Policy can also be accessed by clicking the following link: [CUNY Sexual Misconduct Policy](#).

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:

- Chief Legal Counsel, Myrna Forney  
Room 623.04 T, (212) 237-8911, mforney@jjay.cuny.edu
- Director of Public Safety, Diego Redondo  
Room L2.61, (212) 237-8521, dredondo@jjay.cuny.edu
- Assistant Vice President and Dean of Students, Dominic Stellini  
Room L.65.00 New Building, 212-237-8211, dstellini@jjay.cuny.edu
- Assistant Vice President for Administration Oswald Fraser  
Room 1046B, (212) 237-8704, ofraser@jjay.cuny.edu

## **Prevention education programs**

John Jay is committed to creating a community free from Sexual Misconduct. John Jay has developed materials and programs to educate its students, faculty and staff on the nature, dynamics, common circumstances and effects of Sexual Assault, Dating Violence, Domestic Violence and Stalking, and the means to reduce their occurrence and prevent them. These programs are offered to incoming freshmen and transfer students during fall and spring orientation sessions. The Title IX Coordinator provides this training to student activity groups, clubs, and athletic teams. Prevention education materials are distributed to all students during campus orientation activities.

SPARC, or the Sexual and Interpersonal Violence Prevention and Response Course, is mandated for all incoming and transfer students, and is offered to all other students through an easily accessible online portal. This program educates students on key information such as the definition of affirmative consent, where to go on campus if they, or someone they know, have been affected by sexual misconduct, and what resources are available to them for assistance. The course is custom tailored so that students will receive their specific campus's contact information for Public Safety, Title IX Coordinator, Campus Health Services, Mental Health Counseling Center, and Office of Student Affairs. Additionally, CUNY added an alcohol education module to make sure students understand the dangers of irresponsible alcohol consumption and how it relates to sexual violence.

ESPARC, or the Employee Sexual Misconduct Prevention and Response Course, is a mandated annual training to inform employees how to identify, prevent, and respond to sexual misconduct in the workplace. In addition to educating employees on the various CUNY policies related to these topics, it also identifies where to go, and with whom to speak, if they, a student, a colleague, or subordinate, experiences sexual misconduct. Additionally, it gives examples of conduct that may constitute sexual harassment and informs employees that they may also seek legal redress from outside agencies. Each campus's online course informs participants who is responsible at their specific campus for investigating sexual misconduct and provides up to date contact information for those individuals.

In addition, the College provides workshops through the Office of Compliance & Diversity throughout the year related to the prevention and handling of sexual assaults, stalking and domestic/intimate partner violence for all relevant personnel, including public safety officers, counselors, and student affairs staff.

Faculty and staff are all welcome to attend the workshops as well. The Public Safety Department has several NYS Certified General Topics instructors. The Public Safety Department is available to provide specialized education programs upon request. The Public Safety Department, Title IX Coordinator and the Office of Student Affairs conduct prevention education training on domestic violence, dating violence awareness, bullying, active shooter response, emergency preparedness, and other general crime prevention topics. If you would like to schedule an education program for a specific group, please contact Public Safety at (212) 237-8524 or ext. 8524 in advance.

More information and resources about campus safety, sexual assault and harassment, domestic/intimate partner violence, stalking and dating violence can be found at: [CUNY Title IX Website](#).

### **How to be an active bystander**

John Jay provides training on bystander intervention for incoming students and new employees. Bystanders play a critical role in the prevention of sexual misconduct. Bystanders are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. Training on bystander intervention includes safe and positive options to prevent harm or intervene when there is a risk of Dating Violence, Domestic Violence, Sexual Assault or Stalking.

CUNY encourages employees, students, and visitors to take reasonable and prudent actions to prevent or stop an act of sexual misconduct that they may witness, unless doing so would pose a safety risk to themselves or others. Although these strategies will depend on the circumstances, they may include direct intervention, calling law enforcement or seeking assistance from a person in authority. Bystander intervention strategies include:

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

In addition, CUNY encourages employees, students, and visitors to report any incident of sexual misconduct that they observe or become aware of to the Title IX Coordinator, Public Safety or to the other offices referenced above. Individuals who act in accordance with this paragraph will be supported by the college, and anyone who retaliates against them will be subject to discipline.

If you or someone else is in immediate danger, dial 911 (if on campus, call Public Safety at 212-237-8888 or ext. 8888).

### **Prevention and risk reduction**

The College also provides training on prevention and risk reduction to incoming students and new employees. Risk reduction options are designed to decrease perpetration and bystander inaction, increase empowerment for victims to promote safety and help individuals and communities address conditions that facilitate violence. Risk reduction options include:

1. Convey strongly that you expect your rights to be respected.
2. Meet new acquaintances in public places. Always have your own transportation or travel with trusted friends.
3. Keep money in your pocket or purse to pay for transportation if you must leave a situation abruptly.
4. Be aware of how many alcoholic beverages you consume. While not a direct cause of date rape, alcoholic beverages 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 limits. 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 friend.

### **Procedures victims should follow in the case of alleged dating violence, domestic violence, sexual assault or stalking**

The following information addresses what students should do if they experience Dating Violence, Domestic Violence, Sexual Assault or Stalking.

- ✓ After an attack, try to be as calm as possible in order to think clearly. Get to a safe place and call for help immediately. If you are in the building, contact Public Safety immediately; anywhere else call 911, call a relative or a friend or a rape crisis center. The NYPD Sex Crimes Report Rape 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 victim can call the New York City Police Department or 911 or go directly to a hospital. If he/she wishes, Public Safety will call 911 on his/her 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 to assist with any ensuing criminal investigation. If the student believes that she/he may be the victim of date rape by being drugged, she/he should go directly to a hospital to receive a toxicology examination since such drugs only remain in a person's system for a short period of time. The Department of Public Safety will assist with notification of other law enforcement authorities and/or medical professionals if the student so chooses.
  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, disciplinary proceedings or obtaining an order 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. Files relating to sex offenses are kept confidential by the Department of Public Safety and by the Office of Student Affairs unless otherwise required by law or CUNY policy.

### **How to report dating violence, domestic violence, sexual assault or stalking**

1. Call the Department of Public Safety's emergency telephone line (212) 237-8888 from your cell phone (or ext.8888 from an on-campus phone). Or report the information to any member of the Department of Public Safety or in person at the Public Safety Office located in L2.61 of the New Building.
2. Use one of the over 160 emergency phones located throughout the campus buildings.



3. Victims or witnesses may report crimes to persons designated as Campus Security Authorities who will then forward only the report of the crime – without divulging the name of victims or witnesses – to the Department of Public Safety for inclusion in the Annual Security Report. Names and numbers of Campus Security Authorities are located on pages 9-11 of this report. The College recognizes the importance of confidentiality to victims and witnesses of crimes. For the purposes of providing crime statistics pursuant to the Campus Security Act in the College's Annual Security Report, victim and witness information will remain anonymous. However, complete confidentiality cannot be guaranteed in all other contexts. The College reserves the right to notify the police when it believes that such reporting is necessary for the protection of the College Community. In many cases however, that notification will be done without divulging the victim's identity.
4. If the situation you observe or are involved in is of an extreme or life-threatening nature, call 911. However, if you make a 911 call, also notify the Department of Public Safety. They will assist and direct the police along with other responding emergency personnel.
5. If you wish to report the allegations to the College/CUNY, contact one of the individuals listed below:
  - Chief Legal Counsel, Myrna Forney  
Room 623.04 T, (212) 237-8911, mforney@jjay.cuny.edu
  - Director of Public Safety, Diego Redondo  
Room L2.61, (212) 237-8521, dredondo@jjay.cuny.edu
  - Assistant Vice President and Dean of Students, Dominic Stellini  
Room L.65.00 New Building, 212-237-8211, dstellinir@jjay.cuny.edu
  - Assistant Vice President for Administration, Oswald Fraser  
Room 1046B, (212) 237-8704, ofraser@jjay.cuny.edu

### **Options about the involvement of law enforcement and campus authorities**

Students, employees, or other community members may choose to report sexual misconduct to local law enforcement and/or state police (“outside law enforcement”). However, CUNY/John Jay College does not require that a complainant report sexual misconduct to outside law enforcement; nor will CUNY/John Jay College do so without the complainant’s agreement, except in exceptional circumstances. The college may report sexual misconduct to outside law enforcement without the complainant’s consent when the college determines that the respondent poses a serious continuing threat to the physical safety of the complainant or another person.

If a student, employee, or other community member chooses to report sexual misconduct to outside law enforcement, CUNY/John Jay College will provide assistance and support. Each college Public Safety office must always have an appropriately trained employee available 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 reporting allegations both on and off-campus and in obtaining immediate medical attention and other services.



### **Who is a perpetrator?**

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

### Who is a victim?

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

### When is there lack of consent?



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, 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. In addition, **regardless of previous sexual activity**, if someone refuses sexual contact, the failure to respect that limit constitutes a sexual attack.

### Complainant's Rights

Individuals who have experienced Sexual Misconduct have the right to report allegations to the college or to decide not to do so. Students who report Sexual Misconduct have all the rights contained in the Students' Bill of Rights (copy attached).

Complainants also have these rights:

- a. To notify campus Public Safety and/or outside law enforcement, or to choose not to report.
- b. To have emergency access to a college official trained to interview victims of sexual assault and able to provide certain information, including reporting options and information about confidentiality and privacy. The official will, where appropriate, advise about the importance of preserving evidence and obtaining a Sexual Assault Forensic Examination ("SAFE") as soon as possible. The official will also explain that the criminal process uses different standards of proof and evidence, and that any questions about whether an incident violated criminal law should be addressed to a law enforcement official or a district attorney's office.
- c. To disclose the incident to a college representative who can offer confidentiality or privacy and assist in obtaining services. See Section VI, of CUNY's Policy on Sexual Misconduct which is attached to this report.
- d. 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 (subject to the procedures outlined in CUNY's Policy on Sexual Misconduct, Sections XI and XII).
- e. To have allegations of Sexual Misconduct investigated in accordance with CUNY's Policy on Sexual Misconduct.
- f. To have privacy preserved to the extent possible.
- g. To receive assistance and resources on campus, including confidential and free on-campus counseling, and to be notified of other services available on and off campus, including the New York State Office of Victim Services.
- h. To disclose the incident to the college's Human Resources Director or designee (if the respondent is a college employee) or request that a confidential or private resource assist in doing so.
- i. To disclose the incident confidentially and obtain services from state and local governments.
- j. To receive assistance from the campus or others in filing a criminal complaint, initiating legal proceedings in family court or civil court, and/or seeking an Order of Protection or the equivalent. In New York City, this assistance is provided by Family Justice Centers located in each borough.
- k. To receive assistance with effecting an arrest when an individual violates an Order of Protection, which may be provided by assisting local law enforcement in effecting such an arrest.
- l. To withdraw allegations or involvement from the process at any time

## **College and community counseling and support services for those affected by Sexual Misconduct**

### **On-Campus Assistance**

CUNY is committed to providing assistance, support, and resources to those affected by sexual misconduct. Anyone who has experienced Sexual Assault, Domestic Violence or Dating Violence is encouraged to contact the Title IX Coordinator to obtain assistance in accessing

medical and counseling services, or to obtain supportive measures, such as changes to the student's academic program. There are a wide range of supportive measures and accommodations available to those affected by sexual misconduct, for example, the Department of Public Safety can assist a complainant getting to and from campus classes, filing a police report and obtaining an order of protection against the respondent.

Section VII-D of CUNY's Policy on Sexual Misconduct provides a written discussion about the range of supportive measure and accommodations available and information about how to request accommodations. As detailed in CUNY's Policy on Sexual Misconduct, supportive measures and accommodations are available regardless of whether a victim chooses to report allegations to the College, campus law enforcement or outside law enforcement. Any accommodations or protective measures will remain confidential to the extent that maintaining such confidentiality would not impair the ability of the College to provide the accommodation or protective measure.

### **College support services**

#### **On-campus resources**

- Title IX Coordinator, 623 Haaren Hall, 646-557-4674
- Public Safety, L2.61 New Building, 212-237-8524
- Office of Student Affairs, L.68 New Building, 212-237-8211
- Wellness Center, L.68 New Building, 212-237-8111
- Women's Center, L.67 New Building, 212-237-8184

### **Counseling for employees**

CUNY Work/Life Program, CCA@Your Service: (800) 833-8707

### **Contacting outside agencies**

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

#### **Off-campus resources**

- For immediate help, call 911.
- The New York City Police Department Sex Crimes Report Line 212-267-RAPE
- New York State Domestic & Sexual Violence Hotline for confidential assistance 1-800-942-6906 (available 24/7/365) or visit the National Sexual Violence Resource Center website at <https://opdv.ny.gov/help/dvhotlines.html>.
- Report sexual assault on a New York college campus to the New York State Police 1-844-845-7269
- Safe Horizon Hotline 1-800-621-HOPE (4673) <https://www.safehorizon.org/safechat/>
- National Sexual Assault Hotline 800-656-HOPE (4673) Free, confidential, 24-hour hotline.
- New York State Domestic and Sexual Violence Hotline 1-800-942-6906 <http://www.nyscadv.org/>
- The New York City Anti Violence Project empowers gay, lesbian, bisexual, transgender, queer, and HIV affected communities to end all forms of violence through organizing and



education. The Anti-Violence Project provides support, counseling, and advocacy. The 24-hour hotline is 212-714-1141.

- New York State Office of Victim's Services <https://ovs.ny.gov/>
- NYC Mayor's Office to End Domestic and Gender Based Violence Family Justice Centers <https://www1.nyc.gov/site/ocdv/programs/family-justice-centers.page>

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

A copy of the City University of New York Policy on Sexual Misconduct is attached to this report and can be viewed by clicking the following link [CUNY Policy on Sexual Misconduct](#).

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, which includes Sexual Assault, Dating Violence, Domestic Violence and Stalking, is a form of discrimination prohibited by Title IX.

Title IX Sexual Harassment is defined by the United States Department of Education to mean conduct on the basis of sex that occurs in the College's/CUNY's education program or activity against a person in the United States and that satisfies one or more of the following: (1) a the College's /CUNY employee conditioning the provision of an aid, benefit or service of CUNY on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, *and* objectively offensive that it effectively denies a person equal access to the College's /CUNY's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in CUNY's Policy on Sexual Misconduct.

CUNY's Policy on Sexual Misconduct prohibits sexual misconduct, whether or not it falls within the scope of Title IX Sexual Harassment, defined above. Prohibited Sexual Misconduct includes Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence, Stalking and Voyeurism, as those terms are defined in CUNY's Policy on Sexual Misconduct. Sexual Misconduct is prohibited regardless of whether it occurs on or off campus.

### **Investigation and Disciplinary Procedure for Allegations of Dating Violence, Domestic Violence, Sexual Assault and Stalking pursuant to CUNY's Policy on Sexual Misconduct**

The specific procedures that apply to the investigation and discipline of sexual misconduct allegations (including Domestic Violence, Dating Violence, Sexual Assault and Stalking) vary based on the circumstances of each case and are outlined fully in CUNY's Policy on Sexual Misconduct, attached to this report.

Generally, the Title IX Coordinator is responsible for conducting investigations in a prompt, thorough and impartial manner. Parties to an investigation have the right to an investigation process where the burden of proof and burden of gathering evidence sufficient to reach a determination of responsibility rests on the College and not on the parties, although the parties

will be provided the opportunity to offer evidence during an investigation. Parties have the right to be accompanied by an advisor of their choice, who may assist and advise throughout the process, including during all related meetings and hearings.

Depending on the specific circumstances of a case, available resolution options may include informal resolution or a formal investigation and hearing. Sanctions for student respondents who are found responsible for Sexual Misconduct range from a warning to suspension or expulsion from CUNY.

### **Consent**

Consent is analyzed and defined differently in criminal law and pursuant to CUNY's Policy on Sexual Misconduct.

#### ***In New York State criminal law, lack of consent results from:***

- (a) Forcible compulsion; or
- (b) Incapacity to consent; or
- (c) Where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or
- (d) Where the offense charged is rape in the third degree as defined in subdivision three of section 130.25, or criminal sexual act in the third degree as defined in subdivision three of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.

CUNY's Policy on Sexual Misconduct requires affirmative consent to sexual activity. Affirmative consent as defined in CUNY's Policy on Sexual Misconduct 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.

### **Definitions of Sexual Assault, Dating Violence, Domestic Violence and Stalking under New York State Law**

This information is provided for educational and awareness purposes. Please note that CUNY procedures and standards differ from those of criminal law. These definitions are also different than the definitions used for reporting pursuant to the Clery Act.

#### **Sexual Assault**

The term Sexual Assault is not defined by New York State Penal Law. However, under Article 130 of the New York State Penal Law, it is a sex offense to engage in sexual contact or to engage in sexual intercourse, criminal sexual act or sexual abuse by contact without the consent of the victim or where the victim is incapable of giving consent.

#### ***In New York State, lack of consent results from:***

- (a) Forcible compulsion; or
- (b) Incapacity to consent; or
- (c) Where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or
- (d) Where the offense charged is rape in the third degree as defined in subdivision three of section 130.25, or criminal sexual act in the third degree as defined in subdivision three of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.

#### **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 purpose 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.

## **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 domestic or family violence laws of New York, or by any other person against an adult or youth victim who is protected from that person’s act under the domestic or family violence laws of New York”. 42 U.S.C 13925(a).

## **CUNY’s Sexual Misconduct Policy further defines dating, domestic and intimate partner violence as:**

A pattern of coercive behavior that can include physical, psychological, sexual, or economic 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 purpose 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.

A person is guilty of stalking in the fourth degree (Penal Law 120.45) when he/she intentionally is 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. Cause 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.

Stalking in the fourth degree is a class B misdemeanor and punishable by up to 6 months in jail. The New York State Penal Law also defines Stalking in the third degree (120.50); Stalking in the second degree (120.55) and Stalking in the first degree (120.60); which are classified based on severity of the conduct and other aggravating factors.

***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.***

**Pertinent Sex Offenses and Criminal Sanctions Under New York State Penal and Criminal Procedure Laws**

<i>Crime</i>	<i>Illegal Conduct</i>	<i>Criminal Sanctions</i>
<i>Rape in the first degree (PL§ 130.35)</i>	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.	<i>A class B felony, with penalties up to 25 years in prison.</i>
<i>Rape in the second degree (PL§ 130.30)</i>	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	<i>A class D felony, with penalties up to 7 years in prison.</i>
<i>Criminal sexual act in the first degree (PL § 130.50)</i>	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.	<i>A class B felony, with penalties up to 25 years in prison.</i>
<i>Forcible touching (PL§ 130.52)</i>	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	<i>A class A misdemeanor, with penalties up to 1 year in jail.</i>
<i>Sexual abuse in the first degree (PL § 130.65)</i>	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.	<i>A class D felony, with penalties up to 7 years in prison.</i>



<i>Aggravated sexual abuse in the first degree (PL § 130.70)</i>	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.	<i>A class B felony, with penalties up to 25 years in prison.</i>
<i>Aggravated sexual abuse in the third degree (PL § 130.66)</i>	A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11 years old.	<i>A class D felony, with penalties up to 7 years in prison.</i>
<i>Facilitating a sex offense with a controlled substance (PL § 130.90)</i>	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.	<i>A class D felony, with penalties up to 7 years in prison.</i>

### **Admission of potentially dangerous students**

#### **(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 considering any information the College has about a student's criminal record and the particular circumstances of the College, including, but not limited to the presence of a childcare 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 Department of Public Safety. To obtain information about a Level 2 or Level 3 registered sex offender, you may:

1. Contact the police department in the jurisdiction in which the offender resides and/or in which the College is located.
2. Contact Public Safety at (212) 237-8524
3. Contact the Division's sex offender registry web site:  
[www.criminaljustice.ny.gov/nsor/index.htm](http://www.criminaljustice.ny.gov/nsor/index.htm) and then click on "Search the Sex Offender Registry" or by dialing (800)-262-3257

#### **Searching for Level 1 sex offenders (or those with a pending risk level):**

1. Call the Division's sex offender registry at (800) 262-3257 with the name and at least one other identifier (an exact address, date of birth, driver's license number, or a social

security number) and DCJS will tell you if that individual is a registered sex offender in New York.

### **Missing students**

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 purpose of this policy is to establish procedures for the College's response to reports of missing students, as required by the Higher Education Opportunity Act of 2008. This policy applies to students who reside in campus housing.

For purposes of this policy, a student may be considered to be a "missing student" if the student's absence is contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include, but not be limited to, a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, is drug dependent, is in a life-threatening situation, or has been with persons who may endanger the student's welfare. In the event a student is under 18 years of age and not emancipated, the College must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. For all missing students, the College will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing. Regardless of if the student is above the age of 18 or is an emancipated minor the Director of Public Safety or his designee shall make a missing person report.

### **ADDITIONAL LINKS TO CUNY POLICIES AND PROCEDURES**

[CUNY Sexual Misconduct Policy](#) (attached)

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

[Students' Bill of Rights](#)

[CUNY Campus and Workplace Violence Policy](#)

[Domestic Violence and the Workplace](#)

[Reasonable Accommodations and Academic Adjustments](#)

THE FOLLOWING ARE THE JOHN JAY COLLEGE CRIME STATISTICS FOR THE 2021-2023 CALENDAR YEARS. THE STATISTICS INCLUDED ON THESE CHARTS ARE DERIVED FROM REPORTED CRIMINAL INCIDENTS FROM THE FOLLOWING SOURCES:

1. Public Safety incident reports,
2. Reports from Campus Security Authorities,
3. Midtown North and 20<sup>th</sup> Precincts\*,
4. Local law enforcement in relation to short stay away and annual trips.

**\*Statistics were requested but some were not available in a usable format for Clery Act.**

2024

# The City University of New York (CUNY)

John Jay College of Criminal Justice - Department of Public Safety (DPS)



Crime Statistics	2021	All On-Campus Property				Non-Campus Property				Public Property						On Campus Residential Only			
		Reported to			SUB TOTAL	Reported to			SUB TOTAL	Reported to			SUB TOTAL	GRAND TOTAL	Reported to			Section TOTAL	
		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS			DPS	NYPD	*Non DPS		
Murder/Non-Negligent Manslaughter		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses																			
Rape		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation Referrals		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Arrests		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Referrals		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Arrests		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Referrals		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking		2	0	0	2	0	0	0	0	0	0	0	0	0	0	2	0	0	0

\* Denotes Report to other campus authorities

Hate Crimes Reported:

None

Unfounded Crimes Reported:

None

Crime Statistics	2022	All On-Campus Property				Non-Campus Property				Public Property					On Campus Residential Only				
		Reported to			SUB TOTAL	Reported to			SUB TOTAL	Reported to			SUB TOTAL	GRAND TOTAL	Reported to			Section TOTAL	
		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS			DPS	NYPD	*Non DPS		
Murder/Non-Negligent Manslaughter		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery		0	0	0	0	0	0	0	0	0	1	0	1	1	0	0	0	0	0
Aggravated Assault		1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Motor Vehicle Theft		0	0	0	0	0	0	0	0	4	0	0	4	4	0	0	0	0	0
Arson		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary		3	0	0	3	0	0	0	0	0	0	0	0	3	0	0	0	0	0
Sex Offenses																			
Rape		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation Referrals		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Arrests		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Referrals		4	0	0	4	0	0	0	0	0	0	0	0	4	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Arrests		0	0	0	0	0	0	0	0	0	1	0	1	1	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Referrals		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence		1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Stalking		7	0	3	10	0	0	0	0	0	0	0	0	10	0	0	0	0	0

\* Denotes Report to other campus authorities

Hate Crimes Reported:

None

Unfounded Crimes Reported:

None

Crime Statistics	2023	All On-Campus Property				Non-Campus Property				Public Property					On Campus Residential Only				
		Reported to			SUB TOTAL	Reported to			SUB TOTAL	Reported to			SUB TOTAL	GRAND TOTAL	Reported to			Section TOTAL	
		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS			DPS	NYPD	*Non DPS		
Murder/Non-Negligent Manslaughter		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery		0	0	0	0	0	0	0	0	1	2	0	3	3	0	0	0	0	0
Aggravated Assault		0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	0	0	0
Motor Vehicle Theft		0	0	0	0	0	0	0	0	3	1	0	4	4	0	0	0	0	0
Arson		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary		2	0	0	2	0	0	0	0	0	0	0	0	0	2	0	0	0	0
Sex Offenses																			
Rape		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling		1	0	1	2	0	0	0	0	0	0	0	0	2	0	0	0	0	0
Incest		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation Referrals		3	0	0	3	0	0	0	0	0	0	0	0	3	0	0	0	0	0
Drug Abuse Violations Arrests		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Referrals		1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Arrests		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Referrals		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence		0	0	1	1	0	0	0	0	1	0	0	1	2	0	0	0	0	0
Stalking		15	0	6	21	0	0	2	2	3	0	0	3	26	0	0	0	0	0

\* Denotes Report to other campus authorities

Hate Crimes Reported:

None

Unfounded Crimes Reported:

None



**The City University of New York (CUNY)**  
John Jay College of Criminal Justice - Department of Public Safety (DPS)



### Reported Hate Crimes

[illegible]



## **Unfounded Statistics**

There were no unfounded crimes for the years 2021, 2022 & 2023.

## **Definitions of Geography**

### **On-Campus**

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and any building or property that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes. John Jay College currently has four on campus properties: North Hall 445 W. 59<sup>th</sup> Street, New York, NY 10019, the New Building 524 W. 59<sup>th</sup> Street, New York, NY 10019, Haaren Hall 899 Tenth Ave, New York, NY 10019 and the BMW Building (6<sup>th</sup> and 10<sup>th</sup> floors) 555 W. 57<sup>th</sup> Street, New York, NY 10019.

**Note:** *Statistics for university student housing facilities are recorded and included in both the all on-campus category and the on-campus residential only category.*

### **Non-Campus Building or Property**

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. John Jay College currently has three non-campus properties: The Westport Building located at 500 W. 56<sup>th</sup> Street, New York, NY 10019, Westport South located at 831 10<sup>th</sup> Avenue, New York, NY 10019, and Macaulay Honors College located at 35 W 67<sup>th</sup> St, New York, NY 10023.

### **Public Property**

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. The John Jay College crime statistics do not include crimes that occur in privately owned homes or businesses adjacent to the campus buildings.

## **UNIFORM CRIME REPORTING (UCR) FEDERAL DEFINITIONS RELATED TO CLERY**

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:

## **CRIMINAL OFFENSES**

### **Murder and Non-Negligent Manslaughter**

Murder and Non-negligent Manslaughter is the willful (non-negligent) killing of one human being by another. This offense includes any death caused by injuries received in a fight, argument, quarrel, assault,

or the commission of a crime. This offense does NOT include traffic fatalities, suicides, accidental deaths, or justifiable homicide as defined by law.

Manslaughter by negligence is the killing of another person through gross negligence. This offense includes any death caused by the gross negligence of another. This offense does NOT include death of persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities.

### **Aggravated Assault**

Aggravated Assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Examples of Aggravated Assault include, but are not limited to, poisonings (including the use of date rape drugs), assault with disease (as in cases when the offender is aware that he or she is infected with a deadly disease and deliberately attempts to inflict the disease). If an attack results in broken bones, loss of consciousness or significant blood loss, or requires medical treatment or hospitalization, such as stitches or castings (regardless of whether the victim accepts such assistance), the incident must be classified as an Aggravated Assault.

### **Burglary**

Burglary is the unlawful entry of a structure to commit a felony or a theft. This includes all offenses that are classified by local law enforcement agencies as Burglary, as well as all offenses where force of any kind is used to unlawfully enter a structure for the purpose of committing a theft or felony; unlawful trespass of a structure with no force such as through an unlocked door or window for the purpose of committing a theft or felony; and attempted forcible entry where the totality of the facts indicate that a Burglary was in fact attempted. Examples of offenses that are NOT classified as Burglary include thefts from automobiles, shoplifting, thefts from areas of open access, and robbery.

### **Robbery**

Robbery is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear. To be classified as Robbery, the offense must be committed in the presence of the victim; the victim must be directly confronted by the perpetrator; the victim must be threatened with force or put in fear that force will be used; and the offense must involve a theft or larceny.

### **Motor Vehicle Theft**

Motor Vehicle Theft is the theft or attempted theft of any self-propelled motor vehicle that runs on a land surface and not on rails. This offense includes all incidents where a vehicle is taken by person(s) not having lawful access even if the vehicle is later abandoned, such as "joyriding." This offense does NOT include theft of farm equipment, bulldozers, airplanes, construction equipment, or watercraft.

### **Arson**

Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. Arson includes incidents where an individual willfully or maliciously burns his or her own property. Accidental fires such as a cooking fire are not included in this offense.

## **SEX OFFENSES**

### **Rape**

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. This offense includes the rape of both males and females.

### **Fondling**

Fondling is the touching of the private body parts of another person for the purpose 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 or physical incapacity.

### **Statutory Rape**

Statutory Rape is sexual intercourse with a person who is under the statutory age of consent. If force was used or threatened, or if the victim was incapable of giving consent because of his/her age or temporary or permanent mental impairment, the offense is Rape, not Statutory Rape. In New York, it is illegal for someone to have consensual sex with a minor younger than 17 years old.

### **Incest**

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

## **VIOLENCE AGAINST WOMEN ACT (VAWA) OFFENSES**

### **Stalking**

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 purpose 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.

### **Domestic Violence**

The term Domestic Violence is not defined by New York State Penal Law, although various criminal acts defined by the New York State Penal Law may qualify as a “family offense” when committed by an intimate partner. An intimate relationship includes family or household members and other types of close relationships, such as people who are legally married or divorced, people with a child in common, including adopted children, people related by marriage, like in-laws, people related by blood, like brothers, parents, cousins, unrelated people who live, or have lived together for period of time and/or unrelated people who are in, or were in an intimate relationship (current or former), like same-sex couples and teens who are dating. For more information please refer to the following link.

<http://nycourts.gov/CourtHelp/Safety/DVbasics.shtml>

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 domestic or family violence laws of [New York], or by any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of [New York]". 42 U.S.C 13925(a).

### **Dating Violence**

The term Dating Violence is not defined by New York State Penal Law, although various criminal acts defined by the New York State Penal Law may qualify as a "family offense" when committed by an intimate partner, which includes people in an intimate relationship (current or former). Intimate relationships do not have to be sexual. For more information please refer to the following link:

<http://nycourts.gov/CourtHelp/Safety/DVbasics.shtml>

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).

### **HATE CRIMES BIAS CATEGORIES**

Under the Clery Act, the possible bias categories are Race, Religion, Sexual Orientation, Gender, Gender Identity, Ethnicity, National Origin, Disability.

**Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g. color of skin, eyes, and/or hair; facial features, etc.), genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

**Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

**Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex.

**Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender.

**Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (e.g. bias against transgender or gender non-conforming individuals).

**Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race"

in that “race” refers to grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.

**National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

**Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

## **HATE CRIMES – OFFENSES**

For Clery purposes, Hate Crimes include any of the following offenses that are motivated by bias:

Murder and Non-negligent Manslaughter, Sexual Assault (Sex Offenses), Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property.

Larceny (Theft), Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included in Clery Act statistics only if it is committed as a hate crime (motivated by the perpetrator’s bias against the victim on the basis of race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and/or disability).

- Larceny (Theft) is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing.
- Simple Assault is the unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness. Intimidation is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack. This includes cyber-intimidation if the victim is threatened via electronic means while on campus, on public property immediately adjacent to campus, or on University owned, leased, or controlled space that is not on campus.
- Destruction/Damage/Vandalism of Property is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.



## **ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION**

Under the Clery Act, institutions must report arrests and referrals for disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

**Arrest:** Persons processed by arrest, citation or summons.

**Referred for disciplinary action:** The referral of any person to any official who initiates a disciplinary action of which a record is established, and which may result in the imposition of a sanction. This includes only alleged violations of law, not violations of your institution's policies.

### **Liquor Law Violations**

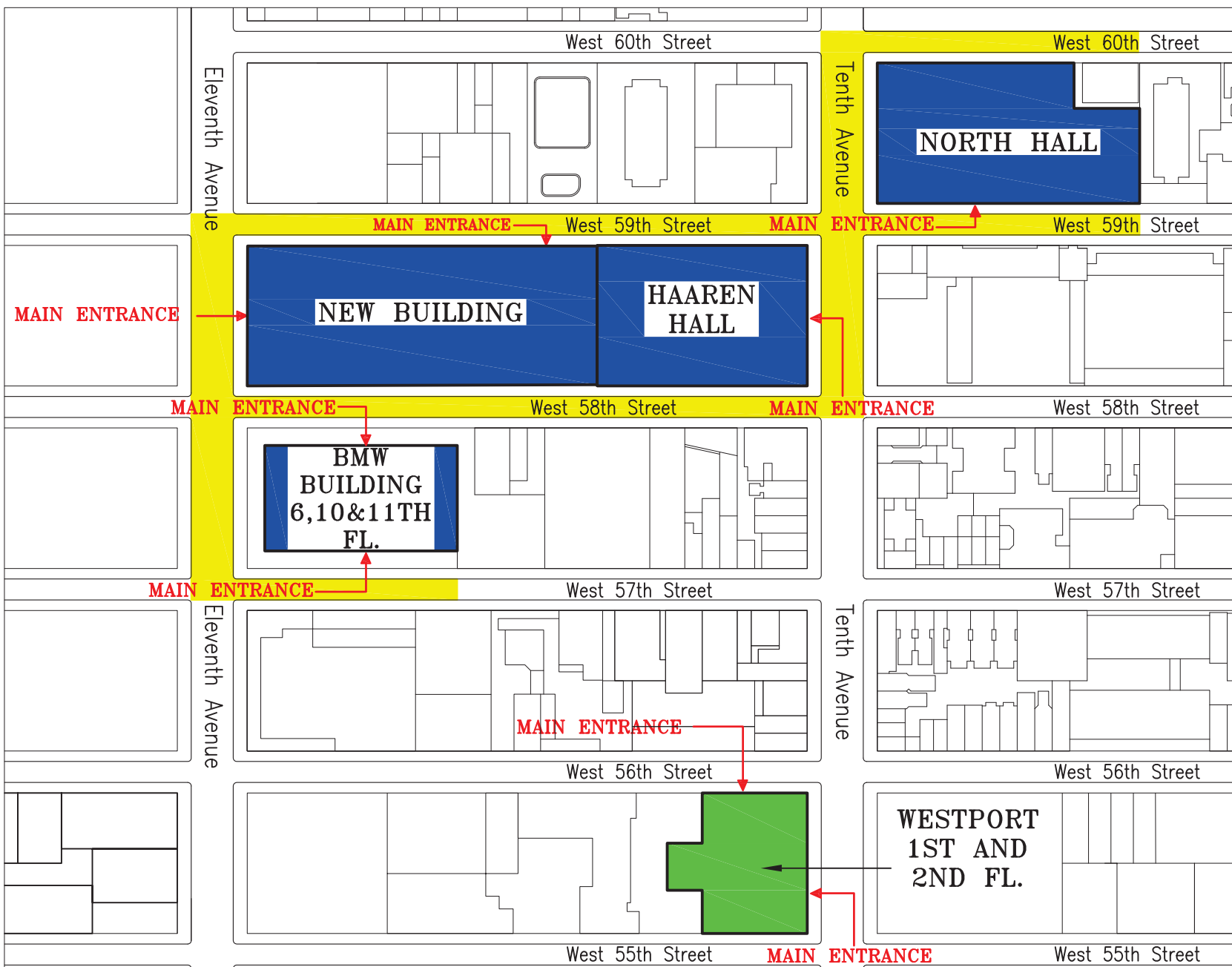
Liquor Law Violations are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness. This offense does include, amongst other violations, underage possession, furnishing liquor to a minor or intemperate person, using a vehicle for illegal transportation of liquor, and any attempts to commit these offenses.

### **Drug Law Violations**

Drug Law Violations are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. This offense includes illegally obtaining prescription drugs; however, it does NOT include use of legally obtained personal prescription drugs used by the owner in a manner that is not consistent with the instructions provided by the prescribing physician.

### **Weapon Law Violations**

Weapon Law Violations are defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.



ON CAMPUS
  NON CAMPUS
  PUBLIC PROPERTY

**NOTE:**

MACAULAY HONORS COLLEGE LOCATED AT 35 W. 67TH STREET, NEW YORK NY 10023  
 AND THE NEW YORKER HOTEL LOCATED AT 481 8TH AVE, NEW YORK NY 10001 ARE  
 NON CAMPUS LOCATIONS

# MACAULAY

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## HONORS COLLEGE AT CUNY



**35 W. 67th Street, New York, NY 10023**

## College Overview

Macaulay Honors College at CUNY is a highly selective college where New York's most promising students receive the financial and academic support to realize their leadership potential and graduate debt-free. Macaulay Honors College offers exceptional students the transformative opportunities to develop their potential beyond what they ever imagine. Macaulay inspires and prepares students to solve the challenges facing New York City, our nation, and the global community.

Macaulay Honors College is located at 35 W. 67th Street, New York, NY 10023.

Macaulay students enroll as undergraduates in one of eight CUNY colleges listed below. They take most of their courses at their home campus where they can meet with advisors and other students in the campus's honors lounge.

- Baruch College
- Brooklyn College
- City College
- College of Staten Island
- Hunter College
- John Jay College
- Lehman College
- Queens College

## Access to College facility

Macaulay Honors College's hours of operation are as follows: 8:00 am to 10:45 pm 7 days a week.

## Public Safety coverage

John Jay College's Department of Public Safety provides security coverage at Macaulay Honors College on a 24-hour basis. To contact the Macaulay Honors College Public Safety desk, **in case of an emergency or for general inquiries**, please call: 212-729-2901, or ext. 2901 from an on-campus telephone.

## Public Safety

Diego Redondo

Director of Public Safety & Risk Management

(212) 237-8521

(212) 237-8266

Email [dredondo@jjay.cuny.edu](mailto:dredondo@jjay.cuny.edu)

## Campus Security Authorities

Campus Security Authorities are defined as officials of a college who have significant responsibility for student and campus activities, including, but not limited to public safety,



student affairs, student activities, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the college. Examples include: administrators, directors, deans, department heads, chairpersons, advisors to students/student organizations, athletic coaches, etc.

Campus Security Authorities are required to report to Public Safety any allegation or report of any Clery-reportable offense of which they become aware. Campus Security Authorities are required to report to Public Safety all reported crimes that fall within this category, regardless of the outcome of the investigation into the reported offense.

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

#### **Campus Security Authorities:**

Director of Public Safety- Diego Redondo
Phone: (212) 237-8521, Email: <a href="mailto:dredondo@jjay.cuny.edu">dredondo@jjay.cuny.edu</a>
Dean- Dara Byrne, PhD
Phone: (212) 729-2919, Email: <a href="mailto:dean@mhc.cuny.edu">dean@mhc.cuny.edu</a>
Interim Associate Dean for Student Services and Engagement/Title IX Liason - Curtis Hoover
Phone (212) 729-2949, Email: <a href="mailto:Curtis.hoover@mhc.cuny.edu">Curtis.hoover@mhc.cuny.edu</a>
Associate Director of Student Development & Deputy Title IX Liaison- Chris Daversa
Phone: (212) 729-2937, Email: <a href="mailto:chris.daversa@mhc.cuny.edu">chris.daversa@mhc.cuny.edu</a>
Assistant Director for Student Development- Eileen Makak
Phone: (212) 729-2946, Email: <a href="mailto:Eileen.Makack@mhc.cuny.edu">Eileen.Makack@mhc.cuny.edu</a>
Student Development Coordinator-James Brischetta
Phone: (212) 729-2948, Email: <a href="mailto:James.Brischetta@mhc.cuny.edu">James.Brischetta@mhc.cuny.edu</a>
Collaborative Wellness Project Program Manager-Sara Louie
Email: <a href="mailto:sara.louie@mhc.cuny.edu">sara.louie@mhc.cuny.edu</a>
Restorative Justice Program Coordinator-Jayla Allen
Email: <a href="mailto:Jayla.allen@mhc.cuny.edu">Jayla.allen@mhc.cuny.edu</a>
Program Manager - Gray STEM Scholars Program-Saranna Belgrave-Banton
Email: <a href="mailto:saranna.belgrave-banton@mhc.cuny.edu">saranna.belgrave-banton@mhc.cuny.edu</a>
Director of the Friedman Transfer Scholars Program-Shellana Henderson
Phone: (212) 729-2909, Email: <a href="mailto:shellana.henderson@mhc.cuny.edu">shellana.henderson@mhc.cuny.edu</a>

#### **Title IX Awareness**

Macaulay Honors College seeks to create and maintain a safe environment in which all members of our campus community—students, faculty, and staff—can learn and work free from fear of sexual assault and other forms of violence.



The City University of New York and Macaulay Honors College prohibit gender-based harassment of any kind, by students, faculty, and staff. Harassment is unwelcome conduct that may include sexual advances, requests for sexual favors, or physical conduct of a sexual nature. Harassing conduct, also implicated by sexual assault, domestic and intimate partner violence, or stalking on any CUNY campus, creates a “hostile environment” which, when sufficiently severe or pervasive, may limit or interfere with a student’s ability to participate in educational activities, or an employee’s ability to perform his or her job. If you experience or observe any of the following behaviors at Macaulay Honors College (or on any CUNY campus):

- sexual assault or violence  
(if you are the recent victim of sexual assault, [click here](#));
- unwelcome sexual advances;
- requests for sexual favors;
- other verbal, nonverbal, or physical conduct of a sexual nature;
- harassing conduct due to gender, gender identity, or gender orientation;
- dating or domestic violence;
- physical, cyber, or electronic stalking; and/or
- unwanted physical conduct of any sort;

contact one of the following Macaulay officials (or respective CUNY campus representative, listed under “Title IX Coordinators/Liaisons” below) immediately. Macaulay Honors College will initiate an investigation and take prompt steps to end the behavior.

#### **Macaulay Title IX Liaison**

Curtis Hoover, Phone: (212) 729-2949

Email [curtis.hoover@mhc.cuny.edu](mailto:curtis.hoover@mhc.cuny.edu)

#### **Macaulay Deputy Title IX Liaison**

Chris Daversa, Phone: (212) 729-2937

Email [chris.daversa@mhc.cuny.edu](mailto:chris.daversa@mhc.cuny.edu)

#### **When an assault occurs off campus, call 911 or go to the local NYPD precinct.**

Services such as medical care and counseling; changes to work assignments, academic programs, or residential housing arrangements; and security escorts are all available at each Macaulay student’s home campus. Public Safety can assist you in filing a report with the NYPD. Every effort will be made to limit shared information only to those who need to investigate the situation and provide the assistance you need.

Additional resources and information can be found at: [http://www1.cuny.edu/sites/title-ix/campus\\_profile/macaulay-honors-college/](http://www1.cuny.edu/sites/title-ix/campus_profile/macaulay-honors-college/)

## **Home Campus Title IX Coordinators and Contact Information:**

### **Baruch College**

Kimara Patton, Phone: (646) 312-4542

Email: [kimara.patton@baruch.cuny.edu](mailto:kimara.patton@baruch.cuny.edu)

### **Brooklyn**

Michelle Vargas, Phone: (718) 951-4128

Email: [mvargas@brooklyn.cuny.edu](mailto:mvargas@brooklyn.cuny.edu)

### **The City College**

Diana Cuozzo, Phone: (212) 650-7330

Email: [dcouzzo@ccny.cuny.edu](mailto:dcouzzo@ccny.cuny.edu)

### **College of Staten Island**

Tara J. Mastrangelo, Phone: (718) 982-2688

Email: [Tara.Mastrangelo@csi.cuny.edu](mailto:Tara.Mastrangelo@csi.cuny.edu)

### **Hunter College**

John Rose, Phone: (212) 650-3262

Email: [john.rose@hunter.cuny.edu](mailto:john.rose@hunter.cuny.edu)

### **John Jay College**

Gabriela Leal, Phone: (646) 557-4674

Email: [galeal@jjay.cuny.edu](mailto:galeal@jjay.cuny.edu)

### **Lehman College**

Christine McGrath, Phone: (718) 960-8111

Email: [christine.mcgrath@lehman.cuny.edu](mailto:christine.mcgrath@lehman.cuny.edu)

### **Queens College**

Christine McKeithan, Esq, Phone: (718) 997-5888

Email: [christine.mckeithan@qc.cuny.edu](mailto:christine.mckeithan@qc.cuny.edu)

## **Confidential Reporting Options**

If you are the victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may still want to consider making a confidential report. With your permission, a Public Safety officer can file a report on the details of the incident without revealing your identity (except if the incident involves allegations of Sexual Misconduct, which Public Safety employees must report to the Title IX Coordinator/Liaison). The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, John Jay College can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regards to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime

statistics for the College. Pastoral and professional counselors are encouraged to refer persons they are counseling to report crimes to Public Safety on a voluntary, confidential basis for inclusion in the annual security report by following this procedure.

Any on-campus crime witnessed by a student or employee must be reported to the Department of Public Safety as soon as possible. The Department of Public Safety is responsible for reporting and conducting a follow-up investigation when an incident is reported. All students, employees, and visitors should exercise responsibility for their own safety while on campus.

### **Off-Campus Resources**

- For immediate help, call 911.
- The New York City Police Department Sex Crimes Report Line 212-267-RAPE
- New York State Domestic & Sexual Violence Hotline for confidential assistance 1-800-942-6906 (available 24/7/365) or visit the National Sexual Violence Resource Center website at [nsvrc.org](http://nsvrc.org).
- Report sexual assault on a New York college campus to the New York State Police 1-844-845-7269
- Safe Horizon Hotline 1-800-621-HOPE (4673) <https://www.safehorizon.org/safechat/>
- National Sexual Assault Hotline 800-656-HOPE (4673) Free, confidential, 24-hour hotline.
- New York State Domestic and Sexual Violence Hotline 1-800-942-6906 <http://www.nyscadv.org/>
- The New York City Anti Violence Project empowers gay, lesbian, bisexual, transgender, queer, and HIV affected communities to end all forms of violence through organizing and education. The Anti-Violence Project provides support, counseling, and advocacy. The 24-hour hotline is 212-714-1141.
- New York State Office of Victim's Services [www.ovs.ny.gov](http://www.ovs.ny.gov)
- NYC Mayor's Office to End Domestic and Gender Based Violence Family Justice Centers [www.nyc.gov/fjc](http://www.nyc.gov/fjc)

### **ADDITIONAL LINKS TO CUNY POLICIES AND PROCEDURES**

[CUNY's Policy on Sexual Misconduct](#) (attached)

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

[Students' Bill of Rights](#)

[CUNY Campus and Workplace Violence Policy](#)

[Domestic Violence and the Workplace](#)

## Reasonable Accommodations and Academic Adjustments

The City University of New York Medical Amnesty/Good Samaritan Policy encourages students to seek medical assistance related to drug and alcohol use without fear of being disciplined for such use. For more information on this policy go to the following webpage: [Drug/Alcohol Use Amnesty Policy](#)

## **Crime Statistics**

TO FOLLOWING ARE THE MACUALAY HONORS COLLEGE CRIME STATISTICS FOR THE 2021-2023 CALENDAR YEARS. 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. The 20<sup>TH</sup> Precinct

Please refer to John Jay College of Criminal Justice, or your home Campus', Annual Security Report for additional policies and procedures.

2024

# The City University of New York (CUNY)

Macaulay Honors College - Department of Public Safety (DPS)



Crime Statistics	2021	All On-Campus Property				Non-Campus Property				Public Property						On Campus Residential Only			
		Reported to			SUB TOTAL	Reported to			SUB TOTAL	Reported to			SUB TOTAL	GRAND TOTAL	Reported to			Section TOTAL	
		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS			DPS	NYPD	*Non DPS		
Murder/Non-Negligent Manslaughter		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses																			
Rape		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation Referrals		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Arrests		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Referrals		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Arrests		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Referrals		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

\* Denotes Report to other campus authorities

Hate Crimes Reported:

None

Unfounded Crimes Reported:

None

Crime Statistics	2022	All On-Campus Property				Non-Campus Property				Public Property					On Campus Residential Only			
		Reported to			SUB TOTAL	Reported to			SUB TOTAL	Reported to			SUB TOTAL	GRAND TOTAL	Reported to			Section TOTAL
		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS			DPS	NYPD	*Non DPS	
Murder/Non-Negligent Manslaughter		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses																		
Rape		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation Referrals		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Arrests		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Referrals		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Arrests		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Referrals		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

\* Denotes Report to other campus authorities

Hate Crimes Reported:

None

Unfounded Crimes Reported:

None

Crime Statistics	2023	All On-Campus Property				Non-Campus Property				Public Property					On Campus Residential Only				
		Reported to			SUB TOTAL	Reported to			SUB TOTAL	Reported to			SUB TOTAL	GRAND TOTAL	Reported to			Section TOTAL	
		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS			DPS	NYPD	*Non DPS		
Murder/Non-Negligent Manslaughter		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses																			
Rape		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation Referrals		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Arrests		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Referrals		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Arrests		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Referrals		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking		0	0	2	2	0	0	0	0	0	0	0	0	0	0	2	0	0	0

\* Denotes Report to other campus authorities

Hate Crimes Reported:

None

Unfounded Crimes Reported:

None





Macaulay Honors College - Department of Public Safety (DPS)

City College of New York - Department of Public Safety (DPS)

Macaulay Honors College - Department of Public Safety (DPS)

[illegible]

# **THE CITY UNIVERSITY OF NEW YORK**

## **POLICY ON SEXUAL MISCONDUCT**

### **TABLE OF CONTENTS**

<b>PREAMBLE</b>	<b>3</b>
<b>I. POLICY STATEMENT</b>	<b>4</b>
<b>II. SCOPE OF THIS POLICY</b>	<b>5</b>
<b>III. PROHIBITED CONDUCT AND DEFINITIONS</b>	<b>5</b>
<b>IV. TITLE IX COORDINATOR</b>	<b>9</b>
<b>V. RESOURCES AND INFORMATION FOR INDIVIDUALS AFFECTED BY SEXUAL MISCONDUCT</b>	<b>10</b>
A. Reporting to Outside Law Enforcement	10
B. Differences between CUNY's Process and Procedures and Those of Outside Law Enforcement	10
C. Obtaining Immediate Medical Attention and Emotional Support	11
<b>VI. IMPORTANT INFORMATION REGARDING REPORTING/ CONFIDENTIALITY OBLIGATIONS OF COLLEGE AND CUNY EMPLOYEES</b>	<b>12</b>
A. Confidential Employees	12
B. Responsible Employees	13
C. Special Rules Concerning Public Awareness and Advocacy Events	14
<b>VII. REPORTING SEXUAL MISCONDUCT TO THE COLLEGE</b>	<b>15</b>
A. Complainant's Rights	15
B. Where to Report Allegations of Sexual Misconduct on Campus	16
C. Request that the College Maintain a Complainant's Anonymity or Not Conduct an Investigation	16
D. Filing External Complaints	17
E. Action by Bystanders	17
F. Amnesty for Drug and Alcohol Use	18
G. Reporting Retaliation	18
<b>VIII. SUPPORTIVE MEASURES AND ACCOMMODATIONS</b>	<b>19</b>
A. Range of Supportive Measures and Accommodations	19
B. No Contact Orders	20
C. Emergency Removal	20
D. Process for Review of Supportive Measures and Accommodations, Including No Contact Orders and Emergency Removal	20

<b>IX. EVALUATION OF INITIAL ALLEGATIONS OF SEXUAL MISCONDUCT</b>	<b>21</b>
<b>X. RIGHTS AND PROCEDURES THAT APPLY TO ALL SEXUAL MISCONDUCT MATTERS</b>	<b>22</b>
A. Rights of Parties During Any Investigation and Resolution	22
B. Informal Resolution	23
C. CUNY-wide Sexual Misconduct Panel and Committee Structure	24
D. Conflict/Bias	25
E. Appeals From the Adjudication Committee's Determination of Responsibility	25
F. Hearing Recording	26
G. Prohibition on Unauthorized Copying or Recording	26
H. Student Respondent Withdrawal Before Allegations are Resolved	27
I. Transcript Notations	27
J. Recordkeeping	27
<b>XI. PROCEDURES FOR TITLE IX SEXUAL HARASSMENT MATTERS</b>	<b>29</b>
A. Requirement of a Title IX Formal Complaint	29
B. Initiation of Title IX Grievance Procedure	29
C. Informal Resolution	30
D. Dismissal of Formal Complaint Prior to Resolution	30
E. Formal Resolution and Investigation	31
<b>XII. PROCEDURES FOR NON-TITLE IX SEXUAL MISCONDUCT MATTERS</b>	<b>40</b>
A. Rights of the Parties	40
B. Informal Resolution	40
C. Investigation	40
D. Action Following the Investigation or Termination of an Investigation	41
E. Disciplinary Process and Procedures	42
<b>XIII. COLLEGE OBLIGATIONS UNDER THIS POLICY</b>	<b>48</b>
A. Dissemination of Policies, Procedures and Notices	48
B. Training and Educational Programming	48
C. Campus Climate Assessments	49
<b>XIV. RULES REGARDING INTIMATE RELATIONSHIPS BETWEEN EMPLOYEES AND STUDENTS</b>	<b>50</b>
A. Relationships Between Faculty or Employees and Students	50
B. Relationships Between Supervisors and Employees	50
<b>XV. IMPLEMENTATION</b>	<b>51</b>
<b>STUDENTS' BILL OF RIGHTS</b>	<b>52</b>

## **PREAMBLE**

This Policy prohibits Sexual Misconduct at The City University of New York (“CUNY”). In addition to defining what constitutes Sexual Misconduct and explaining the resources available to those affected by Sexual Misconduct, this Policy details CUNY’s procedures for investigating and adjudicating allegations of Sexual Misconduct. CUNY’s process for addressing allegations of Sexual Misconduct is based on federal, state and local laws, including Title IX, the federal law that prohibits sex discrimination in education and New York State’s Education Law Article 129-B, also known as the “Enough is Enough” law. Each time there is a change in the law, CUNY must review and revise this Policy.

In May 2020, the United States Department of Education (“USDOE”) issued regulations that significantly limited the behavior that constitutes sexual harassment prohibited by Title IX—this behavior is now referred to as Title IX Sexual Harassment.

Title IX Sexual Harassment is defined by the USDOE to mean conduct on the basis of sex that occurs in CUNY’s education program or activity against a person in the United States and that satisfies one or more of the following: (1) a CUNY employee conditioning the provision of an aid, benefit, or service of CUNY on an individual’s participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to CUNY’s education program or activity; or (3) Sexual Assault, Dating Violence, Domestic Violence, or Stalking as defined in this Policy.

The regulations mandate a specific procedure for the investigation, resolution and adjudication of allegations of Title IX Sexual Harassment (“Title IX grievance procedure”). The regulations state that educational institutions may still prohibit sexual misconduct that falls outside of the narrow definition of Title IX Sexual Harassment and CUNY will continue to prohibit, investigate and adjudicate such conduct - for example, conduct that has a reasonable connection to CUNY but occurs outside of CUNY’s education program or activity, conduct that occurs outside the United States or unwelcome physical or verbal conduct of a sexual nature that does not meet the severe, pervasive and objectively offensive standard.

This Policy uses Sexual Misconduct as an umbrella term that covers all conduct prohibited by the Policy— regardless of whether that conduct meets the Title IX Sexual Harassment definition or not. Sexual Misconduct that falls outside the scope of Title IX Sexual Harassment will be referred to as a Non-Title IX Sexual Misconduct matter.

While the regulations specify a strict and complex Title IX grievance procedure for Title IX Sexual Harassment matters, those procedures are not required when Sexual Misconduct falls outside the scope of Title IX and CUNY determined that it would not use the Title IX grievance procedure for Non-Title IX Sexual Misconduct matters. Therefore, to ensure compliance with Title IX, as now interpreted, as well as other federal, state and local laws, this Policy provides two different sets of procedures: Title IX Sexual Harassment matters will follow the Title IX grievance procedure required by the regulations and Non-Title IX Sexual Misconduct matters will follow a different process that largely mirrors the CUNY investigation and adjudication process that existed under previous versions of this Policy, with a few changes and updates.

## **I. POLICY STATEMENT**

CUNY students, employees and visitors deserve the opportunity to live, learn and work free from Sexual Misconduct. Accordingly, CUNY is committed to:

1. Defining conduct that constitutes Sexual Misconduct;
2. Providing clear guidelines for students, employees and visitors on how to report incidents of Sexual Misconduct;
3. Providing ongoing assistance and support to all parties after allegations of Sexual Misconduct have been made;
4. Promptly and respectfully responding to and investigating allegations of Sexual Misconduct, pursuing disciplinary action when appropriate and taking action to investigate and address any allegations of retaliation;
5. Providing awareness and prevention information on Sexual Misconduct, including widely disseminating this Policy, as well as a “Students’ Bill of Rights” and implementing training and educational programs on Sexual Misconduct to college constituencies;
6. Gathering and analyzing information and data that will be reviewed in order to improve safety, reporting, responsiveness and the resolution of allegations of Sexual Misconduct;
7. Distinguishing between the specific conduct defined as Title IX Sexual Harassment by the USDOE and the broader definition of Sexual Misconduct prohibited by this Policy; and
8. Ensuring compliance with the federal regulations under Title IX, and other federal, state and local laws.

This is CUNY’s sole policy to address Sexual Misconduct and it is applicable at all CUNY colleges and units.<sup>1</sup> This Policy will be interpreted in accordance with the principles of academic freedom adopted by CUNY’s Board of Trustees.

The CUNY community should also be aware of the following CUNY policies:

1. [The CUNY Policy on Equal Opportunity and Nondiscrimination](#)<sup>2</sup> 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 Misconduct covered by this policy.
2. [The CUNY Campus and Workplace Violence Prevention Policy](#)<sup>3</sup> addresses workplace violence.
3. [The CUNY Domestic Violence and the Workplace Policy](#)<sup>4</sup> addresses domestic violence in or affecting employees in the workplace.

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<sup>1</sup> There is a separate policy for students at the Hunter College Campus Schools, consistent with federal regulations under Title IX, state and local law.

<sup>2</sup> <https://www.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/hr/policies-and-procedures/PEONon-Discrimination12.4.2014.pdf>.

<sup>3</sup> <https://www.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/CUNY-Campus-and-Workplace-Violence-Prevention-Policy-2.28.11-and-amended-9.26.2011.pdf>.

<sup>4</sup> [http://policy.cuny.edu/general-policy/article-v/#policy\\_5.061](http://policy.cuny.edu/general-policy/article-v/#policy_5.061).



4. [The CUNY Procedures for Implementing Reasonable Accommodations and Academic Adjustments](https://www.cuny.edu/about/administration/offices/legal-affairs/policies-procedures/reasonable-accommodations-and-academic-adjustments/)<sup>5</sup> addresses the procedures CUNY will follow when there is a request for a reasonable accommodation or academic adjustment.

In addition, campus crime statistics, including statistics relating to sexual violence, which CUNY is required to report under the Jeanne Clery Act, are available on each college's Public Safety website.

## **II. SCOPE OF THIS POLICY**

This Policy governs the conduct of CUNY students, employees and visitors. Visitors may report a violation of this Policy and may also be subject to restrictions for failing to comply with this Policy.

This Policy prohibits Sexual Misconduct that occurs on CUNY property and conduct that occurs off CUNY property but has a reasonable connection to CUNY.

## **III. PROHIBITED CONDUCT AND DEFINITIONS**

This Policy prohibits Sexual Misconduct (addressed in this section), Retaliation (addressed in Section VII-G and defined below), knowingly submitting false statements or information (defined below) and certain intimate relationships between students and faculty members/employees (addressed in Section XIV).<sup>6</sup>

**The following behaviors constitute Sexual Misconduct prohibited under this Policy:**

- a. **Dating Violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct. Dating violence includes the threat of sexual assault or physical abuse. The existence of such a relationship is determined based on a consideration of the following factors: (1) The length of the relationship; (2) The type of relationship and (3) The frequency of interaction between the persons involved in the relationship. A relationship may be romantic or intimate regardless of whether the relationship was sexual in nature.
- b. **Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim by a person with whom the victim shares a child, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under applicable domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under applicable domestic or family

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<sup>5</sup> <https://www.cuny.edu/about/administration/offices/legal-affairs/policies-procedures/reasonable-accommodations-and-academic-adjustments/>.

<sup>6</sup> Sex discrimination that does not constitute Sexual Misconduct is not addressed in this Policy but is covered by CUNY's Equal Opportunity and Non-Discrimination Policy. Sex discrimination is defined as treating an individual differently or less favorably because of sex, including sexual orientation, gender or gender identity (including transgender status), as well as pregnancy, childbirth and related medical conditions. Examples of sex discrimination include giving a student a lower grade, or failing to hire or promote an employee, based on their sex.

violence laws. Domestic violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct.

- c. **Sexual Assault: Contact** is any sexual contact, including sexual touching for the purpose of sexual gratification of either party or degrading or abusing such person, without a person's consent. Sexual touching includes contact under or over clothing with another person's anus, breasts, buttocks, genitals, groin or inner thigh; touching another person anywhere with any of these body parts; making another person touch any of these body parts under or over clothing; or the emission of ejaculate on the clothing or body of another person.
- d. **Sexual Assault: Penetration** is any form of vaginal, anal, or oral penetration or attempted penetration, however slight, by a penis, object, tongue, or finger without a person's consent. This term includes incest and statutory rape.
- e. **Sexual Harassment** is unwelcome verbal or physical behavior based on a person's sex (including sexual orientation, gender, gender expression and gender identity, including transgender status). Conduct is considered "unwelcome" if the individual did not request or invite it and considered the conduct to be undesirable or offensive. This includes unwelcome conduct when: (1) a CUNY employee conditions the provision of an aid, benefit, or service of CUNY on an individual's participation in unwelcome sexual conduct (quid pro quo); and/or (2) such conduct alters the conditions of, or has the effect of 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. While it is not possible to list all circumstances that might constitute Sexual Harassment, the following are some examples of conduct that might constitute such harassment:
  - i. Suggestive body language or inappropriate or unwelcome physical contact that does not qualify as Sexual Assault: Contact;
  - ii. Verbal abuse or offensive comments of a sexual nature, including sexual slurs, persistent or pervasive sexually explicit statements, questions, jokes or anecdotes, degrading words regarding sexuality or gender, suggestive or obscene letters, notes, or invitations;
  - iii. Making lewd or sexual comments about an individual's appearance, body, or clothing;
  - iv. Visual displays or distribution of sexually explicit drawings, pictures, or written materials;
  - v. Undue and unwanted attention, such as repeated inappropriate flirting, staring, or making sexually suggestive gestures; or
  - vi. Offensive comments regarding a person's sexual orientation, gender identity or gender expression, such as persistent mocking or disparagement of a person based on a perceived lack of stereotypical masculinity or femininity.
- f. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for their safety or the safety of others or (2) suffer substantial emotional distress. This Policy addresses stalking that is based on sex (including sexual orientation, gender, gender expression and gender identity, including transgender status). All other stalking will be addressed under other applicable policies.

- g. **Title IX Sexual Harassment** is a subset of the broader definition of Sexual Harassment above. It is defined by the USDOE to mean conduct on the basis of sex<sup>7</sup> that occurs in CUNY's education program or activity against a person in the United States and that satisfies one or more of the following: (1) a CUNY employee conditioning the provision of an aid, benefit, or service of CUNY on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to CUNY's education program or activity; or (3) Sexual Assault, Dating Violence, Domestic Violence, or Stalking as defined in this Policy.
- h. **Voyeurism** is unlawful surveillance and includes acts that violate a person's right to privacy in connection with their body and/or sexual activity such as:
- i. 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.
  - ii. Recording images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness where that person would have a reasonable expectation of privacy, without that person's consent;
  - iii. Disseminating images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness where that person would have a reasonable expectation of privacy, 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; or
  - iv. Using or installing, or permitting the use or installation of a device for the purpose of recording another person's sexual activity, intimate body parts or nakedness in a place where the person would have a reasonable expectation of privacy without that person's consent.

**Other important terms and concepts addressed in this Policy:**

- a. **Consent** means affirmative consent.
- b. **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.
- i. 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.
  - ii. In order to give consent, one must be of legal age (17 years or older in New York).
  - iii. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
  - iv. 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

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<sup>7</sup> "Based on sex" includes sexual orientation, gender, gender expression and gender identity, including transgender status.

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.

- v. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
  - vi. Consent may be initially given but withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.
- c. **Sexual Act/Sexual Activity** is
- i. Any form of vaginal, anal, or oral penetration or attempted penetration, however slight, by a penis, object, tongue or finger.
  - ii. Any sexual contact, including sexual touching. Sexual touching includes contact under or over clothing with another person's anus, breasts, buttocks, genitals, groin or inner thigh; touching another person anywhere with any of these body parts; making another person touch any of these body parts under or over clothing; or the emission of ejaculate on the clothing or body of another person.
- d. **Complainant** refers to the individual who alleges that they have been the subject of Sexual Misconduct, and may be a CUNY student, employee (including all full-time and part-time faculty and staff and paid/unpaid interns) or visitor. Under this Policy, the alleged incident(s) may have been brought to the college's attention by someone other than the complainant.
- e. **Confidentiality** is the commitment not to share any identifying information with others, except as required by law in emergency circumstances (such as risk of death or serious bodily harm). Confidentiality may only be offered by individuals who are not required to report known incidents of Sexual Misconduct to college officials. Licensed mental health counselors, medical providers and pastoral counselors may offer confidentiality. See additional discussion in Section VI.
- f. **Day** Whenever this Policy refers to a "day," it means a calendar day other than a Saturday, Sunday or federal or state holiday.
- g. **Knowingly submitting false statements or information** means knowingly making false statements or submitting false information in connection with any allegation of Sexual Misconduct (as opposed to providing information which, even if erroneous, is provided in good faith). Anyone who knowingly makes false statements or submits false information in connection with any allegation of Sexual Misconduct will be subject to disciplinary action in accordance with CUNY Bylaws, policies and collective bargaining agreements.
- h. **Non-Title IX Sexual Misconduct Matter** is the term used to describe allegations of Sexual Misconduct that do not meet the definition of Title IX Sexual Harassment and therefore will be resolved, investigated and adjudicated pursuant to the procedures outlined in Section XII.
- i. **Party** is a complainant or respondent.
- j. **Preponderance of evidence** is the standard of evidence used during the investigation and adjudication of Sexual Misconduct allegations under this Policy. A preponderance of the evidence means whether it is more likely than not that the Sexual Misconduct occurred.
- k. **Privacy** is the assurance that an individual or the college will only reveal information about allegations of Sexual Misconduct to those who need to know the information in order to carry out their duties or responsibilities or as otherwise required by law. Individuals who are unable to offer the higher standard of confidentiality under law, but who are still

committed to not disclose information more than necessary, may offer privacy. See additional discussion in Section VI.

- l. **Respondent** refers to the individual who is alleged to have committed Sexual Misconduct against a CUNY student, employee, or visitor.
- m. **Retaliation** is adverse treatment of an individual as a result of that individual's reporting Sexual Misconduct, assisting someone to report Sexual Misconduct, opposing in a reasonable manner an act or policy believed to constitute Sexual Misconduct, or participating in any manner (or refusing to participate) in an investigation or resolution under this Policy. Adverse treatment includes intimidation, threats, coercion or discrimination for the purpose of interfering with any right or privilege secured by this Policy. All individuals are prohibited from engaging in retaliation, including complainants, respondents and others, such as friends or relatives of the parties.
- n. **Title IX Formal Complaint** is a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a respondent and requesting that the college investigate the allegations. The Title IX Coordinator may sign a Title IX Formal Complaint with or without a complainant's desire to participate in a grievance process.
- o. **Title IX Sexual Harassment Matter** is the term used to describe allegations of Sexual Misconduct that meet the definition of Title IX Sexual Harassment and therefore must be resolved, investigated and adjudicated pursuant to the Title IX grievance procedures required by the USDOE and outlined in Section XI.
- p. **Visitor** is any person other than a CUNY student or employee who interacts with the CUNY community. CUNY alumni are considered visitors under this Policy.
- q. **Writing** Whenever this Policy requires a "writing," electronic mail satisfies the writing requirement.

#### IV. **TITLE IX COORDINATOR**

Each college or unit of CUNY has an employee who has been designated as the Title IX Coordinator.<sup>8</sup> This employee is responsible for compliance with Title IX of the Education Amendments of 1972, 20 U.S.C. chapter 38, which prohibits sex discrimination in education programs (including Title IX Sexual Harassment as it is defined above), New York State Law Article 129-B ("Enough is Enough") and other federal, state and local laws pertaining to sex discrimination and sexual misconduct. The Title IX Coordinator has overall responsibility for implementing this Policy, including overseeing the investigation of allegations of Sexual Misconduct at their college or unit (including Title IX Sexual Harassment matters and Non-Title IX Sexual Misconduct matters) and carrying out the other functions of that position set forth in this Policy. All Title IX Coordinators will receive annual training as required by Title IX, the Clery Act, Enough is Enough, and other civil rights laws. The name and contact information for all Title IX Coordinators at CUNY can be found on CUNY's dedicated [Title IX website](#).<sup>9</sup> Title IX Coordinator training obligations are discussed in Section XIII.

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<sup>8</sup> Any reference to the Title IX Coordinator may also include their designee.

<sup>9</sup> <http://www1.cuny.edu/sites/title-ix/campus-websites/campus/university/>.



## **V. RESOURCES AND INFORMATION FOR INDIVIDUALS AFFECTED BY SEXUAL MISCONDUCT**

CUNY is committed to providing assistance, support and resources to those affected by Sexual Misconduct. This Section discusses a complainant's option of reporting Sexual Misconduct to outside law enforcement, the differences between CUNY's process and procedures and those of outside law enforcement and how to obtain immediate medical attention and emotional support.

### **A. Reporting to Outside Law Enforcement**

Students, employees and other community members may choose to report Sexual Misconduct to local law enforcement and/or state police ("outside law enforcement"). However, CUNY does not require that a complainant report Sexual Misconduct to outside law enforcement; nor will CUNY do so without the complainant's agreement, except in exceptional circumstances. The college may report Sexual Misconduct to outside law enforcement without the complainant's consent when the college determines that the respondent poses a serious continuing threat to the physical safety of the complainant or another person.

If a student, employee or other community member chooses to report Sexual Misconduct to outside law enforcement, CUNY will provide assistance. Each college Public Safety office must 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 reporting allegations both on and off-campus and in obtaining immediate medical attention and other services.

Additional information is available on CUNY's [Title IX website](#).

### **B. Differences between CUNY's Process and Procedures and Those of Outside Law Enforcement**

In cases where the complainant reports allegations to outside law enforcement authorities as well as to the college, the college must 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.

Students, employees and other community members should be aware that CUNY procedures and standards differ from those of criminal law. When CUNY investigates allegations of Sexual Misconduct or brings disciplinary proceedings for violations of this Policy, the issue is whether the respondent violated CUNY policy. The standard applied in making this determination is whether the preponderance of the evidence supports a finding of responsibility, or, stated another way, whether it is more likely than not that the alleged conduct occurred. An individual found to have violated this Policy may be sanctioned by the college and CUNY. In the criminal justice system, on the other hand, the issue is whether the accused violated criminal law. The standard

applied is proof beyond a reasonable doubt and an individual found guilty of a crime is subject to criminal penalties, such as incarceration, probation and fines. More information about relevant criminal laws is available in “[A Plain Language Explanation of Distinction Between the New York Penal Law and the College Disciplinary Processes](#).”<sup>10</sup>

### **C. Obtaining Immediate Medical Attention and Emotional Support**

CUNY encourages anyone who has experienced Sexual Assault, Domestic Violence or Dating Violence to seek medical attention as soon as possible. Medical resources can provide treatment for injuries, preventative treatment for sexually transmitted diseases, emergency contraception and other health services. They can also assist in preserving evidence or documenting any injuries. Taking these steps promptly after an incident can be helpful if an individual later decides to pursue criminal charges or a protective order.

Individuals who have experienced or witnessed Sexual Assault, Domestic Violence or Dating Violence are also encouraged to seek emotional support, either on or off-campus.

On campus resources may 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.

CUNY also maintains a [list of off-campus emergency contacts and resources](#)<sup>11</sup>, including rape crisis centers, available throughout New York City on its dedicated web page. This includes a list of local hospitals designated as SAFE (Sexual Assault Forensic Examiner) hospitals, which are specially equipped to handle sexual assaults and trained to gather evidence from such assaults.

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<sup>10</sup> <http://www1.cuny.edu/sites/title-ix/campus-websites/campus/university/>.

<sup>11</sup> <http://www1.cuny.edu/sites/title-ix/campus-websites/resources/>.

## **VI. IMPORTANT INFORMATION ABOUT REPORTING/CONFIDENTIALITY OBLIGATIONS OF COLLEGE AND CUNY EMPLOYEES**

CUNY values the privacy of its students, employees and visitors and recognizes that they should be able to seek the assistance they need without fear that the information they provide will be shared more broadly. An individual who speaks to a college or CUNY employee about Sexual Misconduct should be aware that employees fall into three categories:

- a. Confidential Employees** have an obligation to maintain a complainant's confidentiality regarding allegations of Sexual Misconduct and will not share any identifying information with others, except as required by law in emergency circumstances;
- b. Responsible Employees** are required to report allegations of Sexual Misconduct to the Title IX Coordinator 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; and
- c. All other employees** are strongly encouraged, but not required to report allegations of Sexual Misconduct to the Title IX Coordinator. These employees are otherwise encouraged to protect an individual's privacy to the greatest extent possible and share information only with the Title IX Coordinator.

**Note:** Under the Clery Act, the College is required to maintain records, advise the government about reports of certain crimes and issue timely warnings when there is a serious, continuing threat to the community. Such reports and warnings do not disclose identifying information.

### **A. Confidential Employees**

- a. For Students.** Students who wish to speak to someone who will keep the communications confidential should speak to one of the following:
  - i. Counselor or other staff member at their college counseling center;
  - ii. Nurse, nurse practitioner or other college health office staff member;
  - iii. Pastoral counselor (a person associated with a religious order or denomination, recognized by that order or denomination as someone who provides confidential counseling and identified by CUNY as functioning within the scope of that recognition); or
  - iv. Designated staff member, if any, in a women's or men's center, if one exists at their college.

These individuals will not report the allegations 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 of serious injury to the complainant or any other person.

If a student speaks solely to a confidential employee, the college will rarely be able to conduct an investigation into the allegations or pursue disciplinary action against the respondent. Confidential employees will assist students in obtaining other necessary support.

- b. For Employees.** Although CUNY does not directly employ individuals to whom CUNY employees can speak on a confidential basis regarding Sexual Misconduct, free confidential support services are available through [CUNY's Work/Life](#)

[Program](#)<sup>12</sup>, which is administered by an outside company. Confidential community counseling resources are also available [throughout New York City](#).<sup>13</sup>

Complainants may use these confidential resources even if they decide not to report allegations of Sexual Misconduct or participate in an investigation, CUNY resolution process or the criminal justice process. A complainant who first speaks to a confidential resource may later decide to report allegations to the college or with outside law enforcement.

## **B. Responsible Employees**

Individuals designated as responsible employees have a duty to report allegations of Sexual Misconduct, including all relevant details, to the Title IX Coordinator. These employees are not permitted to maintain a complainant's confidentiality, but 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 and other people responsible for handling the college's response to the report.

To the extent possible, before a complainant reveals any information to a responsible employee, the employee should 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:

- a. University Title IX Director
- b. College Title IX Coordinator and staff
- c. Office of Public Safety employees
- d. Vice President for Student Affairs or Dean of Students and all staff housed in those offices (other than staff that are designated as confidential employees)
- e. Residence Life staff in CUNY owned or operated housing, including Resident Assistants
- f. Directors and Deputy Directors of Human Resources
- g. College President, Vice Presidents and Deans
- h. Athletics Staff
- i. Department Chairpersons/Executive Officers
- j. CUNY Office of the General Counsel attorneys and College/unit attorneys
- k. College/unit labor designee
- l. Faculty and staff members at times when they are leading or supervising students on off-campus trips
- m. International Education Liaisons/Study Abroad Campus Directors and Field Directors
- n. All employees at Hunter College Campus Schools
- o. College Childcare Center staff
- p. Managers or supervisors, regarding alleged Sexual Misconduct involving people who report to them
  - i. **Managers** are employees who have authority to make tangible employment decisions with regard to other employees, including the authority to hire, fire, promote, compensate or assign significantly different responsibilities.

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<sup>12</sup> <https://www.cuny.edu/about/administration/offices/hr/benefits/>.

<sup>13</sup> <https://nownyc.org/womens-justice-now/get-help/>.

- ii. **Supervisors** are employees who are not managers, but have a sufficient degree of control over the working conditions of one or more employees, which might include evaluating their performance and making recommendations for changes in employment status that are given particular weight.

### **C. Special Rules Concerning Public Awareness and Advocacy Events**

CUNY supports public awareness events that help provide its community with information about Sexual Misconduct and how it can be addressed and prevented. In order to preserve the ability to participate freely in public awareness and advocacy events, if an individual discloses information about Sexual Misconduct at such event (for example, Take Back the Night gatherings, candlelight vigils, or protests) the college will not treat the disclosure as triggering an obligation to commence an investigation based on that information. Such individuals are encouraged to report Sexual Misconduct to college officials so that the college can provide resources and assistance.

## **VII. REPORTING SEXUAL MISCONDUCT TO THE COLLEGE**

In order for CUNY to address allegations of Sexual Misconduct, it has to learn about the allegations. Accordingly, CUNY strongly encourages individuals who have experienced Sexual Misconduct to report allegations to a designated campus official, as set forth in “Where to Report Allegations of Sexual Misconduct on Campus” below. The designated officials are trained to receive allegations of Sexual Misconduct, to ensure they are investigated in accordance with this Policy and to help complainants get necessary assistance. Students, employees and visitors are encouraged to report allegations of Sexual Misconduct to campus officials, regardless of whether they have reported the incident to outside law enforcement authorities and regardless of where the incident took place.

### **A. Complainant’s Rights**

Individuals who have experienced Sexual Misconduct have the right to report allegations to the college or to decide not to do so. Students who report Sexual Misconduct have all of the rights contained in the Students’ Bill of Rights (copy attached).

Complainants also have these rights:

- a. To notify campus Public Safety and/or outside law enforcement, or to choose not to report.
- b. To have emergency access to a college official trained to interview victims of sexual assault and able to provide certain information, including reporting options and information about confidentiality and privacy. The official will, where appropriate, advise about the importance of preserving evidence and obtaining a Sexual Assault Forensic Examination (“SAFE”) as soon as possible. The official will also explain that the criminal process uses different standards of proof and evidence, and that any questions about whether an incident violated criminal law should be addressed to a law enforcement official or a district attorney’s office.
- c. To disclose the incident to a college representative who can offer confidentiality or privacy and assist in obtaining services. See Section VI, above.
- d. 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 (subject to the procedures outlined in Sections XI and XII).
- e. To have allegations of Sexual Misconduct investigated in accordance with CUNY policy.
- f. To have privacy preserved to the extent possible.
- g. To receive assistance and resources on campus, including confidential and free on-campus counseling, and to be notified of other services available on and off campus, including the New York State Office of Victim Services.
- h. To disclose the incident to the college’s Human Resources Director or designee (if the respondent is a college employee) or request that a confidential or private resource assist in doing so.
- i. To disclose the incident confidentially and obtain services from state and local governments.



- j. To receive assistance from the campus or others in filing a criminal complaint, initiating legal proceedings in family court or civil court, and/or seeking an Order of Protection or the equivalent. In New York City, this assistance is provided by Family Justice Centers located in each borough.
- k. To receive assistance with effecting an arrest when an individual violates an Order of Protection, which may be provided by assisting local law enforcement in effecting such an arrest.
- l. To withdraw allegations or involvement from the process at any time.

## **B. Where to Report Allegations of Sexual Misconduct on Campus**

Students, employees and visitors who experience Sexual Misconduct and wish to report the allegations to the college/CUNY, should notify one of these campus officials/offices:

- a. Title IX Coordinator;
- b. Office of Public Safety;
- c. Office of Vice President for Student Affairs or Dean of Students;
- d. Residence Life staff in CUNY owned or operated housing; or
- e. Human Resources Director.

Contact information for these officials can be found at CUNY's [Title IX Website](#). Complainants are encouraged, but not required, to complete the CUNY Sexual Misconduct Allegation Form. After the form is filled out, it should be brought to one of the offices listed above or submitted electronically through the college's Title IX website (where available) or by email. The college will also respond to allegations made without the form, whether oral or written.

When any of the officials or offices above is notified of allegations of Sexual Misconduct, they will provide a copy of this Policy to the complainant and coordinate with appropriate college offices to address the matter in accordance with this Policy, including providing appropriate supportive measures (addressed in Section VIII, below). These officials and offices will maintain a complainant's privacy to the greatest extent possible, and all information in connection with the allegations, including the identities of the complainant and the respondent, will be shared only with those who have a legitimate need for the information.

## **C. Request that the College Maintain a Complainant's Anonymity or Not Conduct an Investigation**

Whether a college may maintain a complainant's anonymity or request to not conduct an investigation, depends on whether the allegations will proceed as a Title IX Sexual Harassment matter or a Non-Title IX Sexual Misconduct matter (See Section X).

If the allegations will proceed as a Title IX Sexual Harassment matter, the Title IX Coordinator must inform the complainant that the complainant's identity may not be kept anonymous if the complainant wishes to proceed with a Title IX Formal Complaint, and that the notice to the respondent will reveal the complainant's identity. The complainant may choose whether to file a Title IX Formal Complaint when so informed. If the complainant chooses not to file a Title IX Formal Complaint, their identity will not be disclosed to the respondent.

If the allegations will proceed as a Non-Title IX Sexual Misconduct matter, a complainant may request: (a) that the matter be investigated only to the extent possible without further revealing their identity or revealing further details and/or (b) that no investigation into a particular incident be conducted. If a complainant makes such a request, 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. Factors used to determine whether to honor such a request include, but are not limited to: (a) whether the respondent has a history of violent behavior or is a repeat offender; (b) whether the incident represents escalation of unlawful conduct by the accused from previously noted behavior; (c) any increased risk that the accused will commit additional acts of violence, (d) whether the accused used a weapon or force; (e) whether the complainant is a minor; (f) whether the college possesses other means to obtain evidence such as security footage and (g) whether available information reveals pattern of misconduct at a given location or by particular group.

The college's decision to maintain the complainant's anonymity does not mean that anonymity can be guaranteed in all circumstances; rather, the college will make reasonable efforts to keep information confidential consistent with law. Of course, a college's ability to meaningfully investigate the incident and pursue disciplinary action may be limited by such a request for anonymity. 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 supportive measures and accommodations set forth in Section VIII of this Policy.

#### **D. Filing External Complaints**

Individuals who feel that they have been subjected to Sexual Misconduct have the right to avail themselves of any and all of their rights under law, including but not limited to filing complaints with one or more of the outside agencies listed below:

- a. [U.S. Department of Education, Office for Civil Rights](http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html)<sup>14</sup>
- b. [U.S. Equal Employment Opportunity Commission](https://www.eeoc.gov/federal/fed_employees/filing_complaint.cfm)<sup>15</sup>
- c. [New York State Division of Human Rights](https://dhr.ny.gov/complaint)<sup>16</sup>
- d. [New York City Commission on Human Rights](http://www1.nyc.gov/site/cchr/about/resources.page)<sup>17</sup>

In certain circumstances, the college or unit may close an investigation upon the filing of an external complaint. When this happens, the outside agency takes over the investigation and the college or unit will cooperate with the investigation conducted by the outside agency. If a college or unit closes an investigation for this reason, the Title IX Coordinator must notify the parties in writing.

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<sup>14</sup> <http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>.

<sup>15</sup> [https://www.eeoc.gov/federal/fed\\_employees/filing\\_complaint.cfm](https://www.eeoc.gov/federal/fed_employees/filing_complaint.cfm).

<sup>16</sup> <https://dhr.ny.gov/complaint>.

<sup>17</sup> <http://www1.nyc.gov/site/cchr/about/resources.page>.

### **E. Action by Bystanders**

CUNY encourages employees, students and visitors to take reasonable and prudent actions to prevent or stop an act of Sexual Misconduct that they may witness, unless doing so would pose a safety risk to themselves or others. Although these strategies will depend on the circumstances, they may include direct intervention, calling law enforcement or seeking assistance from a person in authority.

In addition, CUNY encourages employees, students and visitors to report any incident of Sexual Misconduct that they observe or become aware of to the Title IX Coordinator or the offices referenced in Section VII-B, above. Individuals who take action in accordance with this paragraph will be supported by the college, and anyone who retaliates against them will be subject to discipline.

### **F. Amnesty for Drug and Alcohol Use**

The health and safety of every student at CUNY is of the utmost importance. CUNY recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at a time that Sexual Misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. CUNY strongly encourages students to report Sexual Misconduct to college officials. A bystander or complainant acting in good faith who discloses any incident of Sexual Misconduct to college officials or law enforcement will not be subject to discipline under [CUNY's Policy on Drugs and Alcohol](#)<sup>18</sup> for violations of alcohol and/or drug use policies occurring at or near the time of the Sexual Misconduct.

### **G. Reporting Retaliation**

An individual may report allegations of retaliation to the Title IX Coordinator if the individual has been subject to retaliation, as defined in Section III. All retaliation allegations will be investigated in accordance with the investigation procedures set forth in this Policy, and individuals who are found to have engaged in retaliation will be subject to disciplinary action.

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<sup>18</sup> <https://www.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/policies-procedures/Policy-Against-Drugs-and-Alcohol.pdf>.

## **VIII. SUPPORTIVE MEASURES AND ACCOMMODATIONS**

Supportive measures and accommodations are non-disciplinary, non-punitive individualized services designed to restore or preserve equal access to education and to ensure safety, prevent retaliation and avoid an ongoing hostile environment. Supportive measures and accommodations are available to complainants, respondents and other affected parties. Supportive measures are available when a college becomes aware of allegations of Sexual Misconduct (including both Title IX Sexual Harassment matters and Non-Title IX Sexual Misconduct matters), whether or not a complainant chooses to move forward with an investigation and/or resolution. Supportive measures may be provided on an interim or continuing basis. The college may also take reasonable measures to ensure the safety of the college community at large.

The Title IX Coordinator is responsible for coordinating and ensuring the effective implementation of supportive measures and accommodations. When a college learns of allegations of Sexual Misconduct, the Title IX Coordinator will promptly contact a complainant to discuss the availability of supportive measures and accommodations, discuss the complainant's wishes with respect to supportive measures and accommodations and inform complainant that supportive measures and accommodations are available even if the complainant does not wish to proceed with an investigation and/or resolution of the allegations. Requests for supportive measures and accommodations should be made to the Title IX Coordinator.

The Title IX Coordinator will work with the Chief Student Affairs Officer<sup>19</sup> to identify a trained staff member to assist students to obtain supportive measures and accommodations. The Title IX Coordinator will work with the Human Resources Director to assist employees to obtain supportive measures and accommodations.

### **A. Range of Supportive Measures and Accommodations**

Possible supportive measures and accommodations may include:

- a. Making appropriate changes to academic programs, including changes in class schedule, accommodations to permit students to take an incomplete or drop a course or courses without penalty, permitting students to attend a class via videoconference platform or other alternative means, providing an academic tutor, or extending deadlines for assignments;
- b. Making appropriate changes to residential housing situations or providing assistance in finding alternate housing;
- c. Changing an employee's work assignment or schedule;
- d. Providing an escort to and from class or campus work location;
- e. Arranging appropriate transportation services to ensure safety;
- f. Offering counseling services through the college Counseling Center or other appropriate office, or referral to an off-campus agency;
- g. Enforcing an Order of Protection issued by a court;
- h. Issuing a No Contact Order whereby continued intentional contact would be a violation of CUNY Policy and subject to disciplinary action (see discussion below); and

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<sup>19</sup> Any reference to the Chief Student Affairs Officer may also include their designee.

- i. Emergency removal of a respondent when they pose an imminent threat to the physical health or safety of any person (see discussion below).

## **B. No Contact Orders**

A No Contact Order is a directive issued by a college prohibiting intentional contact or communication between specified parties. An individual who intentionally violates a No Contact Order is in violation of CUNY Policy and will be subject to disciplinary action. No Contact Orders may be issued for both complainants and respondents, as well as other individuals as appropriate. No Contact Orders are issued by the Chief Student Affairs Officer (for students) and the Director of Human Resources (for employees).

## **C. Emergency Removal**

In exceptional circumstances, where a respondent presents an immediate threat to the physical health or safety of any student or other individual arising from a report of Sexual Misconduct, the college may effectuate an emergency removal of a student or take similar emergency measures against an employee, consistent with applicable CUNY Bylaws and policies.

Prior to emergency removal under this Section, the President or their designee will, in cooperation with the appropriate campus officials, conduct an individualized safety and risk analysis to determine whether a respondent presents an immediate threat to the physical health or safety of any person arising from a report of Sexual Misconduct. The college will give the student respondent notice and an opportunity to challenge the decision immediately following the removal (see Section VIII-D, below). Both parties will be notified at the same time and in the same manner of the emergency removal and if or when the emergency removal is lifted.

## **D. Process for Review of Supportive Measures and Accommodations, Including No Contact Orders and Emergency Removal**

Parties may request a prompt review of the need for and terms of supportive measures that directly affect them, including No Contact Orders and emergency removal. Issues that may be raised include possible modification or discontinuance of a No Contact Order.

If either party is a student, a request for review must be made to the college's Chief Student Affairs Officer. If neither party is a student, a request for review must be made to the college's Human Resources Director. If a case involves both a student and an employee, the Chief Student Affairs Officer will consult with the Human Resources Director before making a decision. Requests for review must be in writing and parties may submit evidence to support their request. All requests will be reviewed within seven (7) days after receipt.

## **IX. EVALUATION OF INITIAL ALLEGATIONS OF SEXUAL MISCONDUCT**

Upon learning of allegations of Sexual Misconduct, the Title IX Coordinator will evaluate whether the alleged behavior falls within the scope of Title IX Sexual Harassment. If the alleged Sexual Misconduct meets these criteria, it must proceed as a Title IX Sexual Harassment matter:

- a. the allegations, if true, meet the definition of Title IX Sexual Harassment as defined above in Section III; and
- b. at the time the allegations are made, the complainant is participating in, or attempting to participate in an education program or activity at CUNY.

If the alleged Sexual Misconduct does not meet the above criteria, the allegations will proceed as a Non-Title IX Sexual Misconduct matter. For allegations that involve multiple incidents of Sexual Misconduct, some of which qualify as a Title IX Sexual Harassment matter and some of which qualify as a Non-Title IX Sexual Misconduct matter, the allegations will proceed as a Title IX Sexual Harassment matter. Allegations of discrimination covered by CUNY's Equal Opportunity and Non-Discrimination Policy will continue to be referred to the Chief Diversity Officer and handled pursuant to separate procedures outlined in that policy.

Rights and procedures that apply to all Sexual Misconduct matters are addressed in Section X. Procedures for the investigation, resolution and/or adjudication of Title IX Sexual Harassment matters are addressed in Section XI. Procedures for the investigation, resolution and/or adjudication of Non-Title IX Sexual Misconduct matters are addressed in Section XII.



## **X. RIGHTS AND PROCEDURES THAT APPLY TO ALL SEXUAL MISCONDUCT MATTERS**

The following rights and procedures apply to all allegations of Sexual Misconduct, regardless of whether the allegations will proceed as a Title IX Sexual Harassment matter or a Non-Title IX Sexual Misconduct matter.

### **A. Rights of Parties during any Investigation and Resolution**

Parties will have the following rights when an investigation or resolution is initiated under either Section XI or XII of this Policy:

- a. To an investigation and process that is fair, impartial, timely, thorough and provides a meaningful opportunity to be heard;
- b. To have the allegations investigated and/or adjudicated by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, and the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until any finding of responsibility;
- c. To have the allegations investigated, resolved and/or adjudicated by individuals who are free from a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent;
- d. To have the college's judicial or conduct process run concurrently with any criminal justice investigation and proceeding, except for temporary delays requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten (10) days except when law enforcement specifically requests and justifies a longer delay;
- e. To an investigation process where the burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the college and not on the parties;
- f. To receive reasonable advance written notice of any meeting they are required to or eligible to attend;
- g. To exclude their own prior sexual history with persons other than the other party in the investigation or conduct process and their own mental health diagnosis and/or treatment, subject to certain exceptions described in Sections XI and XII;
- h. To offer evidence during the investigation;
- i. To have irrelevant evidence excluded from any hearing;
- j. To review documents and tangible evidence, consistent with the Family Educational Rights and Privacy Act ("FERPA") and other laws (see Sections XI or XII for additional details);
- k. To be accompanied by an advisor of their choice (who may be an attorney), who may assist and advise throughout the process, including during all related meetings and hearings. Advisors must comply with applicable CUNY policies and procedures;<sup>20</sup>
- l. To simultaneous notice of the outcome of proceedings, including written notice of findings of fact, decisions and sanctions if any, as well as the rationale for the decision and any sanction;

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<sup>20</sup> For Title IX Sexual Harassment matters, CUNY will provide an advisor to any party who does not have one, for the limited purpose of conducting cross examination at a hearing. See Section XI-E-c-ii for more information.

- m. To access to a full and fair record of any hearing;
- n. To protection against retaliation as defined in Section III; and
- o. To protection against the provision of false statements and evidence, as defined in Section III.

## **B. Informal Resolution**

Informal Resolution is an alternative to the formal investigation and adjudication procedures outlined in Sections XI and XII and may include administrative resolution (such as a mutual agreement to abide by a No Contact Order), acceptance of responsibility and penalty, mediation or other alternative dispute resolution. In some cases, informal resolution may represent a beneficial outcome for both parties by providing an alternative to the formal investigation and adjudication process.

This informal resolution process is available in matters proceeding as Title IX Sexual Harassment matters and Non-Title IX Sexual Misconduct matters, except in cases involving Title IX Sexual Harassment allegations by a student against an employee.

Informal resolution may take place at any point prior to a determination of responsibility. For Title IX Sexual Harassment matters, informal resolution is available after a Title IX Formal Complaint is filed. The Title IX Coordinator must consider every eligible case for informal resolution. When the Title IX Coordinator determines that it is appropriate to refer a matter for informal resolution, the Title IX Coordinator will provide the parties with written notice that an informal resolution is being offered to resolve the allegations. This written notice will include:

- a. A description of the allegations;
- b. The requirements of the informal resolution process, including the circumstances under which an informal resolution will preclude the parties from resuming an investigation and formal resolution arising from the same allegations;
- c. Potential consequences resulting from participating in the informal resolution process, including what records will be maintained or could be shared with the other party; and
- d. Notice that either party has the right to withdraw from the informal resolution process and resume an investigation and formal resolution process at any time prior to agreeing to an informal resolution.

Both parties must agree to begin the informal resolution process. The time frame for investigations will be tolled while the parties engage in the informal resolution process. The Title IX Coordinator must reevaluate the parties' progress towards informal resolution every thirty (30) days and has the discretion to terminate the informal resolution process and resume the investigation at any time.

Upon referral by the Title IX Coordinator, the informal resolution process is conducted by a qualified staff or faculty member designated by the Title IX Coordinator, in coordination with the Chief Student Affairs Officer or a designated Human Resources representative, as applicable. Either party has the right to end the informal resolution process at any time prior to finalizing an informal resolution agreement.

Any agreement reached through informal resolution must be acceptable to both parties and the college. If a resolution is reached, the parties will be notified in writing, and a written memorandum

will memorialize the agreed upon resolution. Both parties must provide their voluntary, written consent before an informal resolution agreement is finalized. Once finalized, the obligations in the agreement will be binding and the allegations of Sexual Misconduct (and for Title IX Sexual Harassment matters, the Title IX Formal Complaint) will be deemed resolved. Once finalized, this memorandum will be maintained for seven (7) years, in compliance with recordkeeping requirements outlined in Section X-J.

Information learned as a direct result of the informal resolution process will not be documented in an investigatory report or subsequent adjudication. However, information learned from another source will not be excluded from an investigatory report or subsequent adjudication merely because it was discussed or raised during the informal resolution process. The staff or faculty member conducting the informal resolution process is precluded from participating as a witness in the investigation or participating as a witness or presenter in a subsequent adjudication. Violations of informal resolution agreements will be referred for discipline or other appropriate action in accordance with CUNY Bylaws, policies and collective bargaining agreements.

### **C. CUNY-wide Sexual Misconduct Panel and Committee Structure**

CUNY will constitute a CUNY-wide Sexual Misconduct Panel (“the Panel”) comprised of faculty members, Higher Education Officer series employees (“HEO”), and students from its constituent campuses, from which members will be drawn to serve as the decision-maker at hearings (Adjudication Committee) and the decision-maker of appeals (Appeal Committee) for both Title IX Sexual Harassment matters and Non-Title IX Sexual Misconduct matters. CUNY will consult with each College President to help constitute the Panel. When selecting faculty members, the President shall consult with the faculty member who is the head of the appropriate campus governance body or where the President is the head of the governance body, the faculty members of its executive committee. Each Panel member should be specially trained annually on the relevant law and this Policy.

Each Adjudication and Appeal Committee shall be comprised of three members of the Panel. Panel members will be selected on a rotation basis and will serve CUNY-wide, but will not serve on cases from their home campus. For cases in which the respondent is a student, each Committee will consist of one (1) faculty member or one (1) HEO, one (1) student member and a chairperson, who will be a faculty member or HEO. For cases in which the respondent is a faculty member, each committee will consist of two (2) faculty members and a chairperson, who may be a faculty member or HEO. For cases in which the respondent is an HEO, each committee will consist of two (2) HEOs and a chairperson, who may be a faculty member or HEO. For all other cases in which the respondent is an employee, each committee will consist of two (2) faculty members or one (1) faculty member and one (1) HEO and a chairperson, who may be either a faculty member or HEO.

The chairperson of each Committee will preside at all meetings and decide and make all procedural rulings for the Committee. The Committee will collectively decide by majority vote whether the respondent is responsible for the alleged Policy violation(s). Hearings will be scheduled promptly (including during the summers) at a convenient time and efforts must be made to ensure full student and faculty representation.

In the event that any Committee member, including the chairperson, cannot continue, the University Title IX Director will appoint another Committee member from the Panel to fill the vacant seat.

Panel members will not participate in a case if they have been involved in the investigation, will be participating in the hearing as a witness or if they have a direct interest in the outcome of the matter. Panel members will not serve on a Committee if they have previously participated in a case involving the same parties.

#### **D. Conflict/Bias**

If a party believes that any individual involved in the investigation, resolution, adjudication or appeals process has a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, either party may make a request to have that conflicted or biased individual removed from the process. Requests for removal must be made in writing within five (5) days of the notification that the individual is to be involved and include a detailed description of the conflict or bias. Requests for removal of a member of the Adjudication Committee must be made at least one (1) day before a hearing. All requests for removal must be directed to the University Title IX Director. After receiving a request for removal, the University Title IX Director will ask the individual with the alleged conflict or bias to provide a short, written response to the request for removal and consider that response before making a determination. If a conflict or bias exists, the University Title IX Director will take immediate steps to replace that investigator, informal resolution facilitator or Committee member to ensure an impartial and fair process.

If any administrator designated by this Policy to participate in the investigation or resolution of Sexual Misconduct allegations 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 Director or designee. In other appropriate cases in which a high-level administrator is the respondent, the investigation may be referred for investigation to the University Title IX Director or designee.

#### **E. Appeals From the Adjudication Committee's Determination of Responsibility**

A party may appeal the Adjudication Committee's determination of responsibility and/or the penalty imposed on the following grounds:

- a. Procedural irregularity that affected the outcome of the matter
- b. New evidence that was not reasonably available at the time of the hearing, which could affect the outcome of the matter
- c. The Title IX Coordinator, investigator or Adjudication Committee had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter;<sup>21</sup> or
- d. The disproportionate nature of the penalty.

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<sup>21</sup> Allegations of conflict or bias will be considered waived unless they are raised in a timely manner, pursuant to Section X-D, above.

The Appeal Committee may modify the penalty or remand the matter for a new hearing.

Parties intending to appeal under this section must send a written Notice of Appeal to the University Title IX Director within fifteen (15) days after the delivery of the written determination of responsibility. The University Title IX Director will notify the non-appealing party in writing within five (5) days of receipt of the Notice of Appeal and will instruct the college to provide the hearing recording to the parties. The college will provide the hearing recording to the parties in a timely manner.

The appealing party must submit their written appeal to the University Title IX Director within fifteen (15) days after the delivery of the hearing recording. The University Title IX Director will provide the appealing party's submission to the non-appealing party within five (5) days of submission. The non-appealing party will have the opportunity to submit a written response to the appeal, due within fifteen (15) days after the delivery of the appealing party's submission.

The University Title IX Director will facilitate the composition and scheduling of the Appeal Committee, which will be comprised of members of the CUNY-wide Sexual Misconduct Panel. The composition of the Appeal Committee is described above in Section X-C. Panel members that served on the Adjudication Committee will not serve on the Appeal Committee for the same matter.

The Appeal Committee will review the hearing materials and written submissions of the parties. The Appeal Committee will issue a written decision that indicates the final outcome and rationale for that decision within fifteen (15) days of receipt of the non-appealing party's written submission or failure to provide a submission. The written decision will be provided simultaneously to both parties.

#### **F. Hearing Recording**

The college shall make a recording of each hearing by some means such as a stenographic transcript, an audio recording or the equivalent. No other recording of the proceedings is permitted. A respondent who has been found responsible after a hearing is entitled upon request to a copy of such a record without cost upon the condition that it is not to be disseminated except to the respondent's advisor. In the event of an appeal, the parties will be provided a copy of such a record without cost, upon the condition that it is not to be disseminated except to their advisors.

#### **G. Prohibition on Unauthorized Copying or Recording**

The parties are prohibited from recording any part of the investigation and grievance process and from unauthorized copying of documents or materials. Copying includes but is not limited to: audio or video recording, streaming, photographing, scanning, transcribing, or any other form that conflicts with the spirit of this directive. Allegations of non-compliance will be reviewed by the Office of Student Affairs, or Human Resources, as appropriate, and may result in disciplinary action.

## **H. Student Respondent Withdrawal Before Allegations are Resolved**

A student who withdraws from CUNY shall not be exempt from a Sexual Misconduct investigation or adjudication that commenced prior to withdrawal. When a student respondent withdraws from CUNY with a Sexual Misconduct investigation or adjudication pending, the respondent will be barred from attending any other college, school, or unit of CUNY until the investigation and/or adjudication is complete or the allegations are otherwise resolved. If the respondent fails to appear at a subsequent hearing, the college may proceed in absentia, and any decision and sanction shall be binding, pending appeal.

When a college is notified of a respondent's withdrawal, the college must place a notation on the respondent's transcript that the respondent "withdrew with conduct charges pending." If the respondent is subsequently found not responsible at a hearing, the transcript notation will be removed. If the respondent is subsequently found responsible at a hearing and the penalty is either suspension or expulsion, the transcript notation will be adjusted in accordance with Section X-I, below.

When a student respondent transfers colleges within CUNY while an investigation is pending, the college that instituted the investigation must complete the investigation before transferring the matter to the respondent's new institution for adjudication.

### **I. Transcript Notations**

When a student respondent is found responsible and the penalty is either suspension or expulsion, the college must place a notation on the respondent's transcript stating that respondent "was suspended [or expelled] after a finding of responsibility for a code of conduct violation."

For all other cases, after four years from the date of the conclusion of the disciplinary proceeding, or one year after the conclusion of any suspension, whichever is later, the respondent has the right to request that a transcript notation from a finding of responsibility be removed. In cases where a student respondent was expelled as a result of a Clery Act crime of violence,<sup>22</sup> including but not limited to sexual assault, the notation will not be removed. If a finding of responsibility is vacated for any reason, the notation must be removed.

### **J. Recordkeeping**

All records related to a college's response to allegations of Sexual Misconduct must be maintained by the college for 7 years from the last action on a matter, unless such records must be maintained for a longer period of time pursuant to CUNY's Records Retention and Disposition Schedule. These records include: records of any actions, including any supportive measures or accommodations taken in response to allegations of Sexual Misconduct; investigation records, materials, and documents; determinations regarding responsibility and disciplinary sanctions; remedies provided to a complainant designed to restore or preserve equal access to CUNY's

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<sup>22</sup> See 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII).



education program or activity; any appeals and the result; any informal resolution and the result; and any recordings or transcripts of hearings.

CUNY's Records Retention and Disposition Schedule requires that student disciplinary records be maintained permanently.

## **XI. PROCEDURES FOR TITLE IX SEXUAL HARASSMENT MATTERS**

The following procedures apply only to Title IX Sexual Harassment matters.

### **A. Requirement of a Title IX Formal Complaint**

The Title IX Coordinator will determine if the manner in which the initial allegations were reported meets the criteria of a Title IX Formal Complaint, which is required to initiate a grievance process or resolution.

A Title IX Formal Complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment (as defined in Section III) against a respondent and requesting that the college investigate the allegations. The Title IX Coordinator may sign a Title IX Formal Complaint with or without a complainant's desire to participate in a grievance process. A Title IX Formal Complaint may be a physical document, email or electronic submission through a campus online form, so long as it contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the complaint.

If the manner in which the initial allegations were reported does not meet the criteria of a Title IX Formal Complaint, the Title IX Coordinator will contact the complainant to explain how to file a Title IX Formal Complaint and notify them that a Title IX Formal Complaint is required to resolve the allegations.

If no Title IX Formal Complaint is received within a reasonable time, the Title IX Coordinator may administratively close the matter. A complainant may file a Title IX Formal Complaint at any time thereafter.

### **B. Initiation of Title IX Grievance Procedure**

Upon receipt of a Title IX Formal Complaint, the Title IX Coordinator will notify the known parties that the college is commencing a Title IX grievance procedure. The notice will be in writing and will include the following:

- a. CUNY's Policy on Sexual Misconduct;
- b. Notice of the allegations, including sufficient details known at the time notice is sent, including the date, time and location of the alleged behavior, the identity of the parties and the specific act or acts that are alleged to violate the Policy's prohibition of Title IX Sexual Harassment, defined in Section III;
- c. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- d. A statement that the allegations outlined in the notice may not be the final allegations considered by the college, and notice that if the college decides to investigate additional allegations, the college will provide notice of the additional allegations in a timely manner and with sufficient time for the parties to prepare for any hearing;
- e. Notice that the parties may have an advisor of their choice, who may be an attorney;
- f. Notice that parties may inspect and review evidence, as outlined in Section XI-E-b;

- g. Notice that the parties are entitled to written notice of the date, time, location, participants and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate in any hearing, investigative interview or meeting;
- h. Notice that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the college and not on the parties;
- i. CUNY's prohibition on knowingly making false statements or knowingly submitting false information during the grievance process, as defined in Section III; and
- j. CUNY's prohibition on retaliation, as defined in Section III.

This notice will be provided at least five (5) days before any initial interview unless a party consents to a shorter period.

### **C. Informal Resolution**

A Title IX Formal Complaint may be resolved through an informal resolution process (Section X-B).

### **D. Dismissal of Title IX Formal Complaint Prior to Resolution**

- a. **Mandatory Dismissals** - If, at any time after receipt of a Title IX Formal Complaint, it becomes clear that the allegations, if true, do not meet the definition of Title IX Sexual Harassment, the Title IX Coordinator must dismiss the Title IX Formal Complaint.
- b. **Discretionary Dismissals** - The Title IX Coordinator may dismiss a Title IX Formal Complaint, or any allegations therein, if:
  - i. The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the Title IX Formal Complaint or any allegations therein;
  - ii. The respondent is no longer enrolled or employed by CUNY; or
  - iii. Specific circumstances exist that prevent the college from gathering evidence sufficient to reach a determination as to the Title IX Formal Complaint or allegations therein.
- c. **Process following dismissal of Title IX Formal Complaint** - Upon mandatory or discretionary dismissal of a Title IX Formal Complaint, the Title IX Coordinator must determine whether the allegations will proceed as a Non-Title IX Sexual Misconduct matter. The parties will be notified of the dismissal in writing and provided an opportunity to appeal, as discussed in Section XI-D-d. This notice will include:
  - i. The basis for the dismissal;
  - ii. Whether the allegations will proceed as a Non-Title IX Sexual Misconduct matter; and
  - iii. The parties' right to appeal the dismissal and the procedures to do so.

- d. Appeal** - Either party may appeal the dismissal of a Title IX Formal Complaint on the following grounds:
- i. A procedural irregularity affected the outcome of the matter;
  - ii. New evidence that was not reasonably available at the time the dismissal was made, that could affect the outcome of the matter; and/or
  - iii. The Title IX Coordinator had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent, that affected the outcome of the matter.

Appeals under this section must be directed to the University Title IX Director in writing within five (5) days after the delivery of the written dismissal notice.

The University Title IX Director will notify the non-appealing party in writing within five (5) days of the receipt of any appeal under this section, and will notify the non-appealing party of their opportunity to submit a written statement in support of, or challenging the dismissal of the Title IX Formal Complaint, due within five (5) days after the delivery of written notice from the University Title IX Director. The University Title IX Director will issue a written decision describing the result of the appeal and the rationale for the result within fifteen (15) days of the receipt of the appeal or within fifteen (15) days of the receipt of the opposing party's submission, whichever is longer. The University Title IX Director will provide the written decision simultaneously to both parties.

A Title IX Coordinator must wait until an appeal under this section is decided by the University Title IX Director before taking any further action as a Non-Title IX Sexual Misconduct matter.

## **E. Formal Resolution and Investigation**

### **a. Rights of the Parties**

When a Title IX Formal Complaint proceeds to formal resolution and investigation, the parties have the following rights in addition to those outlined in Section X-A:

- i. To have the Title IX Formal Complaint investigated, resolved and/or adjudicated by individuals who receive training as required by federal regulation;
- ii. To an evaluation of all relevant evidence, including both inculpatory and exculpatory evidence and credibility determinations that are not based on a person's status as a complainant, respondent or witness;
- iii. To receive reasonable advance written or electronic notice of allegations, including the date, time, location and general description of the allegations, as well as the specific conduct rule or law violated and the possible sanction;
- iv. To exclude questions and evidence about their own sexual predisposition or prior sexual behavior, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent (complainant only);
- v. To exclusion (including the college's access, consideration, disclosure or other use) of a party's records that are made or maintained by a physician, psychiatrist, psychologist or

- other recognized professional or paraprofessional, and which are made and maintained in connection with the provision of treatment to the party, unless the college obtains the party's voluntary, written consent;
- vi. To offer evidence during the investigation, including both fact and expert witnesses and other inculpatory and exculpatory evidence;
  - vii. To an investigative report that fairly summarizes relevant evidence;
  - viii. To inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Title IX Formal Complaint, including inculpatory or exculpatory evidence whether obtained from a party or other source, consistent with FERPA and other law; and to submit a written response within ten (10) days of receiving said evidence and to have that written response considered by the Title IX Coordinator prior to the investigative report being finalized;
  - ix. To review the investigative report at least ten (10) days prior to any hearing and to respond in writing prior to a hearing or other time of determination regarding responsibility; and
  - x. To a live hearing and cross examination; CUNY will provide an advisor to any party who does not have one, for the limited purpose of conducting cross examination at a hearing.

#### **b. Investigation**

The Title IX Coordinator is responsible for conducting investigations in a prompt, thorough, and impartial manner. Whenever an investigation is conducted, the Title IX Coordinator must:

- i. Inform the parties that a Title IX grievance procedure and investigation is being commenced and their rights during such investigation, as outlined in Sections X-A and XI-E-a;
- ii. Coordinate investigative efforts with other appropriate offices;
- iii. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the college and not on the parties; and
- iv. Interview witnesses who might reasonably be expected to provide information relevant to the allegations, and review relevant documents and evidence.

The college must make reasonable efforts to ensure that the investigation is carried out within a reasonably prompt timeframe. While some allegations may require more extensive investigation, when possible, the investigation of a Title IX Formal Complaint must be completed within one hundred-twenty (120) days of receipt of the Title IX Formal Complaint (including the evidence review process, completion of the investigative report and report review process, as discussed below).

If there is a delay in completing the investigation, the Title IX Coordinator must notify the parties in writing and indicate the reason for the delay. The Title IX Coordinator should also note the reason for delay and projected timeline for completing the investigation in their case file. The reason for extension of the time frame of an investigation may include, but is not limited to: compliance with a request by law enforcement; a limited accommodation for the availability of parties, their advisors and witnesses; students on leave; exam periods, school breaks or vacations; and accounting for the complexities of a specific investigation, including the number of witnesses and volume of information provided by the parties.

### **i. Post Investigation Review of Relevant Documents and Materials**

Prior to the completion of the investigative report (discussed below), the Title IX Coordinator will send the parties (either in hard copy or electronic form) all of the relevant documents and materials gathered during the investigation that are directly related to the allegations raised in the Title IX Formal Complaint. These materials include any evidence upon which the Title IX Coordinator does not intend to rely when making a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or another source. The parties may submit a written response, due within ten (10) days after the materials are provided, which will be considered by the Title IX Coordinator prior to finalizing the investigative report.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process.

The parties will have access to use and refer to these documents and materials during a hearing.

### **ii. Investigative Report**

Upon completion of the investigation, the Title IX Coordinator must prepare an investigative report, which will fairly summarize all relevant evidence gathered during the investigation. The investigative report must include:

1. Procedural history of the case;
2. Alleged Policy violations;
3. A list of individuals interviewed;
4. A list of exhibits;
5. A list of additional documents and materials (not included as an exhibit) obtained as part of the investigation and directly related to the allegations, including inculpatory or exculpatory evidence; and
6. A summary of party and witness statements and other relevant evidence, including a summary of relevant evidence pertaining to each allegation.

### **iii. Review of Investigative Report**

Upon completion of the investigative report, and at least ten (10) days prior to any hearing, the Title IX Coordinator will send the report to each party (and the party's advisor, if applicable) for their review and written response. A party's written response to the report is due within ten (10) days after the report is provided, and will be shared with the Adjudication Committee and other party prior to a hearing.

### **c. Live Hearing**

Following the completion of the investigation and investigative report, as outlined above in Section XI-E-b, all Title IX Sexual Harassment matters will proceed to a live hearing. The same process and procedures will apply regardless of whether the respondent is a student or employee, although specific information regarding employee penalties is included in Section XI-E-c-ii-3 and Section XI-E-f.



When possible, the live hearing must be completed within sixty (60) days after completion of the investigation.

Live hearings pursuant to this section may be conducted with all parties physically present in the same geographic location or, at the college's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to see and hear each other simultaneously.

### **i. Pre-hearing procedures**

#### **1. Referral for Hearing**

Following the conclusion of the investigative process, the Title IX Coordinator will notify the following parties that the matter is ready for a hearing before the Adjudication Committee:

- A. For student respondents: University Title IX Director and college Office of Student Affairs.
- B. For employee respondents: University Title IX Director; college Office of Human Resources and college Labor Designee.

The University Title IX Director will facilitate the selection and scheduling of the Adjudication Committee, which will be comprised of members of the CUNY-wide Sexual Misconduct Panel (See Section X-C). The University Title IX Director will determine an appropriate physical location for the hearing on a case by case basis. After the Adjudication Committee is selected and the hearing is scheduled, the college Office of Student Affairs or college Office of Human Resources will coordinate the hearing, including, for example, providing a location, facilitating a remote platform, recording the hearing and arranging for presenters and advisors, as needed.

#### **2. Issuance of Notice of Hearing**

The college Office of Student Affairs or Office of Human Resources/Labor Relations will issue the Notice of Hearing to both parties, which will include the date, time and location of the hearing and notice of the allegations identified in the investigative report. The Notice of Hearing must be sent by both first-class mail (or overnight mail) to the physical address or P.O. box address appearing on the records of the college and email using the party's CUNY email address, and any other email address known to the college. Notice of at least seven (7) days will be provided.

The parties are permitted one adjournment each, for a reasonable amount of time under the circumstances, without specifying a reason. Additional requests for an adjournment must be made at least five (5) days prior to the hearing date, and shall be granted or denied at the discretion of the chairperson of the Adjudication Committee. If either party fails to respond to the notice, appear on the adjourned date, or request an extension, the college may proceed without their presence, and any determinations of responsibility will be final, subject to appeal.

The Notice of Hearing must contain the following:

- A. A complete and itemized statement of the allegations against the respondent, including the policy the respondent is charged with violating, and the possible penalties for such violation; and

- B. A statement that the parties have the right to attend and participate fully in the hearing including the right:
  - a. To present their side of the story;
  - b. To present witnesses and evidence on their behalf;
  - c. To be represented by an advisor (who may be an attorney, at their own expense) and if the respondent or the complainant does not have an advisor at the hearing, the college must provide an advisor for the limited purpose of cross examination.
  - d. For their advisor to cross-examine witnesses presenting evidence;
  - e. For the respondent to remain silent without assumption of responsibility; and
  - f. A warning that anything said may be used at a non-college hearing.

### **3. Review of Evidence before Hearing**

At least five (5) days prior to the commencement of a hearing, the college will provide the parties and their advisors:

- A. A list of documents or other tangible evidence that the college intends to use at the hearing. In the event the college intends to use documents or other tangible evidence at the hearing that was not provided to the parties during the investigation phase, the college must provide those materials to the parties and their advisors at least five (5) days prior to commencement of a hearing; and
- B. A copy of the other party's written response to the investigative report.

At least five (5) days prior to the commencement of a hearing, the college will provide the members of the Adjudication Committee the following:

- A. The investigative report, including exhibits; and
- B. The parties' written responses to the investigative report.

### **ii. Hearing Procedures**

All hearings pursuant to this Policy are closed hearings, meaning that participation and observation is limited to the parties, their advisors, witnesses, the Adjudication Committee, the college presenter and any college or CUNY staff required to coordinate the hearing.

#### **1. Roles and Responsibilities**

The participants at the hearing are the college, the respondent and the complainant.

#### **Adjudication Committee**

The Adjudication Committee, discussed in Section X-C, serves as the decision-maker at the hearing. Prior to the hearing, the Adjudication Committee will review the investigative report, exhibits and the parties' written responses to the investigative report. During the hearing, the Adjudication Committee will listen to the testimony, review and consider evidence and ask questions of the witnesses. After the hearing, the Adjudication Committee will consider all of the information and evidence reviewed, make a decision as to responsibility and penalty (if applicable) and issue a written determination of responsibility.

### **Adjudication Committee Chairperson**

The chairperson must preside at all hearing sessions and meetings. At the commencement of the hearing, the chairperson must inform the parties of the charges, the hearing procedures, and their rights. The chairperson must then ask the respondent to state whether they are responsible or not responsible for the conduct. The chairperson shall exclude from the hearing room all persons who are to appear as witnesses, except the respondent and the complainant.

The chairperson must rule on the admissibility of evidence and must exclude irrelevant questioning, testimony and evidence.

### **College Presenter**

The college will be represented by a presenter. Each academic year, the Chief Student Affairs Officer of each campus, must appoint/identify one or more campus college employees to serve as presenters for hearings against student respondents involving their campuses. Similarly, the College Labor Designee, Director of Human Resources or a designee must appoint/designate one or more campus college employees to serve as presenters against employee respondents involving their campuses. This list should be forwarded to the University Title IX Director and the Office of the Vice Chancellor for Student Affairs prior to the first day of the academic year.

### **Advisors**

The parties may be accompanied by an advisor of their choice (who may be an attorney) who may fully participate at the hearing, including advising and representing a party. In the event a party does not have an advisor present at the hearing, the college must provide an advisor for the limited purpose of conducting cross-examination on behalf of that party.

Advisors must treat all hearing participants, including the Adjudication Committee, parties and witnesses, with respect. Advisors must also abide by the Rules of Decorum promulgated by CUNY. Any party intending to appear with an attorney must give the college five (5) days' notice of the attorney's name and contact information.

## **2. Responsibility Phase**

The college bears the burden of proving the allegations by a preponderance of the evidence.

### **Presentation of Evidence**

Evidence will be presented in the following order: college, complainant and respondent. The parties have an equal opportunity to present relevant evidence, including fact and expert witnesses and other inculpatory and exculpatory evidence to the Adjudication Committee. If a party submits documentary evidence during a hearing that was not previously shared during the investigation, the chairperson may, at the request of any other party grant and adjournment of the hearing as necessary in the interest of fairness, to permit the requesting party time to review the newly produced evidence.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the

complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Questions and evidence of the mental health diagnosis and/or treatment of any party may not be introduced, unless that party provided their voluntary and written consent for such materials to be made part of the investigation and the information is directly related to the allegations raised in the Title IX Formal Complaint.

### **Cross Examination**

Each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. A party may not conduct cross-examination personally, but must do so through their advisor. In the event a party does not have an advisor and the case proceeds to a hearing, the college must provide an advisor for the limited purpose of conducting cross-examination on behalf of that party.

Before a complainant, respondent, or witness answers a cross-examination or other question, the Adjudication Committee Chairperson must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

If a party or witness does not submit to cross examination at the live hearing, the Adjudication Committee must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Adjudication Committee cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.

### **3. Penalty Phase**

If a respondent is found responsible for violating the Policy, the Adjudication Committee will determine the penalty to be imposed; except that if the respondent is a represented employee whose discipline is subject to a collective bargaining agreement with CUNY or an employee with disciplinary rights under the New York State Civil Service Law, there will be no penalty phase, and a determination that the respondent is responsible will be referred for discipline under the applicable collective bargaining agreement or Civil Service Law.

Following the responsibility phase of the hearing, the complainant, respondent, and college, will have the opportunity to introduce evidence and make arguments related to what the appropriate penalty should be, in the event the respondent is found responsible for violating the Policy. The complainant, respondent and college will also have the opportunity to introduce evidence of and comment on the respondent's character, including any past findings of responsibility for Domestic Violence, Stalking, Sexual Assault or any other Sexual Misconduct, and submit a statement regarding the impact of the conduct.

The college may also introduce a copy of the respondent's previous disciplinary records, if any, from any CUNY institution the respondent has attended, provided the respondent was shown a copy of the records prior to the commencement of the hearing.

The Adjudication Committee will consider the disciplinary records, as well as any documents or character evidence introduced by the respondent, the complainant, or the college, in determining an appropriate penalty.

If either party chose not to participate in the responsibility phase of hearing, they still have the opportunity to introduce evidence and make arguments related to what the appropriate penalty should be and to provide or make an impact statement.

#### **d. Determination of Responsibility**

Following the hearing, the Adjudication Committee will determine whether there is a preponderance of evidence that the respondent violated the Policy, which may be based on information contained in the investigative report and the testimony and evidence presented at the hearing.

The Committee will issue a written Determination of Responsibility, which must include the following:

- i. Identification of the allegations potentially constituting Sexual Misconduct;
- ii. A description of the procedural steps taken from the receipt of the Title IX Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- iii. Findings of fact supporting the determination;
- iv. Conclusions regarding the application of this Policy to the facts;
- v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- vi. If a student respondent is found responsible, any disciplinary sanctions that will be imposed on the respondent or, if an employee is found responsible, a statement that the matter will be referred for discipline under the applicable collective bargaining agreement or Civil Service Law, as applicable;
- vii. A statement of whether remedies designed to restore or preserve equal access to CUNY's education program or activity will be provided to the complainant; and
- viii. Procedures and permissible bases for the parties to appeal.

The college will send the written determination of responsibility to the parties simultaneously, within fifteen (15) days of the conclusion of the hearing. The determination of responsibility will be sent by both first-class mail (or overnight mail) to the physical address or P.O. box address appearing on the records of the college and email using the party's CUNY email address, and any other email address known to the college. In cases involving two or more complainants or respondents, the college has twenty (20) days from the conclusion of the hearing to send the decision. The decision is final subject to any appeal.

#### **e. Remedies for Complainants**

In the event the respondent is found responsible for violating the Policy, the Title IX Coordinator will implement remedies for the complainant, designed to restore or preserve equal access to the recipient's education program or activity. Such remedies may include a continuation of the same supportive measures and accommodations described in Section VIII, but need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

## **f. Sanctions for Respondents**

### **Range of Sanctions for Student Respondents**

Sanctions for student respondents range from a warning to suspension or expulsion from CUNY. When a disciplinary hearing results in a penalty of expulsion or suspension for one term or more, the respondent must be barred from admission to, or attendance at, any other unit of CUNY while the penalty is being served.

Students may also be subject to CUNY's policy on transcript notations which is discussed in Section X-I.

### **Range of Sanctions for Employees**

As discussed above in Section XI-E-c-ii-3, there will be no penalty phase for employees who is subject to a disciplinary process contained in a collective bargaining agreement with CUNY or an employee with disciplinary rights under the New York State Civil Service Law; instead, a determination that the respondent is responsible will be referred for discipline under the applicable collective bargaining agreement or Civil Service Law. For all other employees, sanctions range from a reprimand to suspension to termination of employment.



## **XII. PROCEDURES FOR NON-TITLE IX SEXUAL MISCONDUCT MATTERS**

The following procedures will apply to Non-Title IX Sexual Misconduct matters.

When the college becomes aware that Sexual Misconduct may have been committed by or against a student, employee or visitor, the college must conduct an investigation unless the information provided is insufficient to permit an investigation or the complainant has requested that the college refrain from such an investigation and the college has determined that refraining from an investigation will not result in a continuing threat to the college community. See Section VII-C.

### **A. Rights of the Parties**

Whenever an investigation of Non-Title IX Sexual Misconduct takes place, the parties have the rights described in Section X-A.

### **B. Informal Resolution**

A Non-Title IX Sexual Misconduct matter may be resolved through an informal resolution process (Section X-B).

### **C. Investigation**

The Title IX Coordinator is responsible for conducting any investigation in a prompt, thorough, and impartial manner. Whenever an investigation is conducted, the Title IX Coordinator must:

- a. Coordinate investigative efforts with other appropriate offices;
- b. Provide the parties written notice that an investigation is being commenced, including notice of the allegations and sufficient details known at the time notice is sent, including the date, time and location of the alleged behavior and the specific act or acts that are alleged to violate the Policy's prohibition on Sexual Misconduct;
- c. Interview witnesses who might reasonably be expected to provide information relevant to the allegations, and review relevant documents and evidence. Both the complainant and respondent must be informed that they have the right to provide relevant documents and to propose witnesses whom they reasonably believe can provide relevant information. 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; and
- d. Create an investigative report that fairly summarizes relevant evidence and makes findings as to whether, in the investigator's opinion, there is a preponderance of evidence that the respondent is responsible for the allegation(s).

The college must make reasonable efforts to ensure that the investigation and resolution of allegations of Sexual Misconduct are carried out within reasonably prompt timeframes. While some allegations may require more extensive investigation, when possible, the investigation of allegations of Sexual Misconduct (including completion of the investigative report) must be completed within one hundred-twenty (120) days of the receipt of the allegations.

If there is a delay in completing the investigation, the Title IX Coordinator must notify the parties in writing and indicate the reason for the delay. The Title IX Coordinator should also note the reason for delay and projected timeline for completing the investigation in their case file. The reason for extension of the time frame of an investigation may include, but is not limited to: compliance with a request by law enforcement; a limited accommodation for the availability of parties, their advisors and witnesses; students on leave; exam periods, school breaks or vacations; and accounting for the complexities of a specific investigation, including the number of witnesses and volume of information provided by the parties.

Upon completion of the investigation, the Title IX Coordinator must prepare an investigative report, which will fairly summarize and evaluate relevant evidence gathered during the investigation. The investigative report will include:

- a. Procedural history of the case;
- b. Alleged Policy violations;
- c. A list of individuals interviewed;
- d. A list of exhibits;
- e. Summary of party and witness statements and other relevant evidence;
- f. Analysis of evidence, including credibility assessments; and
- g. Factual findings regarding whether, in the investigator's opinion, there is a preponderance of evidence that the respondent is responsible for the allegation(s).

#### **D. Action Following the Investigation or Termination of an Investigation**

##### **a. Students**

If the complainant is a student, the Title IX Coordinator must provide the investigative report to both parties within five (5) days of the completion of the report. If the allegations are unsubstantiated, in whole or in part, the student complainant has the right to appeal the Title IX Coordinator's determination to an Appeal Committee. Appeals may be based on the following grounds:

- i. Procedural irregularity that affected the outcome of the matter
- ii. New evidence that was not reasonably available at the time of the investigation, which could affect the outcome of the matter; or
- iii. The Title IX Coordinator had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The complainant must submit their written appeal to the University Title IX Director within fifteen (15) days after the delivery of the investigative report. The University Title IX Director will provide the complainant's appeal to the respondent within five (5) days of submission. The respondent will have the opportunity to submit a written response to the appeal, due within fifteen (15) days after the delivery of the complainant's appeal.

The University Title IX Director will facilitate the composition and scheduling of the Appeal Committee, which will be comprised of members of the CUNY-wide Sexual Misconduct Panel, as outlined in Section X-C. The Appeal Committee will review the investigative report, the

complainant's appeal and the respondent's response, if any. The Appeal Committee will issue a written decision within fifteen (15) days of receipt of the respondent's written submission or failure to provide a submission. The written decision will be provided simultaneously to both parties.

If the Appeal Committee grants the appeal, it may remand the matter for appropriate action, which may include, but is not limited to, the evaluation of new evidence or a new investigation.

Following the appeal, if any, the Title IX Coordinator shall send the investigative report, as well as any decision on appeal, to the College President. If either party is a student, the investigative report must also be sent to the Chief Student Affairs Officer. A copy of the report and any decision on appeal must be maintained in the files of the Title IX Coordinator.

Following receipt of the investigative report, the College President must, when warranted by the facts, authorize such action as they deem necessary, including action to correct the effects of the conduct investigated or prevent further harm to an affected party or others similarly situated. This may include a recommendation that disciplinary action be commenced against a respondent, as set forth in Section XII-E below, or for unsubstantiated findings, authorization to close the matter.

Within thirty (30) days following the termination of an investigation (for example, because it was resolved by informal resolution or the complainant withdrew cooperation); the Title IX Coordinator will summarize for the file the actions taken in response to the allegations and the basis on which the investigation was closed.

#### **b. Employees**

The Title IX Coordinator must provide the investigative report to the College President. Following receipt of the investigative report, the College President must, when warranted by the facts, authorize such action as they deem necessary, including action to correct the effects of the conduct investigated or prevent further harm to an affected party or others similarly situated. This may include a recommendation that disciplinary action be commenced against a respondent, as set forth in Section XII-E below, or for unsubstantiated findings, authorization to close the matter.

Within thirty (30) days following the termination of an investigation (for example, because it was resolved by informal resolution or the complainant withdrew cooperation); the Title IX Coordinator will summarize for the file the actions taken in response to the allegations and the basis on which the investigation was closed.

### **E. Disciplinary Process and Procedures**

#### **a. Disciplinary Action**

The following procedures apply when the College President recommends that disciplinary action be commenced against a respondent student or employee for violations of this Policy:

### **i. Discipline Against Students**

When a College President recommends discipline against a student for violations of this Policy, the matter is referred to the college Office of Student Affairs and action must be taken in accordance with Section XI-E-b/c, below.

Sanctions for student respondents following a disciplinary hearing range from a warning to suspension or expulsion from CUNY. When a disciplinary hearing results in a penalty of expulsion or suspension for one term or more, the respondent must be barred from admission to, or attendance at, any other unit CUNY while the penalty is being served. Students may also be subject to CUNY's policy on transcript notations, discussed in Section X-I.

In addition to the rights described in Section X-A, the parties have the following rights at a disciplinary hearing:

1. To receive notice of the charges, including the date, time, location and factual allegations, concerning alleged violation of this Policy;
2. To receive notice of the specific provisions alleged to have been violated and possible sanctions;
3. To make an impact statement at the point when the Adjudication Committee is deliberating on appropriate sanctions;
4. To choose whether to disclose or discuss the outcome of a conduct or judicial process;
5. To appeal a determination of responsibility before a panel that is fair and impartial and does not include individuals with conflicts of interest;
6. To have all information obtained during the conduct process protected from public release until a decision-maker on appeal makes a final determination, unless otherwise required by law.

### **ii. Discipline Against Employees**

In cases where the College President recommends discipline against an employee, the matter is referred for disciplinary action in accordance with the applicable CUNY policies, rules and collective bargaining agreements. Penalties for employees include, depending on the employee's title, reprimand, suspension, demotion, fine, 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 the applicable collective bargaining agreement.

For additional information on the disciplinary process in specific cases, parties should consult their campus Title IX Coordinator, who will work with campus Human Resources Director or Labor Designee to provide information. Respondents may also consult with their union representative, if any.

### **iii. Action Against Visitors**

In cases where the person accused of Sexual Misconduct is not a CUNY student or employee, the college's ability to take action against the respondent is usually limited. However, the college will take appropriate actions within its control, such as restricting the visitor's access to campus.

### **iv. No Disciplinary Action**

In cases where the College President decides not to bring disciplinary action, the Title IX Coordinator must inform the parties of that decision at the same time, in writing, and must offer any appropriate support services, including counseling, to both.

## **b. Student Discipline – Pre Hearing Procedures**

### **i. Referral of Violation for Disciplinary Action**

If the College President decides that discipline is warranted, the President will refer the matter to the Chief Student Affairs Officer for further action. The Chief Student Affairs officer may rely on the investigation and determination of the Title IX Coordinator and prefer disciplinary charges.

In instances where a respondent is alleged to have violated this Policy as well as other CUNY policies, rules or bylaws, the entire matter will be heard before the Adjudication Committee and will follow the rules and procedures outlined in this Policy.

### **ii. Issuance of Notice of Charges and Hearing**

Notice of the charge(s) and of the time and place of the hearing must be sent by both first-class mail (or overnight mail) to the physical address or P.O. box address appearing on the records of the college and email using the party's CUNY email address, and any other email address known to the college.

The hearing must be scheduled within a reasonable time following the filing of the charges or the mediation conference. Notice of at least seven (7) days must be given to the parties in advance of the hearing unless the respondent consents to an earlier hearing. The parties are permitted one adjournment each, for a reasonable amount of time under the circumstances, without specifying a reason. Additional requests for an adjournment must be made at least five (5) days prior to the hearing date, and shall be granted or denied at the discretion of the chairperson of the Adjudication Committee. If either party fails to respond to the notice, appear on the adjourned date, or request an extension, the college may proceed without that party present, and any determination of responsibility or sanction will be binding.

The Notice of Charges and Hearing must contain the following:

1. A complete and itemized statement of the charge(s) being brought against the respondent including the policy, rule and/or bylaw the respondent is charged with violating, and the possible penalties for such violation; and
2. A statement that the parties have the right to attend and participate fully in the hearing including the right:

- a. To present their side of the story;
  - b. To present witnesses and evidence on their behalf;
  - c. To cross-examine witnesses presenting evidence, the exception being that the complainant and respondent may not cross-examine each other as discussed below;
  - d. For the respondent to remain silent without assumption of responsibility;
  - e. To be represented by an advisor or legal counsel at their expense; if the respondent or the complainant requests it, the college shall assist in finding a legal counsel or advisor; and
3. A warning that anything said may be used at a non-college hearing.

### **iii. Review of Evidence before Hearing**

At least five (5) days prior to the commencement of a hearing, the college must provide the parties (and their advisors, if applicable), with similar and timely access to review documents or other tangible evidence that the college intends to use at the disciplinary hearing, consistent with the restrictions imposed by FERPA. If a party submits documentary evidence during the hearing, the chairperson may, at the request of any other party, adjourn the hearing as necessary in the interest of fairness, to permit the requesting party time to review the newly produced evidence.

### **iv. Admission & Acceptance of Penalty**

After the charges have been preferred by the Chief Student Affairs Officer, but prior to the commencement of a hearing, the respondent may admit to the charges and accept the penalty that the Chief Student Affairs Officer determines to be appropriate to address the misconduct. Before resolving allegations in this manner, the Chief Student Affairs Officer, or designee, must first consult with the complainant and provide the complainant with an opportunity to object to the proposed resolution, orally and/or in writing. If a resolution is reached over the complainant's objection, the Chief Student Affairs Officer must provide the complainant with a statement of the reasons supporting such resolution, and the complainant may appeal the resolution to the Appeal Committee.

## **c. Student Discipline - Hearing Procedures**

The participants at the hearing are the college, the respondent and the complainant. All hearings pursuant to this Policy are closed hearings, meaning that participation and observation is limited to the parties, their advisors, witnesses, the Adjudication Committee, the college presenter and any college or CUNY staff required to coordinate the hearing.

### **i. Roles and Responsibilities**

#### **Adjudication Committee**

The Adjudication Committee serves as the decision-maker at the hearing and is comprised of members of the CUNY-wide Sexual Misconduct Panel. The role of the Adjudication Committee is to listen to the testimony, ask questions of the witnesses, review the testimony and evidence presented at the hearing and the papers filed by the parties and make a decision as to responsibility.



In the event the respondent is found responsible for the conduct, the committee must then determine the penalty to be imposed.

### **Adjudication Committee Chairperson**

The chairperson must preside at the hearing. At the commencement of the hearing, the chairperson must inform the parties of the charges, the hearing procedures, and their rights. The chairperson must then ask the respondent to state whether they are responsible or not responsible for the conduct. Prior to accepting testimony at the hearing, the chairperson must rule on any motions regarding the adequacy of the notice of the charge(s). Subsequent thereto, the chairperson must rule on any motions regarding the admissibility of evidence and must exclude irrelevant, unreliable or unduly repetitive evidence. The chairperson must exclude from the hearing room all persons who are to appear as witnesses, except the respondent and the complainant.

The chairperson must preside at all hearing sessions and meetings and make all procedural rulings for the panel. The chairperson has discretion to limit the number of witnesses and the length of testimony for the presentations by any party and/or their representative.

### **College Presenter**

The college will be represented by a presenter. Each academic year, the Chief Student Affairs Officer of each campus, must appoint/identify one or more campus college employees to serve as presenters for hearings against student respondents involving their campuses. This list must be forwarded to the University Title IX Director and the Office of the Vice Chancellor for Student Affairs prior to the first day of the academic year.

### **Advisors**

The parties may be accompanied by an advisor of their choice (who may be an attorney) who may fully participate at a hearing, including advising and representing a party. Advisors may not give testimony as a witness at the hearing. Any party intending to appear with an attorney must give the college five (5) days' notice of the attorney's name and contact information. Advisors must treat all hearing participants, including the Adjudication Committee, parties and witnesses, with respect. Advisors must also abide by the Rules of Decorum promulgated by CUNY.

### **ii. Responsibility Phase**

The college bears the burden of proving the charge(s) by a preponderance of the evidence.

The parties will present evidence in the following order: college, complainant and respondent. At the conclusion of the college's presentation, the respondent may move to dismiss the charges. If a party submits documentary evidence during a hearing that was not previously shared during the investigation, the chairperson may, at the request of any other party, adjourn the hearing as necessary in the interest of fairness, to permit the requesting party time to review the newly produced evidence.

Evidence of the mental health diagnosis and/or treatment of a complainant, respondent, or witness may not be introduced. Evidence of either party's prior sexual history may not be introduced except

that evidence of prior sexual history between complainant and respondent is admissible at any stage of the hearing to prove consent.

A party may not conduct cross-examination personally, but must do so through their advisor. In the event a party does not have an advisor and the case proceeds to a hearing, the college may assist them to find an advisor for the purpose of conducting cross-examination on behalf of that party.

### **iii. Penalty Phase**

If the panel finds the respondent responsible for the conduct, then the complainant, respondent, and college, will have the opportunity to introduce evidence and make arguments related what the appropriate penalty should be. The complainant, respondent and college will also have the opportunity to introduce evidence of and comment on the respondent's character, including any past findings of a respondent's responsibility for Domestic Violence, Stalking, Sexual Assault or any other Sexual Misconduct, and submit a statement regarding the impact of the conduct.

The College may also introduce a copy of the respondent's previous disciplinary records, if any, from any CUNY institution the respondent has attended, provided the respondent was shown a copy of the records prior to the commencement of the hearing. The previous disciplinary record must be submitted to the panel in a sealed envelope, bearing the respondent's signature across the seal, and must only be opened if the respondent has been found responsible for the conduct charged. The Adjudication Committee, to determine an appropriate penalty, must use the disciplinary records, as well as any documents or character evidence introduced by the respondent, the complainant, or the college.

If either party chose not to participate in the hearing, they still have the opportunity to introduce evidence and make arguments related what the appropriate penalty should be and to provide or make an impact statement.

### **iv. Decision**

The Adjudication Committee must issue a written decision, which must be based solely on the testimony and evidence presented at the hearing, including the penalty phase. The college must send the written decision to the parties within seven (7) days of the conclusion of the hearing, by regular mail (or overnight mail) and e-mail to the address appearing on the records of the college. In cases involving two or more complainants or respondents, the college has fourteen (14) days of the conclusion of the hearing to send the panel's decision. The decision is final subject to any appeal.

### **XIII. COLLEGE OBLIGATIONS UNDER THIS POLICY**

In addition to addressing allegations of Sexual Misconduct, colleges/units of CUNY have the following obligations:

#### **A. Dissemination of Policies, Procedures, and Notices**

The 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 their 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 includes posting the documents and information on the college website, and including it in residence life materials and training and educational materials.

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**

CUNY is responsible for providing training to Title IX Coordinators, investigators, CUNY-wide Sexual Misconduct Panel members and anyone who facilitates informal resolutions.

The 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 Misconduct among all students and employees. Specific required trainings include the following:

##### **a. Training For Responsible and Confidential Employees**

The college must provide training to all employees who are required to report incidents of Sexual Misconduct under this Policy, as well as those employees who have been designated as confidential employees.

##### **b. Training For Title IX Coordinators, investigators, CUNY-wide Sexual Misconduct Panel members, and any person who facilitates an informal resolution**

CUNY will provide training on the topics below to Title IX Coordinators, investigators, CUNY-wide Sexual Misconduct Panel members, and any person who facilitates an informal resolution process. Training for Title IX Coordinators and investigators will be at least annual.

- i. The definition of Sexual Misconduct, including Sexual Harassment, Title IX Sexual Harassment, Dating Violence, Domestic Violence and Stalking;

- ii. How to conduct an investigation;
- iii. How to create an investigative report that fairly summarizes relevant evidence;
- iv. The grievance process, including hearings, appeals and informal resolution processes, as applicable;
- v. Impartiality, including avoiding prejudgment of the facts, conflicts of interest, and bias;
- vi. Relevance of questions and evidence, including the fact that sexual predisposition or prior sexual acts with individuals other than the parties are generally not relevant, the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until a determination regarding responsibility is made at the conclusion of the applicable processes;
- vii. The scope of the college's education programs and activities;
- viii. The effects of trauma;
- ix. Other relevant CUNY policies and procedures; and
- x. Any technology to be used at a live hearing.

### **c. Student Onboarding and Ongoing Education**

Each college must 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 must 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 must also provide such educational programming to any other student groups which the college determines could benefit from education in the area of Sexual Misconduct. The college must also share information on Domestic Violence, Dating Violence, Stalking and Sexual Assault prevention with parents of enrolling students. This may be done by linking to <http://www1.cuny.edu/sites/title-ix/information-for-parents-and-families/campus/university/>.

### **C. Campus Climate Assessments**

Each college of CUNY must conduct, no less than every other year, a climate assessment using an assessment instrument provided by CUNY's central office, to ascertain its students' general awareness and knowledge of CUNY'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 must include all topics required to be included under applicable law, including Section 129-B of the New York State Education Law. CUNY will publish the results of the surveys on its Title IX web page. The published results will not contain any information which would enable a reader to identify any individual who responded to the climate assessment.

#### **XIV. RULES REGARDING INTIMATE RELATIONSHIPS BETWEEN EMPLOYEES AND STUDENTS**

##### **A. Relationships Between Faculty or Employees and Students**

Sexual activity or amorous or dating relationships (“intimate relationships”), even when apparently consensual, are inappropriate when they occur between a faculty member or employee and any student for whom they have 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 they are having an intimate relationship.

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 any 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 must 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.

## **XV. IMPLEMENTATION**

This Policy will become effective on August 14, 2020 and will apply to Sexual Misconduct that allegedly occurred on or after August 14, 2020. Sexual Misconduct that allegedly took place before the effective date of this Policy will be handled in accordance with the CUNY Policy on Sexual Misconduct that was in effect at the time the behavior occurred.

Should any portion of the 2020 Title IX Regulations be stayed or held invalid by a court of law, or should the Title IX Final Regulations be withdrawn or modified to not require the elements of this Policy, the invalidated elements of this Policy (including, but not limited to Sections IX and XI), will be deemed revoked as of the publication date of the opinion or order. Should this Policy's Title IX-specific procedures be revoked in this manner, any Sexual Misconduct covered under Section XI, including any elements of the process that occur after the revocation date if a case is not complete by that date of revocation, shall be investigated, resolved and/or adjudicated under Section XII without further action by CUNY.



The City University of New York  
Students' Bill of Rights

For CUNY students who experience Sexual Violence, including Sexual Assault;  
Domestic Violence, Dating Violence, Stalking or Voyeurism

All students have the right to

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institutional representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Have access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

This *Student Bill of Rights* was established by the “Enough is Enough” Law, New York State Education Law Article 129-B, effective October 7, 2015.

For more information about preventing and addressing Sexual Violence at CUNY see <http://www1.cuny.edu/sites/title-ix/campus-websites>.

Information about filing a report, seeking a response, and options for confidential disclosure is available also available [CUNY's Title IX web page](#).

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

Policy on Sexual Misconduct – Revision to Provision Not Permitting Reliance on  
Statements Not Subject to Cross Examination in Title IX Hearings

As a result of a federal court ruling and subsequent update from the U.S. Department of Education, effective immediately, the portion of Section XI(E)(c)(ii)(2) of the Policy on Sexual Misconduct (PSM) relating to cross-examination at hearings for Title IX Sexual Harassment matters will no longer be in effect. This provision states: “If a party or witness does not submit to cross examination at the live hearing, the Adjudication Committee must not rely on any statement of that party or witness in reaching a determination regarding responsibility.” Accordingly, in all future Title IX Sexual Harassment hearings, members of that hearing’s Adjudication Panel may consider admissible statements made by parties or witnesses in reaching a determination regarding responsibility, even if those parties or witnesses do not participate in cross-examination at the live hearing.

The above provision regarding statements not subject to cross-examination was included in CUNY’s Policy on Sexual Misconduct because it was required by Title IX regulations that became effective in August 2020. However, on August 10, 2021, a Massachusetts federal court ruled, in *Victims Rights Law Center et al. v. Cardona*, WL 3185743 (D. Mass. July 28, 2021) that this particular requirement was arbitrary and capricious. On August 24, 2021, the U.S. Department of Education provided an update, available [here](#), stating that “[i]n accordance with the court’s order, the Department **will immediately cease** enforcement of the part of § 106.45(b)(6)(i) regarding the prohibition against statements not subject to cross-examination. **Postsecondary institutions are no longer subject to this portion of the provision.**”

Please note that all other provisions in the 2020 amendments which are incorporated into CUNY’s policy are still in effect. No other provision in the PSM has been affected by this update. Please do not hesitate to reach out to the University Title IX Director and/or the Office of the General Counsel, with any questions.