

**ANNUAL SECURITY REPORT
CALENDAR YEAR 2017
CRIME STATISTICS 2014-2016**

**JOHN JAY COLLEGE
524 W 59TH STREET
NEW YORK, NY 10019
212-237-8524**



**DIEGO REDONDO
DIRECTOR OF PUBLIC SAFETY
JOHN JAY COLLEGE
212-237-8521**

COLLEGE OVERVIEW

John Jay College's Annual Security Report includes statistics for the previous three years concerning reported crimes that occurred on campus 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 our local police precincts. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention and the reporting of crimes, including crimes involving sexual misconduct, and emergency and evacuation procedures. This report is posted on the College's website at http://www.jjay.cuny.edu/sites/default/files/contentgroups/pub_safety/clerydisclosure.pdf. Copies are located in the Public Safety Office in room L2.61NB and the Office of Student Affairs, room L.65 NB. John Jay College, a component of the City University of New York, is a liberal arts College dedicated to education, research and service in the fields of criminal justice, fire science and related areas of public service. The main campus is located at 524 W 59th Street (New Building – NB) in Manhattan, a borough of New York City with a population of approximately 1.7 million. The campus is comprised of four buildings located on or contiguous to the campus, and four “non-campus” buildings. The College enrolls approximately 15,000 degree program students who attend day and evening classes. In addition, the College, through the Office of Professional Studies, serves approximately 500 individuals during the academic year. The College employs approximately 875 full-time faculty/staff and 1,880 part-time/adjunct staff members.

CRIME REPORTING PROCEDURE

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

1. Calling the Department of Public Safety's emergency telephone line (212) 237-8888. Extension 8888 may be dialed within the College's telephone system.
2. Using the Emergency phones located at various sites throughout the campus.
3. Reporting the information to any member of the Department of Public Safety in person at the Public Safety Office located in room L2.61 NB.

4. All counselors are strongly encouraged when they deem it appropriate to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
5. Victims or witnesses may report crimes to persons designated as Campus Security Authorities, who will then forward only the report of the crime – without divulging the name of the victim or witness – to the Department of Public Safety for inclusion in the annual crime report. Names and numbers of Campus Security Authorities are located on page 3 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 crime report, victim and witness information will not be included. However, complete confidentiality cannot be guaranteed in all other contexts. The College reserves the right to notify the police when it believes that such reporting is necessary for the protection of the College community. In most cases, however, that notification will be done without divulging the victim's identity and will be done only for the purpose of providing a campus-wide safety alert.
6. In the event that the situation you observe or are involved in is of an extreme or life-threatening nature, call 911, the New York City Police Department's emergency phone number. If you make a 911 call, please also notify the Department of Public Safety at 212-237-8888. They will also respond to assist and direct the police and other emergency personnel to the reported emergency.

HATE CRIME AND BIAS-RELATED INCIDENTS

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

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

Examples of hate crimes may include, but are not limited to: threatening phone calls, hate mail

(including electronic mail), physical assaults, vandalism, destruction of property, and fire bombings. Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous conviction of the offender. Students, staff or faculty who commit bias crimes are also subject to University disciplinary procedures and a range of sanctions up to and including suspension, expulsion or termination of employment. In order to effectively handle incidents of bias related crimes and prevent future occurrences of such crimes, **victims or witnesses of a hate crime are encouraged to immediately report incidents in the manner described above.** Victims of a bias crime can also avail themselves of counseling and support services through the Counseling Department for students and Deer Oaks CUNY Worklife program for staff.

INVESTIGATION OF VIOLENT FELONY OFFENSES

In accordance with New York State Education Law, the Department of Public Safety will investigate any violent felony offense occurring at, or, on the grounds of the campus, and provide for the investigation of a report of any missing student who resides in a facility owned or operated by the College. The Department of Public Safety will coordinate with the New York City Police Department for the prompt investigation of such crimes. In addition, in compliance with New York State Law and subject to applicable federal law including, but not limited to, the Federal Campus Sexual Assault Victims' Bill of Rights under title 20 U.S. Code 1092 (f) which gives the victim of a sexual offense the right to decide whether or not to report, the College will notify the appropriate law enforcement agency within 24 hours of receiving a report of a violent felony.

DAILY CRIME LOG

The Department of Public Safety maintains a daily crime log. The purpose of the log is to maintain a record of criminal incidents and alleged criminal incidents reported to Public Safety. The log includes the date the crime was reported, the date and time that the crime occurred, the nature of the crime, the general location of the crime and the disposition of the crime, if known. The log is available for inspection in room L2.61NB during regular business hours. It is in paper format. The log contains incidents occurring within the last 60 calendar days. If you wish to examine logs pre-dating the 60 day period, your request may be made to the Public Safety Office located in room L2. 61NB, this request will be honored within two business days.

CAMPUS SECURITY AUTHORITIES

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

Office of the Director of Public Safety- Diego Redondo	Room	L2.61.04	Tel (212) 237-8521
Office of the Assistant Vice President of Student Affairs Michael Sachs ¹	Room	L.65.00	Tel (212) 237-8211
Office of the Director of Student Relations- Paul Wyatt	Room	L65.05	Tel (212) 237-8871
Office of the Director of Athletics/Athletic Coaches-Carol Kashow	Room	421T	Tel (212) 393-6329

¹ Michael Sachs is also the Dean of Students

Office of the Title IX Coordinator- Silvia Montalban	Room	622T	Tel (646) 557-4409
Office of the Director of the Women’s Center-Elizabeth Yukins	Room	L.67.08	Tel (212) 237-8083
Office of the Director of Health Services-Malaine Clarke	Room	L.66.08	Tel (212) 621-4101
Office of the Center for Student Involvement & Leadership- Danielle Officer	Room	L2.71.04	Tel (212) 237-8185
Office of Residence Life Coordinator-Jessica Carson	Room	L.68.24	Tel (212) 237-8717
Office of the Director of Financial Aid-Sylvia Lopez-Crespo	Room	609B	Tel(212)-237-8897
Office of the Chief Librarian- Larry Sullivan	Room	12007-T	Tel (212) 237-8265
Office of the Registrar-Daniel Matos	Room	600B	Tel (212) 484-1303
Office of the Director of Counseling-Gerard Bryant	Room	L.68.05	Tel (646) 557-4552
Office of the Director of Information Technology- Joseph Laub	Room	L2.63.18	Tel (212) 484-1108
Gender Based Violence Prevention and Response Advocate- Jessica Greenfield	Room	L.67.07	Tel (646) 557-4535
Office of the AVP for Finance- Raj Singh ²	Room	713A	Tel (212) 237-8512
Office of International Studies & Programs- Kenneth Yanes	Room	53003	Tel (212) 484-1339

Reporting Incidents of Sexual Misconduct, including Sexual Harassment, Sexual Assault, Certain Forms of Stalking and Dating/Intimate Partner/Domestic Violence. PLEASE NOTE THE CITY UNIVERSITY OF NEW YORK POLICY ON SEXUAL MISCONDUCT AND STUDENT BILL OF RIGHTS IS AT THE END OF THIS REPORT.

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

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

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

Title IX Coordinator, Silvia Montalban,
Room 622T, 646-557-4409, Smontalban@jjay.cuny.edu

Director of Public Safety, Diego Redondo,
Room L2.61NB, 212-237-8521, Dredondo@jjay.cuny.edu

Chief Student Affairs Officer, Lynette Cook-Francis,
Room L.65NB, 212-237-8211, Lcook-francis@jjay.cuny.edu

Counseling Center and Gender Based Violence Prevention and Response Advocate,
Jessica Greenfield, Room L.67.07NB, 646-557-4535, Jgreenfield@jjay.cuny.edu

Associate Vice President, Raj Singh,
Room 713A, 212-237-8512, Rsingh@jjay.cuny.edu

² Raj Singh is also the Director of Human Resources

For more information, please see the section "Reporting and Prevention of Sex Offenses" later in this document. For more detailed information on Title IX, including community resources, please also see CUNY policies, "Getting Help, Understanding and Preventing Sexual Assault and Sexual Harassment" at:

<http://www1.cuny.edu/sites/title-ix/campus/john-jay-College-of-criminal-justice/>

PUBLIC SAFETY AND SECURITY SERVICES

John Jay College's main campus grounds and the contiguous geographic perimeter of the main campus are patrolled on a 24-hour basis by Campus Peace Officers and Campus Security Assistants. The BMW and Annex buildings are patrolled Monday-Friday 7:00 am – 6:30 pm. Campus Security Assistants are licensed as NYS Security Guards and do not have arrest power. 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.

At John Jay College, incidents of a criminal nature that are reported to Public Safety personnel are referred via the complainant to the NYPD. The City University of New York and John Jay College have a Memorandum of Understanding with the NYPD for emergency, non-emergency and investigative response. The Department of Public Safety consists of approximately 38 Campus Security Assistants and 18 Campus Peace Officers assigned to patrol the campus.

The Department of Public Safety also oversees the closed circuit television (CCTV) system with over 400 cameras, an access control system that protects various buildings as well as the fire alarm system. Supplementing these campus security systems are over 60 panic alarm buttons that have been installed in some administrative offices and emergency phones that are conspicuously located throughout the campus. The New Building and Haaren Hall have Class B fire alarm public address systems as well as an internal public address system. A Fire Safety Director is on duty during normal hours of operation, or when the building has an occupancy of 100 persons above and below ground level or 500 persons in the entire building.

CAMPUS SECURITY ESCORT

Under certain circumstances related to an individual's safety, a member of the Public Safety staff may provide an escort to nearby public transportation.

WORKING RELATIONSHIP WITH OTHER LAW ENFORCEMENT AGENCIES

John Jay College maintains a cooperative relationship with local, state and federal law enforcement agencies. A written Memorandum of Understanding exists between all City University Colleges and the New York City Police Department in compliance with New York State Law.

OFF-CAMPUS ORGANIZATIONS CRIMES AND SAFETY HAZARD MONITORING

RESIDENCE HALLS/OFF CAMPUS STUDENT ORGANIZATIONS

John Jay College has off campus housing facilities located at the New Yorker Hotel at 481 8th Avenue, New York, NY 10001. John Jay College has no off-campus student organizations.

EMERGENCY NOTIFICATION & RESPONSE

CUNY ALERT SYSTEM

All students, as well as faculty and staff are strongly encouraged to participate in the CUNY Alert system. The CUNY Alert system is designed to give you immediate and up-to-date information regarding weather, utility and emergency situations. The system can contact you and family or friends, as you designate, via text message, cell phone, landline and/or e-mail. The system can offer all methods of notice, a single method or any combination. It is user friendly and can prove to be invaluable before, during and after an emergency. Simply log onto www.cuny.edu/alert and follow the instructions. Contact information for all registered students and employees is included in the CUNY Alert system, except for the contact information for those students 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 Department of Information Technology help desk located in room L2.73.00NB.

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

CUNY is committed to respecting your privacy. In order to personalize your view of the CUNY.EDU site and gain access to certain information systems, such as CUNY Alert, you must register and provide some personal information. CUNY does not collect any personal information about you unless you provide that information voluntarily. Any personal information that you choose to provide 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 maintaining current contact information. In the event that phone alert, email or SMS messages are not found or rejected for incorrect or expired information during a live alert, CUNY reserves the right to delete the problem entry or to deactivate a user's account.

TIMELY WARNINGS TO MEMBERS OF THE COMMUNITY

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

IMMEDIATE NOTIFICATIONS

Unless such notice and warning constitutes a compromise to contain an emergency, or may result in an expansion or exacerbation of an emergency, immediate notification of an emergency will take place through one – or a combination of – the following methodologies: (1) CUNY-Alert, (2) Verbal announcement through the College’s public address system, (3) Campus-wide e-mail blast, (4) College web-site notice, and (5) Social Media notification. The following personnel are authorized to make such announcements; Public Safety Director or his/her designee, Vice President of Finance & Administration or his/her Designee, Dean of Students or his/her Designee, Chief Student Affairs Officer or his/her designee. Please note that a circumstance may arise in which it would not be prudent or appropriate to issue an immediate notification if such release would compromise efforts to contain the emergency.

EMERGENCY RESPONSE EVACUATION FIRE DRILL TESTS

John Jay College conducts up to sixteen fire drills per calendar year. Several of these drills are conducted in the evening. Floor wardens, deputy floor wardens and searchers are assigned to each floor during the drills. Drills are conducted by a duly trained and certified Fire Safety Director. During these drills, building occupants are familiarized with campus evacuation procedures.

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 in the use of the buildings fire command system telephones. Their job is to facilitate evacuations and to pass information to the fire safety command station. Please heed their directions. When fire alarms sound, 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 Public Safety personnel. Below are general guidelines for reacting to a fire. Remember, WHEN IN DOUBT CALL 911 OR ACTIVATE A PULL STATION.

1. Be familiar with the location of stairways, fire extinguishers, fire exits, and pull boxes in the building.
2. If a minor fire appears controllable, immediately contact (personally or preferably have someone else call) the Department of Public Safety at extension 8888. Locate a portable fire extinguisher. Then remove the pin and 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. Do not use water extinguishers on electrical fires. Ensure that a means of egress is at your rear.
3. If an emergency exists, activate the building’s fire alarm system by releasing a fire pull station.
4. In the case of large fires that do not appear controllable, immediately activate a fire pull station and, if time permits, call extension 8888 to report the exact location of the fire. If possible, close the door of the room where the fire exists.
5. 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 unless instructed to do so by the Fire Department.
6. Smoke is the greatest danger in a fire, so stay near the floor where the air will be less toxic.
7. 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. Essential personnel must be allowed to do their jobs.
8. Do not return to an evacuated building unless told to do so by a College official or FDNY representative.
9. If you become trapped in 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. Place a wet cloth at the base of doors 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.
10. Should your clothing catch fire, stop, drop and roll. Rolling on the ground will help smother the fire.

ACTIVE SHOOTER GUIDELINES

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

WHAT YOU CAN DO NOW

- Learn the building well. Re-learn it.

- (i) Take special note of the location of the stairways.
- (ii) Consider it your obligation, if you are aware of any member of or visitor to the College who appears to be under extreme stress or is expressing violent intentions, to inform a responsible person in the College – a front desk Public Safety Officer, any dean, director or faculty member, or any of the people listed on the following page under “Contact People.”

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

First, if you can do it safely, phone 911. Do that before you try to contact anyone else, including Public Safety. Information to provide the 911 operator if you know it:

- a Location of the active shooter
- b Number of shooters, if more than one
- c Physical description of shooter(s)
- d Number and type of weapons held by the shooter(s)
- e Number of potential victims at the location

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

- Have an escape route and plan in mind
 - (i) If you can reach the stairs unobserved, do it.
- Evacuate regardless of whether others agree to follow
- Leave your belongings behind
- Help others escape, if possible
- Prevent individuals from entering an area where the active shooter may be
- Do not attempt to move wounded people

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

- If you are in an office or classroom, stay there and secure the door. Lock it with a key or the latch on the inside of the lock. If you cannot lock the door, place as much furniture as you can in front of the door. In classrooms, lock the door, place the emergency panel on the glass (instructions located inside each classroom). Stay low and quiet. Try to stay calm, and to calm those around you. Turn cell phone volume off. If possible, turn off the lights.
- If you are in a hallway, get into a room and secure the door in a similar fashion.
- Have situational awareness. Do not corner yourself if at all possible.

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

- Acting as aggressively as possible against him/her.
- Throwing items and improvising weapons -- books, cups, phones, any dense object.

- Committing to your actions. Do not stop fighting until the shooter is completely incapacitated. If you chose to fight, there is a “no mercy rule.”

HOW TO RESPOND WHEN LAW ENFORCEMENT ARRIVES

Law enforcement’s purpose is to stop the active shooter. Officers will proceed directly to the area in which the last shots were heard and will fire at the shooter. If the shooter is actively harming persons, they will shoot even if bystanders are close.

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

Once you have reached a safe location -- **DE WITT CLINTON PARK LOCATED ON 54TH STREET AND 11TH AVENUE IS THE DESIGNATED PLACE OF ASSEMBLY FOR JOHN JAY COLLEGE** -- you will be asked to remain until the situation is under control, and all witnesses have been identified and questioned. Do not leave until law enforcement authorities have instructed you to do so.

CONTACT PEOPLE --

Public Safety – Diego Redondo -- 212-237-8521-- 917- 297-6233--dredondo@jjay.cuny.edu
 Student Affairs – Michael Sachs --212-237-8211-- 212-397-1830--msachs@jjay.cuny.edu
 Human Resources – Raj Singh --212-237-8512--347-515-428-- rsingh@jjay.cuny.edu

BOMB INCIDENT PLAN

While it is important to note that the overwhelming majority of bomb threats are unfounded, it is the policy of the College that they are to 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 extension 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, or 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, **only use stairs. Do not use elevators.** Move well away from the building and follow the instructions of floor coordinators and emergency personnel at the scene.

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

1. All medical emergencies should be reported immediately to Public Safety extension 8888.
2. If the medical emergency is life threatening, call 911 before dialing Public Safety. If you are in doubt, call 911.
3. If you call 911, be prepared to give your name; describe the nature and severity of the medical problem and the location of the victim. Try to answer all of the questions the dispatcher asks you and let him/her hang-up the phone first. Do not move the victim. If you are certified in CPR and First Aid and able to help, then try to assist the victim until help arrives.
4. Look for emergency medical ID's such as bracelets on injured persons and try to keep the victim as comfortable as possible until emergency personnel arrive.
5. If a medical problem is non-life threatening, call the Department of Public Safety at extension 8888. If campus Public Safety personnel believe that a victim should not be moved or that emergency medical care is required immediately, then they will call 911. Please remember that the decision to call or not call 911 is not based on financial situation or insurance status. The focus is on assisting the ill or injured party.
6. The College employs part-time nurse practitioners during the Spring and Fall semesters. The nurse's office is room L. 66 of the New Building, the telephone number is 212-237-8052/8053.

MEDICAL EMERGENCIES-MENTAL HEALTH

The Office of Student Affairs can be helpful in assisting anyone who feels in need of counseling or mental health service. You are not alone and don't have to be alone. The Department of Counseling can be reached at 212-237-8111. Whenever an individual demonstrates or reports a risk for self-destructive or suicidal behavior, immediate assistance is needed. If the situation poses an imminent physical danger, call extension 8888 to reach the Department of Public Safety or call 911. If imminent physical danger is not posed, then call the Dean of Students office at extension 8100 or our Counseling Department at extension 8111. If a response from either of these two areas is unavailable contact Public Safety at 212-237-8888.

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 extension 8888 and to Facilities Management at extension 8541. In the event of a building wide power failure, phones may not function. If no other emergency situation exists, you can go to one of the Public Safety Desks. **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.**
2. Having a flashlight attached to a key chain, belt clip or in a bag may be helpful even when not in the College. Use a flashlight application on your phone. Never use candles.
3. During daylight, add as much natural lighting as possible by raising blinds.
4. Faculty with classes should remain where they are until notified otherwise.
5. 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 the main security desk. Wait for assistance. Do not panic. Help is on the way.

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

In the event of flooding and/or plumbing problem, cease using all electrical equipment. Notify Facilities Management at extension 8541. If they are not available, contact Public Safety at extension 8888. If necessary, vacate the area and prevent anyone else from entering. If a toilet overflows or water is accumulating in a given area contact Facilities Management at extension 8541, if they are not available, contact Public Safety at extension 8888.

Gas Leaks

Gas leaks are very rare but can be very serious. **If you smell gas, contact Public Safety by going to the building's Public Safety desk or utilize a phone away from the smell of gas. 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 OR NUCLEAR ATTACKS

1. Upon receiving confirmed information of an imminent or ongoing biological, chemical or nuclear disaster/attack that poses great risk to life at the College, the President or his/her designee shall declare a campus wide emergency.
2. This state of emergency may initiate a lockdown of the building and/or its total evacuation.
3. Notification will be made via the College website, voicemail, emergency communication response system and CUNY Alert if at all possible.
4. Building occupants will be kept abreast of changes as they develop by College officials. During an event at the building the following actions will be taken if possible: (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 most insulation and (c) updates on the 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. This report is updated as needed throughout the year. The Department of Public Safety, in room L2.61NB, has hard copies of this report.

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

PUBLIC SAFETY AWARENESS & CRIME PREVENTION PROGRAMS

The Department of Public Safety issues safety alert bulletins when deemed necessary and provides “Timely Warning Notices”, via CUNY Alert, to the campus community when serious crimes occur in areas on or near the campus. The Department maintains a working relationship with the New York City Police Department, which is responsible for responding to criminal incidents on the campus and the surrounding area. All persons reporting crimes to the Department of Public Safety are encouraged to promptly report the incident to the local police precinct concerned.

All members of the College community are encouraged to attend crime prevention seminars that are conducted by the New York City Police Department and the Department of Public Safety during “Public Safety Awareness Day”. Crime prevention seminars are scheduled annually and members of the College community are encouraged to actively participate in for their own safety and the safety of others. All incoming students receive information about campus crime prevention programs, CUNY’s Sexual Misconduct Policy and awareness prevention of sexual misconduct (as defined in CUNY’s Policy on Sexual Misconduct) during initial, transfer and graduate orientation meetings scheduled before, and during, each Spring and Fall semester. This is a mandatory training. Crime prevention information is also available on the Public Safety webpage at:

http://www.jjay.cuny.edu/sites/default/files/contentgroups/pub_safety/Crime_Prevention_Tips.pdf

Public Safety personnel, while on patrol, report potential safety and security hazards as well as entry door problems and elevator malfunctions to Facilities Management. Building engineers and custodians report health and safety issues to the Department of Public Safety identified during the course of normal work assignments.

ACCESS TO COLLEGE FACILITIES

CAMPUS FACILITIES

As 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 College's building specific hours of operation can be found at <http://www.jjay.cuny.edu/public-safety-desk-locations-College-hours-operations>. Currently enrolled students and employed staff are permitted to be on campus, for the purpose of school-related work after these hours with administrator's approval.

The College reserves the right to refuse entry or remove anyone regardless of his/her status for rule infractions or safety reasons. Access to campus buildings is limited to faculty, staff, students, alumni, guests and visitors who are conducting official College business.

The College is equipped with turnstiles as an access control measure. When entering campus grounds, all faculty, staff and students are required to use their College issued identification card to gain access. ID cards are issued in the Public Safety Office, L2.61NB, during office hours. Administrators, faculty and staff are issued keys to their respective offices and/or buildings.

IDENTIFICATION CARDS

John Jay College and CUNY policy requires that you carry your school issued identification card on your person at all times while in our building or any City University controlled facility. It must be presented upon request by any Public Safety or administrative agent of the University. These cards are the property of the College. A defective ID card will be replaced free of charge. If your card has been lost or stolen, there is a \$10.00 replacement fee. For ID cards, go to the Department of Public Safety located at L2.61NB.

GUESTS

All visitors to the College are expected to comport themselves in a manner consistent with an academic environment. Guests must sign in at a Public Safety desk and show identification to the officer on duty. Guests are subject to the lawful instructions of all members of the Department of Public Safety; which includes the Administrative staff. Guests may not remain in the building after the posted hours of operation or on holidays. If a guest seems to be intoxicated, refuses to follow procedures of producing identification, or follow the College's sign in and sign out procedures, entry to the building will be denied.

JOHN JAY COLLEGE LATE NIGHT RESEARCH POLICY

John Jay College buildings are available to current students, faculty and staff for school-related purposes during prescribed building hours. Faculty members who wish to conduct late night research must alert Public Safety, and are required to sign in at the Public Safety desk. Late night usage of the building is expressly limited to school-related purposes. Such permitted usage does not include sleeping, socializing or other recreational activities except as tangential to study or research. Violators will be asked to leave the building, and repeat violators may have their late-night privileges suspended or revoked.

SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES

John Jay College Public Safety personnel maintain the campus' fire alarm/suppression system, access control/CCTV system, fire command and public address system. The Department of Public Safety reports deficiencies in interior and exterior lighting to the Facilities Management Department for repair. If you observe any conditions, which appear unsafe, they should be reported to any Public Safety personnel as soon as possible. Facilities Management and the Department of Public Safety conduct on-going reviews of campus grounds and facilities. During these reviews, emphasis is placed on safety, accessibility to buildings, landscape hazards and inadequate lighting.

Public Safety personnel monitor interior and exterior cameras on a continuous basis. Public Safety Officers patrol the buildings and grounds several times during a tour, every tour, each day of the year. John Jay College utilizes a computerized card access system as a means of access to central parts of the campus. When activated, authorized cards are touched to wall mounted card readers to open doors.

The College's locking devices are a restricted key-way type. Public Safety staff carries mobile radios programmed through a repeater to enhance effectiveness. The aforementioned devices are checked during each tour and during building and perimeter patrols. Additionally, a special mobile radio located in the Command Center can communicate with any of the other CUNY campuses, as well as the Central office. Deficiencies should be reported to Public Safety for repair/service needing such an accommodation.

WEAPONS POLICY

No one within the University community (including visitors), with the exception of Campus Peace Officers, pursuant to authorization of the College President, shall have in his/her possession a rifle, shotgun, firearm, or any other dangerous instrument or material that can be used to inflict bodily harm on an individual or damage to a building or the grounds of the campus. Refer to number 8 listed below under Henderson Rules.

COLLEGE REGULATIONS/CODE OF CONDUCT

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

HENDERSON RULES

1. A member of the academic community shall not intentionally obstruct and/or forcibly prevent others from the exercise of their rights. Nor shall he interfere with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institutions instructional, personal, administrative, recreational, and community services.
2. Individuals are liable for failure to comply with lawful directions issued by representatives of the University/College when they are acting in their official capacities. Members of the academic community are required to show their identification cards when requested to do so by an official of the College.
3. Unauthorized occupancy of University/College facilities or blocking access to or from such areas is prohibited. Permission from appropriate College authorities must be obtained for removal, relocation, and use of University/College equipment and/or supplies.
4. Theft from, or damage to University/College premises or property, or theft of or damage to property of any person on University/College premises is prohibited.
5. Each member of the academic community or an invited guest has the right to advocate his position without having to fear abuse, physical, verbal, or otherwise, from others supporting conflicting points of view. Members of the academic community and other persons on the College grounds shall not use language or take actions reasonably likely to provoke or encourage physical violence by demonstrators, those demonstrated against, or spectators.
6. Action may be taken against any and all persons who have no legitimate reason for their presence on any campus within the University/College, or whose presence on any such campus obstructs and/or forcibly prevents others from the exercise of the rights or interferes with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, or 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 Director of Human Resources of any criminal drug statute conviction for a violation occurring in the workplace not later than five (5) days after such conviction.

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

PENALTIES

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

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

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

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

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

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

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

set forth in the decision of the student disciplinary panel or in any resolution agreement that is reached.

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

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

3. Any visitor, licensee, or invitee, engaging in any manner in conduct prohibited under the Bylaws, including the Henderson Rules 1-11 shall be subject to ejection, and/or arrest by the civil authorities.

4. Any organization which authorized the conduct prohibited under the Bylaws, including the Henderson Rules 1-11 shall have its permission to operate on campus rescinded.

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

ADDITIONAL COLLEGE RULES

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

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

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

UNIVERSITY POLICY RELATING TO DRUGS AND ALCOHOL

THE CITY UNIVERSITY OF NEW YORK POLICY ON DRUGS AND ALCOHOL

The City University of New York (“CUNY”) is an institution committed to promoting the physical, intellectual, and social development of all individuals. As such, CUNY seeks to prevent the abuse of drugs and alcohol, which can adversely impact performance and threaten the health and safety of students, employees, their families, and the general public. CUNY complies with all federal, state, and local laws concerning the unlawful possession, use, and distribution of drugs and alcohol. 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. The policy can be found at <http://www.cuny.edu/about/administration/offices/ohrm/cohr/drug-alcohol2011.pdf>.

CUNY STANDARDS OF CONDUCT

The unlawful manufacture, distribution, dispensation, possession, or use of drugs or alcohol by anyone, on CUNY property (including CUNY residence halls), in CUNY buses or vans, or at CUNY-sponsored activities, 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. For purposes of this policy, a CUNY residence hall means a residence hall owned and/or operated by CUNY, or operated by a private management company on CUNY’s behalf. In order to make informed choices about the use of drugs and alcohol, CUNY students and employees are expected to familiarize themselves with the information provided by CUNY about the physiological, psychological, and social consequences of substance abuse.

CUNY SANCTIONS

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

STUDENTS

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

DRUG/ALCOHOL USE AMNESTY POLICY

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

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

EMPLOYEES

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

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

BACKGROUND

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

LEGAL SANCTIONS

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

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

Further, pursuant to New York State law:

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

HEALTH RISKS

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

LSD (Acid)

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

Cocaine

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

MDMA (Ecstasy)

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

Heroin

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

Marijuana

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

Methamphetamine

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

PCP/Phencyclidine

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

Prescription Medications

Prescription drugs that are abused or used for non-medical reasons can alter brain activity and lead to dependence. Commonly abused classes of prescription drugs include opioids (often prescribed to treat pain), central nervous system depressants (often prescribed to treat anxiety and sleep disorders), and stimulants (prescribed to treat narcolepsy, ADHD, and obesity). Long-term use of opioids or central 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 in order to have fun.
- Using more drugs and/or alcohol to get the same effects as in the past.
- Avoiding people in order to get high or drunk.
- Pressuring others to use drugs and/or alcohol.
- Foregoing activities that were once priorities (i.e. work, sports, spending time with family and sober friends).
- Getting into trouble at school, at work, or with the law.
- Taking risks, including sexual promiscuity and driving while intoxicated.
- Lying about things, including the amount of drugs and/or alcohol used.
- Feeling hopeless, depressed, or even suicidal.

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

RESOURCES ON CAMPUS

For assistance and referrals, **students** should (1) consult the College website; or (2) contact Student Affairs Office and/or Wellness Center. Any student may contact our Counseling Department at 212-237-8111, our Health Office at 212-237-8052 or the Office of Accessibility Services at 212-237-8031.

For assistance and referrals, **employees** should consult with the Human Resources office at 212-237-8517. Assistance is also available through union employee assistance programs or through the CUNY Work/Life Program.

CUNY Work/Life Program (800) 833-8707

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

RESOURCES OFF-CAMPUS

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	http://www.ma-newyork.org/
Alcoholics Anonymous (212) 647-1680	http://www.nyintergroup.org/
Nicotine Anonymous (631) 665-0527	http://www.nicotine-anonymous.org/
Al-Anon/Alateen (888) 425-2666	http://www.al-anonny.org

Detoxification and Outpatient/Inpatient Rehabilitation Facilities

New York County

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

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

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

Queens County

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

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

Kings County

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

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

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

Bronx County

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

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

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

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

Richmond County

Nassau County

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

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

Richmond University Medical Center
427 Forest Ave.
Staten Island, NY 10301
(718) 818-5375
Camelot of Staten Island, Inc.
263 Port Richmond Ave.
Staten Island, NY 10302
(718) 981-8117

North Shore University Hospital
400 Community Dr.
Manhasset, NY 11030
(516) 562-3010
Nassau Health Care Corporation
2201 Hempstead Tpke.
East Meadow, NY 11554
(516) 572-9400

RESOURCES OFF-CAMPUS

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

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

COUNSELING

Counseling services are available to all students. The Counseling Department also conducts workshops and facilitates support groups on a number of topics including test anxiety and stress management. The Counseling Department's phone number is 212-237-8111.

SEXUAL MISCONDUCT

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

Under the provisions of Title IX of the Education Amendments of 1972 (Title IX), 20 USC §§ 1681 et seq., and its implementing regulations, 34 CFR Part 106, discrimination on the basis of

sex in education programs or activities operated by recipients of federal financial assistance is prohibited. Sexual harassment of students, which includes acts of sexual violence, cyber stalking and unwanted physical contact of a sexual nature, is a form of discrimination prohibited by Title IX. Sexual Harassment is unwelcome conduct of a sexual nature that is sufficiently serious to adversely affect your ability to participate in or benefit from an educational program. It includes unwelcome sexual advances, requests of sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature on or off campus.

The City University of New York Policy on Sexual Misconduct

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

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

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

Title IX Coordinator, Silvia Montalban,
Room 622T, 646-557-4409, smontalban@jjay.cuny.edu

Director of Public Safety, Diego Redondo
Room L2.61NB, 212-237-8521, dredondo@jjay.cuny.edu

Chief Student Affairs Officer, Lynette Cook-Francis,
Room L.65NB, 212-237-8211, lcook-francis@jjay.cuny.edu

Counseling Center and Gender Based Violence Prevention and Response Advocate,
Jessica Greenfield,
Room L.67.07NB, 646-557-4535, jgreenfield@jjay.cuny.edu

AVP for Administration, Raj Singh,
Room 713A, 212-237-8512, rsingh@jjay.cuny.edu

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

You may also:

- Call the Department of Public Safety's emergency telephone line 212-237-8888. Extension 8888 may be dialed from the College's telephone system.
- Use one of the emergency phones located throughout the buildings.
- Report the information to any member of the Department of Public Safety or in person at the Public Safety Office located in room L2.61 NB.

Victims or witnesses may report crimes of sexual misconduct to persons designated as Campus Security Authorities (listed on page's 3- 4 of this document), who will report the incident to the Title IX Coordinator, Silvia Montalban and forward the report of the crime to the Department of Public Safety for inclusion in the Annual Crime Report. The College recognizes the importance of confidentiality to victims and witnesses of crimes. For the purposes of providing crime statistics pursuant to the Campus Security Act in the College's Annual Security Report, victim and witness information will remain anonymous. However, complete confidentiality cannot be guaranteed in all other contexts. Victims of sexual violence will be encouraged, but not required to report the incident to law enforcement authorities. The College reserves the right to notify the police when it believes that such reporting is necessary for the protection of the College community. In many cases, however, that notification will be done without divulging the victim's identity and will be done only for the purpose of providing a campus-wide safety alert.

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

Bystander Intervention:

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

Prevention and Risk Reduction

1. Convey strongly that you expect your rights to be respected.
2. Meet new acquaintances in public places. Always have your own transportation or travel with good friends.
3. Keep money in your pocket or purse for phone calls or pay for transportation if you must leave a situation abruptly.

4. Be aware of how much alcohol is being consumed. It's best to avoid using alcohol. While not a direct cause of date rape, alcohol can increase your vulnerability by lowering your alertness and ability to react.
5. Do not accept a drink from someone you do not know or trust. Do not drink from bowls or large common open containers.
6. Do not continue to drink from a beverage you left unattended.
7. Clearly define your sexual limit. If someone starts to offend you, be direct. Say no clearly when you mean no.
8. If you feel that you are being pressured into unwanted sex, say "NO" 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 and arrange to leave with your friends.

What to Do if You Are Attacked

- After an attack, try to be as calm as possible in order to think clearly. Get to a safe place and call for help immediately. If you are in the building, contact Public Safety immediately at 212-237-8888; anywhere else call 911, call a relative or a friend or a rape crisis center. The NYC Police Department Sex Crimes Report Line is always open at 212-COP-RAPE.
- Remain in the same condition as when the attacker left. Do not change, wash, or destroy any clothing or any article that may be evidence.
- Do not wash, douche or comb your hair.
- Have a medical/gynecological exam at the nearest hospital emergency room as soon as possible. The doctor should note and treat any injury and take measures to combat the possibility of sexually transmitted diseases or pregnancy. If you report being raped, the doctor *may be able to* collect semen smears *or other physical specimens* as evidence.
- Show police any bruises or injuries, however minor, resulting from the attack. Also show injuries to a friend or relative who might be available as a corroborative witness at the trial. If possible, photograph bruises.
- Leave the crime scene exactly as it is. Do not touch, clean up, or throw anything away.
- Give any clothing that was stained or torn (including undergarments) during the crime to the police.
- When calm, write down every detail about the incident, including: who, what, where, when, and how; what the attacker looked like (height, weight, clothing, type of build, color of skin, hair, eyes, facial oddities, scars jewelry, tattoos etc.); description of any vehicle used or the direction you last saw the attacker running; what kind of force or coercion was used; any objects touched, taken, or left by the attacker; if the attacker said anything, try to remember the words, the grammar, any accents or speech defects; and if there were witnesses, list who and where they might be.

- Seek psychological support as well as medical attention. Even though the actual incident is over, you may suffer from rape trauma syndrome, which includes a variety of difficulties commonly experienced after a sexual assault
- A student can call the New York Police Department or 911, or go directly to a hospital. If the student 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 in order to assist with any ensuing criminal investigation. If the student believes that she/he may be the victim of date rape by being drugged, she/he should go directly to a hospital to receive a toxicology examination since such drugs only remain in a person's system for a short period of time. The Department of Public Safety will assist with notification of other law enforcement authorities and/or medical professionals if the student so chooses.
- New York State Department of Health has designated sexual assault forensic examiner ("SAFE") programs in hospitals that are designated as 24-hour centers of excellence. SAFE hospitals ensure the quality of collections, documentation, preservation and custody of physical evidence by a trained examiner and provide medical care that includes, but is not limited to, treatment, referral and follow-up, at no cost to the victim.
- As time passes, evidence may dissipate or become lost or unavailable, making investigation, possible prosecution or disciplinary proceedings or obtaining orders of protection more difficult. Even if a victim of sexual assault chooses not to file a complaint with law enforcement, the victim should consider having a sexual assault forensic exam, which will preserve the evidence in case the victim decides to file a report later.

Who is a Perpetrator?

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

Who is a Victim?

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

When is there lack of consent?

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

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

CUNY's Sexual Misconduct Policy requires affirmative consent to sexual activity. Affirmative consent as defined in CUNY's Sexual Misconduct Policy is "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 on a participant's sex, sexual orientation, gender identity or gender expression. Consent may be initially given but withdrawn at any time. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.

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

Who is responsible for a sexual attack?

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

College and Community Counseling and Support Services for Sex Offense Victims

On-Campus Assistance

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

College Support Services

On-Campus: John Jay College students can contact the Counseling Department at 212-237-8111 or the Office of the Dean of Students at 212-237-8100.

Contacting Outside Agencies

John Jay College's administration will assist any student requesting to contact outside agencies, including local police, regarding charges and complaints of sexual assault.

Off-Campus Resources

- Emergency: 911
- Sex Crimes Report Line for the borough of Manhattan 212-627-RAPE.
- The New York City Police Department Sex Crimes Report Line 212-COP-RAPE, 24/7, is answered by a female detective at all times. It takes telephone reports of sex crimes, refers victims to counseling and other community services, provides information on police procedures,
- The NYC Victims Services Agency: open 24 hours, seven days a week 212-577-7777. Provides crisis intervention for crime victims.
- The following New York State Department of Criminal Justice website offers links to many additional resources at <http://www.criminaljustice.ny.gov/pio/crimevictims.html>
- Gay and Lesbian Anti-Violence Project with the new 24-hour Hotline: 212-714-1141
- New York State Office of Victim's Services, <https://ovs.ny.gov/>
- NYC Mayor's Office to Combat Domestic Violence/Family Justice Centers, <http://nyc.gov/html/ocdv/html/help/fjc.shtml>
- The U.S. Department of Justice's Office on Violence Against Women <http://www.changingourcampus.org>

Prevention Education Programs

Each CUNY College is required to develop materials and programs to educate its students, faculty and staff on the nature, dynamics, common circumstances and effects of sexual assault, domestic/dating/intimate partner violence and stalking, and the means to reduce their occurrence and prevent them. These programs should seek to provide the most recent and relevant information, such as education pertaining to bystander intervention, the importance of peer networks and the significance of fostering a community of responsibility. **John Jay College's Women's Center hosts presentations pertaining to sexual assault prevention and reporting procedures during new, transfer and graduate student orientations.** The Women's Center also conducts trainings for student leaders involved with training/mentoring incoming students, including Peer Mentors, Peer Ambassadors, Peer Counselors, Urban Male Initiative Peer Advocates, Resident Assistants, and Student Life Leadership.

Much information, including resources, about campus safety, sexual assault and harassment, domestic/intimate partner violence, stalking and dating violence can be found at www.notalone.gov

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

In addition, we are required to provide periodic training relating to the prevention and handling of sexual assaults, stalking and domestic/intimate partner violence for all relevant personnel, including public safety officers, counselors, student affairs staff and residence hall assistants by experts trained in the field. Education and training are also made available to any interested faculty and staff member. The College's designated liaison and trainer for additional trainings is Title IX Coordinator, Silvia Montalban.

Additional resources for Title IX and the Violence Against Women's Act are available on the College's website at: <http://www.jjay.cuny.edu/compliance-and-diversity>

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

Sexual Assault

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

- **Rape** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim
- **Fondling** is the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
- **Statutory rape** is sexual intercourse with a person who is under the statutory age of consent.

Domestic Violence

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

Dating Violence

According to federal statute, “dating violence” means violence committed by a person--
(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (i) The length of the relationship
 - (ii) The type of relationship
 - (iii) The frequency of interaction between the persons involved in the relationship.
- 42 U.S.C. § 13925(a).

For the purposes of this definition

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

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

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

Stalking

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

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

For the purposes of this definition

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

CUNY's Sexual Misconduct Policy further defines Stalking as:

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

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

Definitions of Sex Offenses Under New York State Law

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

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

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

Under New York State Penal and Criminal Procedure Laws

Crime	Illegal Conduct	Criminal Sanctions
<p><u>Rape in the first degree</u> (PL § 130.35)</p>	<p>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.</p>	<p>Is a class B felony, with penalties up to 25 years in prison.</p>
<p><u>Rape in the second degree</u> (PL § 130.30)</p>	<p>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</p>	<p>Is a class D felony, with penalties up to 7 years in prison.</p>

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

<u>Aggravated sexual abuse in the third degree</u> (PL § 130.66)	A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11.	Is a class D felony, with penalties up to 7 years in prison.
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<u>Facilitating a sex offense with a controlled substance</u> (PL § 130.90)	A person is guilty when he or she knowingly and unlawfully possesses a controlled substance or any substance that requires a prescription to obtain to another person, without such person's consent and with intent to commit against such person conduct	Is a class D felony, with penalties up to 7 years in prison.
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	constituting a felony, and commits or attempts to commit such conduct constituting a felony defined in Article 30.	
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Missing Persons

In accordance with state and federal law, the College maintains procedures for the investigation of reports of missing persons. In addition, in compliance with state and federal law, the College will notify the appropriate law enforcement agency within 24 hours of receiving a report of a missing student who resides in campus housing. The City University of New York Missing Person Policy is available at:

http://policy.cuny.edu/manual_of_general_policy/article_v/policy_5.27/pdf/#Navigation_Location

ADMISSION OF SEX OFFENDERS (as provided by the Vice Chancellor’s Office of Legal Affairs)

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

CAMPUS SEX CRIMES PREVENTION ACT

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

- Contact the police department in the jurisdiction in which the offender resides and/or in which the College is located: North Hall- 20th Precinct: (212) 580-6411, New Building, Haaren Hall, Westport, BMW, Annex- Midtown North Precinct: (212) 767-8400, New Yorker Hotel- Midtown South Precinct- (212) 239-9811.
- Contact Diego Redondo, Director of Public Safety, at 212-237-8521
- Call the Division’s sex offender registry at 800-262-3257

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

- Contact the Division’s sex offender registry web site – www.criminaljustice.ny.gov/nsor/index.htm and then click on “Search for Level 3 Sex Offenses;” or
- Access the Division’s Level 3 subdirectory electronically at the Director of Public Safety’s office during regular business hours.

OTHER LINKS TO UNIVERSITY POLICIES AND PROCEDURES

SEXUAL MISCONDUCT POLICY

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

EQUAL OPPORTUNITY AND NON-DISCRIMINATION POLICY

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

STUDENT SEXUAL MISCONDUCT COMPLAINANTS' BILL OF RIGHTS

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

THE CITY UNIVERSITY OF NEW YORK CAMPUS AND WORKPLACE VIOLENCE POLICY

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

DOMESTIC VIOLENCE IN THE WORKPLACE

Is available at: http://policy.cuny.edu/manual_of_general_policy/article_v/policy_5.061/pdf/#Navigation_Location

PROCEDURES ON IMPLEMENTING THE CITY UNIVERSITY OF NEW YORK JOHN JAY COLLEGE POLICY ON SEXUAL MISCONDUCT

Is available at: <http://www1.cuny.edu/sites/title-ix/campus/john-jay-College-of-criminal-justice/>

Hardcopies of these policies are available at the Department of Public Safety in room L2.61

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

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

The City University of New York (CUNY)

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

Crime Statistics	2014													On Campus Residential Only			
	All On-Campus Property				Non-Campus Property				Public Property					Reported to			
	Reported to			SUB TOTAL	Reported to			SUB TOTAL	Reported to			SUB TOTAL	GRAND TOTAL	DPS	NYPD	*Non DPS	Section TOTAL
	DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS						
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	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	1	0	1	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	1	0	0	1	2	0	0	2	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	1	0	0	1	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	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	3	0	2	5	3	0	0	3	0	0	0	0	0	0	0	0	0

* Denotes Report to other campus authorities

Hate Crimes Reported: One

Unfounded Crimes Reported: None

Crime Statistics	2015													On Campus Residential Only			
	All On-Campus Property				Non-Campus Property				Public Property					Reported to			
	Reported to			SUB TOTAL	Reported to			SUB TOTAL	Reported to			SUB TOTAL	GRAND TOTAL	DPS	NYPD	*Non DPS	Section TOTAL
	DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS						
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	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	1	0	0	1	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	1	1	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	3	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Arrests	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Referrals	0	0	0	0	0	0	1	1	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	1	1	0	0	0	0	0	0	0	0	0
Stalking	11	0	2	13	0	0	1	1	0	0	0	0	0	0	0	0	0

* Denotes Report to other campus authorities

Hate Crimes Reported: Two

Unfounded Crimes Reported: None

Crime Statistics	2016													On Campus Residential Only			
	All On-Campus Property				Non-Campus Property				Public Property					Reported to			
	Reported to			SUB TOTAL	Reported to			SUB TOTAL	Reported to			SUB TOTAL	GRAND TOTAL	DPS	NYPD	*Non DPS	Section TOTAL
	DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS						
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	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	3	0	3	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	2	0	2	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0
Burglary	1	0	0	1	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	3	3	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	1	0	0	1	0	0	1	1	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Arrests	0	0	0	0	0	0	1	1	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	1	0	0	1	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	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	1	0	0	1	0	0	0	0	0	3	0	0	3	0	0	0	0
Stalking	14	0	1	15	0	0	1	1	1	0	0	0	1	0	0	0	0

* Denotes Report to other campus authorities

Hate Crimes Reported: Four

Unfounded Crimes Reported: None

THE CITY UNIVERSITY OF NEW YORK
POLICY ON SEXUAL MISCONDUCT

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I. Policy Statement

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

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

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

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

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

II. Prohibited Conduct

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

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

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

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

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

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

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

III. Title IX Coordinator

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

IV. Immediate Assistance in Cases of Sexual Violence

A. Reporting to Law Enforcement

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

B. Obtaining Immediate Medical Attention and Emotional Support

CUNY is committed to assisting anyone who experiences sexual violence to seek comprehensive medical attention as soon as possible to treat injuries, obtain preventative treatment for sexually transmitted diseases, and preserve evidence, among other things. For rapes in particular, immediate treatment and the preservation of evidence of the incident are important for many reasons, including

facilitating a criminal investigation. In addition, individuals who have experienced or witnessed sexual violence are encouraged to seek emotional support as soon as possible, either on or off-campus.

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

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

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

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

A. Filing a Complaint with Campus Authorities

i. Students

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

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

ii. Employees

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

- Title IX Coordinator;
- Interim AVP for Finance;
- Office of Public Safety.

iii. Visitors

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

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

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

B. Support Assistance for Complainants

i. Students

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

ii. Employees

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

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

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

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

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

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

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

D. Action by Bystanders and Other Community Members

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

In addition, CUNY encourages all community members to report an incident of sexual harassment, gender-based harassment or sexual violence that they observe or become aware of to the Title IX Coordinator, and/or the offices of Public Safety and the Vice President of Students Affairs and/or Dean of Students at their College and, in the case of employees, the Human Resources office. Community

members who take action in accordance with this paragraph will be supported by the College, and anyone who retaliates against them will be subject to disciplinary charges.

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

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

F. **Reporting Suspected Child Abuse**

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

G. **Reporting Retaliation**

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

VI. Reporting/Confidentiality Obligations of College and University Employees

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

A. **Confidential Employees**

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

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

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

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

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

B. **“Responsible” Employees**

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

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

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

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

C. **All Other Employees**

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

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

VII. Interim and Supportive Measures

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

A. Types of Interim and Supportive Measures

Interim and supportive measures may include, among other things:

- i. Making necessary changes to academic programs, including a change in class schedule, making appropriate accommodations to permit the complainant to take an incomplete or drop a course or courses without penalty, permitting the complainant to attend a class via skype or other alternative means where appropriate, providing an academic tutor, or extending deadlines for assignments;
- ii. Making necessary changes to residential housing situations or providing assistance in finding alternate housing;
- iii. Changing an employee's work assignment or schedule;
- iv. Providing the complainant with an escort to and from class or campus work location;
- v. Arranging appropriate transportation services to ensure safety;
- vi. Prohibiting contact between the complainant and the respondent ("no contact" orders);
- vii. Offering counseling services to the complainant, to the respondent, and, where appropriate, to witnesses, through the College Counseling Center or other appropriate College office, or a referral to an off-campus agency;
- viii. Providing the complainant assistance in obtaining medical and other services, including access to rape crisis centers;
- ix. Providing the complainant assistance with filing a criminal complaint and seeking an order of protection;
- x. Enforcing an order of protection;
- xi. Addressing situations in which it appears that a complainant's academic progress is affected by the alleged incident;
- xii. In exceptional circumstances, seeking an emergency suspension of a student or an employee under applicable CUNY Bylaws, rules, policies and collective bargaining agreements.

B. Process for Review of "No Contact" Orders

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

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

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

A. The Investigation

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

The College Title IX Coordinator shall take prompt and effective steps reasonably calculated to end any sexual harassment, gender-based harassment or sexual violence, including: (i) taking interim measures; (ii) preventing retaliation; (iii) providing the complainant and the respondent with periodic status updates of the investigation and notice of outcome of the investigation; (iv) informing the complainant of her/his right to file a criminal complaint; (v) coordinating with law enforcement agencies, as appropriate, after consultation with Public Safety; (vi) maintaining all documents of the investigation; and (vii) drafting a report of findings, which is to be submitted to the College President.

B. Conflicts

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

C. Mediation

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

D. Timing

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

E. **Report of Findings**

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

F. **Disciplinary Action**

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

i. **Discipline Against Students**

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

ii. **Discipline Against Employees**

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

iii. **Action Against Visitors**

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

iv. **No Disciplinary Action**

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

G. **Malicious Allegations**

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

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

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

I. Filing External Complaints

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

IX. College Obligations Under This Policy

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

A. Dissemination of Policies, Procedures and Notices

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

B. Training and Educational Programming

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

i. Training For Responsible and Confidential Employees

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

ii. Student Onboarding and Ongoing Education

Each College shall adopt a comprehensive student onboarding and ongoing education campaign to educate students about sexual misconduct, including domestic violence, dating violence, stalking, and sexual assault. During the student onboarding process, all new first-year and transfer students shall receive training on this policy and on a variety of topics

relating to sexual misconduct. In addition, each College shall offer and administer appropriate educational programming to residence hall students, athletes, and student leaders. Each College shall also provide such educational programming to any other student groups which the College determines could benefit from education in the area of sexual harassment, gender-based harassment and sexual violence. The College shall also share information on domestic violence, dating violence, stalking and sexual assault prevention with parents of enrolling students.

C. Campus Climate Assessments

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

X. Rules Regarding Intimate Relationships

A. Relationships between Faculty or Employees and Students

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

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

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

B. Relationships between Supervisors and Employees

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

For purposes of this section, supervising an employee means supervising in an employment setting, including hiring, evaluating, assigning work, or making decisions or recommendations that confer

benefits such as promotions, raises or other remuneration, or performing any other function that might affect employment opportunities.

XI. Definitions of Terms in this Policy

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

- H. **Rape and Attempted Rape** is the penetration or attempted penetration, no matter how slight, of any body part by a sex organ of another person, without the consent of that person.
- I. **Respondent** refers to the individual who is alleged to have committed sexual harassment, gender-based harassment or sexual violence against a CUNY student, employee, or visitor.
- J. **Retaliation** is adverse treatment of an individual as a result of that individual's reporting sexual harassment, gender-based harassment or sexual violence, assisting someone with a report of sexual harassment, gender-based harassment or sexual violence, or participating in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence report. Adverse treatment includes threats, intimidation and reprisals by either a complainant or respondent or by others such as friends or relatives of either a complainant or respondent.
- K. **Sexual Activity** is
- penetration, however slight, of the vulva or the anus by the penis, hand/fingers or other object;
 - contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
 - intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person; or
 - intentional touching, either directly or through the clothing of any other body part, with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person.
- L. **Sexual Assault** is any form of sexual activity that occurs without consent.
- M. **Sexual Harassment** is unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic and electronic communications or physical conduct of a sexual nature when:
- i. submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (quid pro quo); or
 - ii. such conduct is sufficiently serious that it alters the conditions of, or has the effect of substantially interfering with, an individual's educational or work experience by creating an intimidating, hostile, or offensive environment (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of a complainant.

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

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

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

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

- i. Recording images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- ii. Disseminating images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or

should have known that the person depicted in the images or audio did not consent to such disclosure;

- iii. Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent.

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

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

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

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

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

The City University of New York
Students' Bill of Rights

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

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

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

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

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