

City University of New York

Queens College Department of Public Safety

2025 Annual Security and Fire Safety Report

Includes crime and fire statistics for 2022, 2023 and 2024

Queens College

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College Overview

Queens College, one of 25 schools of The City University of New York (CUNY), was founded in 1937 and has evolved from a primarily liberal arts-oriented institution into a comprehensive college. In addition, Queens College houses Townsend Harris High School, whose population adds approximately 1,453 people to the campus community. Other programs offered include honors programs, college preparatory programs, the SEEK Program, and a continuing education program that offers classes seven days a week.

The campus is located at 65-30 Kissena Blvd in Queens, a borough of New York City, whose population is approximately 2,330,124. The campus is situated on approximately 80 acres and is comprised of 44 buildings located on, or contiguous to, the campus.

The college enrolls approximately 15,000 full- and part-time degree program students who attend day and evening classes. In addition, through the Office of Professional and Continuing Education, the college serves approximately 1,877 individuals with widely diverse backgrounds during the academic year. The faculty body includes 553 full-time Faculty and approximately 962 Adjuncts, Continuing Education teachers, and Graduate Assistants; additionally, there are 942 administrative employees.

Policy Statements

These policy statements provide information regarding Queens College's security and fire safety policies. Campus safety, parking, vehicle regulations, public safety services, and other information on Public Safety can be found on the Queens College Public Safety website at <https://www.qc.cuny.edu/ps/>.

Annual Disclosure of Crime Statistics

Queens College's 2025 Annual Security Report includes statistics for the previous three years about reported crimes that occurred on campus, in certain off-campus buildings owned and controlled by Queens College, and on public property within or immediately adjacent to and accessible from the campus. These statistics are compiled from campus incident reports, reports from designated campus security authorities, and the local NYPD precinct (107). The report also includes institutional policies concerning campus security, alcohol and drug use, crime prevention, and the reporting of crimes, including those that involve sexual misconduct, and emergency and evacuation procedures. This data is reported to the United States Department of Education via an annual web-based data collection. This Annual Report is published prior to October 1 of each year and distributed to all students and employees via the college website. Current students and employees will be notified via email of the Annual Security and Fire Safety Report's publication. As required, this report is available to all students, faculty, and staff annually. This report is posted on the Queens College website in the Public Safety section under Related Links at <https://www.qc.cuny.edu/ps/>. To obtain a written copy of the report, please contact the Public Safety Department at 718-997-5912.

Public Safety Authority

Queens College's main campus grounds, the contiguous geographic perimeter of the main campus, the off-campus sites, the entry gates, and the parking areas are patrolled on a 24-hour basis by Public Safety officers. Public Safety officers are sworn law enforcement/NYS Peace Officers under Criminal Procedure Law 2.10 subsection 79 and have the power to make arrests in compliance with New York State Criminal Procedure Law. Public Safety Peace Officers receive training in accordance with the New York State Division of Criminal Justice Services (NYS DCJS) training requirements for Public Safety Officers. Officers also participate in continual in-service training to maintain state compliance. At Queens College, incidents of a criminal nature that are reported to a Peace Officer are referred, with the complainant's consent, to the New York City Police Department. The Public Safety Department conducts administrative investigations involving CUNY policies, rules, and regulations. These investigations

may involve faculty, students, staff, and visitors on college property. Appropriate referrals necessitating further review and action may be made to the Office of Compliance and Diversity, Student Affairs, and/or Human Resources departments.

The Department consists of 1 Interim Director, 2 Lieutenants, 7 Sergeants, 4 Corporals, 2 Specialists, and 5 Peace Officers assigned to patrol the campus. Additionally, the college employs 20 Campus Security Assistants, who are assigned to parking lots and other fixed posts. These Security Assistants are certified as NYS Licensed Security Guards and do not have arrest powers (outside of the powers of a private citizen).

The Public Safety Department also oversees the electronic intrusion alarm system that protects various buildings and monitors approximately 289 security surveillance cameras to ensure the safety of the college community. Supplementing these campus security systems are emergency pull boxes that have been installed in hallways, stairways, and restrooms, and emergency assistance call boxes that are conspicuously located on campus grounds.

Campus Security Authorities

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

The following persons are designated as campus security authorities:

- Chief Diversity Officer & Dean of Diversity and Title IX Coordinator – **Jerima DeWese** – Kiely Hall (718) 997-5888
- Title IX Coordinator/Director of Investigations - **Christine McKeithan** – Kiely Hall (718) 997-5726
- Provost and Senior Vice President for Academic Affairs – **Patricia Price** – Kiely Hall (718) 997-5900
- VP for Student Affairs and Enrollment Management – **Jennifer Jarvis** – Student Union (718) 997-5501
- AVP for Student Affairs – **Sean J. Pierce** – Student Union (718) 997-3943
- Director of Student Advocacy and Appeals – **John Andrejack** – Frese Hall (718) 997-4486
- Director of International Students & Scholars – **Patrick O’Connell** – King Hall (718) 997-4438
- Director of Career Development & Internships – **Zavi Gunn** – Frese Hall (718) 997-4466
- Director of Administration & Special Events – **Maria Fosco** – Student Union (718) 997-4415
- Interim Director of Special Services – **Wahidur Roni** – Kiely Hall (718) 997-5870
- Interim Director of Public Safety/Security – **Deborah Huggins** – Jefferson Hall (718) 997-4448
- Health Service Center Nurse – **Terri Calhoun** – Frese Hall (718) 997-5527
- Director of Child Development Center – **Eric Urevich** – Kiely Hall (718) 997-5885
- Director of Housing & Residential Life (Capstone) – **Camille Shipman-McQueen** – The Summit Apartments (718) 997-4881
- Associate Director of Residential Life (Capstone) – **Omari Miller** – The Summit Apartments (718) 570-0308
- Dean of Students – **Dwayne D. Jones** – Student Union (718) 997-3960
- Director of Student Development & Leadership – **Craig Blodgett** – Student Union (718) 997-3970
- Associate Director of Judicial Affairs and Service Learning – **Emanuel Avila** – Student Union (718) 997-3971
- Athletics Director – **Rob Twible** – FitzGerald Gym (718) 997-2795
- Baseball Coach – **Chris Reardon** – FitzGerald Gym (718) 997-2752
- Men’s Basketball Coach – **Matthew Collier** – FitzGerald Gym (718) 997-2776
- Women’s Basketball Coach – **Travis Ponton** – FitzGerald Gym (718) 997-2774
- Men’s Cross-Country Coach – **Greg Welch** – FitzGerald Gym (718) 997-2737
- Women’s Cross-Country Coach – **Greg Welch** – FitzGerald Gym (718) 997-2737
- Dance Coach – **Kelly Ireland** – FitzGerald Gym (718) 997-2795
- Men’s Soccer Coach – **Frank Vertullo** – FitzGerald Gym (718) 997-2755

- Women's Soccer Coach – **Thomas Paris** – FitzGerald Gym (718) 570-0523
- Softball Coach – **Amy Delmore** – FitzGerald Gym (718) 997-2761
- Men's Tennis Coach – **Somadi Druker** – FitzGerald Gym (718) 997-2732
- Women's Tennis Coach – **Alan Nagel** – FitzGerald Gym (718) 997-2756
- Men's Track and Field – **Greg Welch** – FitzGerald Gym (718) 997-2737
- Women's Track and Field Coach – **Greg Welch** – FitzGerald Gym (718) 997-2737
- Women's Volleyball Coach – **Stefan Leger** – FitzGerald Gym (718) 997-2782

Crime Reporting Procedures

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

1. Call the Public Safety Department's emergency telephone line by dialing 718-997-5912 or 718-997-5911 from any campus telephone or cell phone.
2. Using one of the emergency assistance call boxes (blue light phone) located throughout the campus.
3. Reporting the information to any member of the Public Safety Department or in person at the Public Safety Office located at the Main Gate Entrance/Exit on Kissena Blvd.
4. Our counselors are strongly encouraged, when they deem it appropriate, to inform the people they are counseling of all 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 Public Safety Department for inclusion in the annual crime report. Names and numbers of campus security authorities are located in the previous section of this report. The college recognizes the importance of confidentiality to victims and witnesses of crimes. For the purpose 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 many cases, however, that notification will be done without divulging the victim's identity and will be done only to provide a campus-wide safety alert.
6. The college has established a confidential TIP LINE as an alternate means by which individuals can relay valuable information in an anonymous manner. The college's goal is to provide a service to receive information from those individuals who are reluctant to become involved in reporting criminal activity and who realize that an injustice has occurred. The anonymous Tip Line number is 718-997-5912 or 718-997-5911.
7. The Care and Concern Team (CARE) identifies, assesses, refers, monitors, and takes action in response to behaviors exhibited by a member of the college community that may pose a threat. The purpose of CARE is to provide for the safety, health, and well-being of all the college's students, faculty, and staff. You can obtain more information on CARE and make a CARE referral by going to the following web page: [Online CARE Report](https://www.cuny.edu/care-report/), or contact the CARE Team at: CARE@gc.cuny.edu
8. In the event you observe or are involved in an extreme or life-threatening situation, call 911, the New York City emergency telephone number. If possible, a call should also be made to the college's Public Safety Department at 718-997-5912 or 718-997-5911 to expedite and direct responding emergency personnel to your location.

Reporting and Prevention of Sexual Misconduct, including Sexual Assault, Sexual Harassment, Stalking, Dating Violence, and Domestic Violence

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

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

The Queens College Chief Diversity Officer & Dean of Diversity: Jerima DeWese, Chief Diversity Officer & Dean of Diversity/Director, Office of Compliance and Diversity Programs, Kiely Hall, 718-997-5888, TitleIX@qc.cuny.edu

The Queens College Title IX Coordinator/Director of Investigations: Christine McKeithan – Kiely Hall, 718-997-5726, TitleIX@qc.cuny.edu

Public Safety: Deborah Huggins, Interim Director of Public Safety and Security, Jefferson Hall, 718-997-4448, deborah.huggins@qc.cuny.edu

Public Safety: Jose Sanchez, Lieutenant of Public Safety and Security, Public Safety Office at the Main Gate, 718-997-5912/5911, jose.sanchez@qc.cuny.edu

Public Safety: Hemwatie Seusarran, Lieutenant of Public Safety and Security, Public Safety Office at the Main Gate, 718-997-5912/5911, hemwatie.seusarran@qc.cuny.edu

Student Affairs: Jennifer Jarvis, Vice President of Student Affairs and Enrollment Management, Student Union, 718-997-5501, jennifer.jarvis@qc.cuny.edu

Student Affairs: Sean J. Pierce, Assistant Vice President of Student Affairs, Student Union, 718-997-3943, sean.pierce@qc.cuny.edu

The Summit Apartments: Camille Shipman-McQueen, Director of Housing and Residence Life, The Summit Management Office, 718-997-4881, camille.shipmanmcqueen@qc.cuny.edu

The Summit Apartments: Omari Miller, Asst. Residence Life Director, The Summit Management Office, 718-997-4881, omari.miller@qc.cuny.edu

Human Resources: Lee Kelly, Assistant Vice President for Human Resources, Kiely Hall, 718-997-4455, lee.kelly@qc.cuny.edu

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

Confidential Reporting Options

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

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

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

Civilian Complaints

Civilian complaints regarding security personnel should be forwarded to the Director of Public Safety. The appropriate office will fully investigate all such complaints and take appropriate corrective action.

Public Safety Crime Log

All crimes that are reported to the Queens College Public Safety Department are annotated in the Public Safety Crime Log. All reportable criminal incidents are logged into the book provided that they occurred in the reportable geographic area of the college campus (on campus and public property), whether or not they are Clery-classified. The following information is included in the log: 1) date and time crime was reported, 2) date and time of the incident, 3) nature of the crime, 4) general location of the crime, 5) the disposition, if known, and 6) special notes. The Clery Compliance Officer maintains the crime log and updates it on a daily basis. Any faculty, staff, student, visitor, or vendor can view the crime log, which is kept in the Public Safety Office located at the Main Gate Entrance/Exit during normal business hours. The log is in hard-copy format. The log is updated less than two business days after the latest report comes in. If no reports are made during 30 calendar days, the log is automatically updated. The log contains incidents for the past two calendar years. If you wish to review entries as far back as seven calendar years, please make this request in person or call the office at 718-997-4443. Your request will be granted within two regular business days. Information may be temporarily withheld from the log when it would jeopardize an ongoing investigation, jeopardize the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence.

Working Relationships with Other Law Enforcement Agencies

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

Investigations of Violent Felonies

In accordance with New York State Education Law, Queens College maintains a plan for the investigation of violent felonies, which includes coordination with appropriate law enforcement agencies. In addition, in compliance with New York State Law and subject to applicable federal law, the college will notify the appropriate law enforcement agency within 24 hours of receiving a report of a violent felony.

The Public Safety Department conducts investigations involving CUNY rules and policies. These investigations may involve faculty, students, staff, and visitors of the college. If necessary, further review and action may be referred to the Office of Compliance and Diversity, Office of the Vice

President for Student Affairs and Enrollment Management, Human Resources, or other administrative staff.

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 that 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 email), 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 the incident to the Public Safety Department and the Office of Compliance & Diversity. Victims of bias crime can also avail themselves of counseling and support services through the Office of Student Affairs and Enrollment Management.

For the years 2022, 2023, and 2024:

- There was a total of 23 reported Hate Crimes for the year 2022, classified as 6 religious-biased, 10 race-biased, 2 disability-based, 4 ethnicity-biased, and 1 nationality-biased intimidation.
- There was a total of 12 reported Hate Crimes for the year 2023, classified as 3 religious-biased, 3 race-biased, 4 nationality-biased, 1 gender-biased, and 1 sexual-orientation-biased
- There was a total of 45 reported Hate Crimes for the year 2024, classified as 7 religious-biased, 22 race-biased, 6 nationality-biased, 8 ethnicity-biased, 1 sexual-orientation-biased, and 1 disability-biased

Reported Hate Crimes

Year	Location	Reported to	Incident Type	Bias Classification
2022	On-Campus Property	Department of Public Safety	Intimidation	Race
2022	On-Campus Property	Department of Public Safety	Intimidation	Race
2022	On-Campus Property	Department of Public Safety	Intimidation	Race
2022	On-Campus Property	Department of Public Safety	Intimidation	Race
2022	On-Campus Property	Department of Public Safety	Intimidation	Race
2022	On-Campus Property	Department of Public Safety	Intimidation	Race
2022	On-Campus Property	Department of Public Safety	Intimidation	Race
2022	On-Campus Property	Department of Public Safety	Intimidation	Race
2022	On-Campus Property	Campus Security Authorities	Intimidation	Race
2022	On-Campus Property	Campus Security Authorities	Intimidation	Race
2022	On-Campus Property	Department of Public Safety	Intimidation	Religion
2022	On-Campus Property	Department of Public Safety	Intimidation	Religion
2022	On-Campus Property	Department of Public Safety	Intimidation	Religion
2022	On-Campus Property	Campus Security Authorities	Intimidation	Religion
2022	On-Campus Property	Campus Security Authorities	Intimidation	Religion
2022	On-Campus Property	Campus Security Authorities	Intimidation	Religion
2022	On-Campus Property	Campus Security Authorities	Intimidation	Disability
2022	On-Campus Property	Campus Security Authorities	Intimidation	Disability
2022	On-Campus Property	Campus Security Authorities	Intimidation	Ethnicity
2022	On-Campus Property	Campus Security Authorities	Intimidation	Ethnicity
2022	On-Campus Property	Campus Security Authorities	Intimidation	Ethnicity
2022	On-Campus Property	Campus Security Authorities	Intimidation	Ethnicity
2022	On-Campus Property	Campus Security Authorities	Intimidation	Ethnicity
2022	On-Campus Property	Campus Security Authorities	Intimidation	National Origin
2023	Public Property	Department of Public Safety	Destruction/Damage/Vandalism	Religion
2023	On-Campus Property	Department of Public Safety	Destruction/Damage/Vandalism	Religion
2023	On-Campus Property	Department of Public Safety	Intimidation	Religion
2023	On-Campus Property	Department of Public Safety	Intimidation	Race
2023	On-Campus Property	Department of Public Safety	Intimidation	Race
2023	Public Property	Department of Public Safety	Intimidation	Race
2023	On-Campus Property	Department of Public Safety	Destruction/Damage/Vandalism	National Origin
2023	Public Property	Department of Public Safety	Intimidation	National Origin
2023	Public Property	Department of Public Safety	Intimidation	National Origin
2023	On-Campus Property	Department of Public Safety	Destruction/Damage/Vandalism	National Origin
2023	Public Property	Department of Public Safety	Intimidation	Gender Identity
2024	Public Property	Department of Public Safety	Intimidation	Race
2024	Public Property	Department of Public Safety	Intimidation	Race
2024	Public Property	Department of Public Safety	Intimidation	Race
2024	On-Campus Property	Department of Public Safety	Intimidation	Race
2024	On-Campus Property	Department of Public Safety	Intimidation	Race
2024	On-Campus Property	Department of Public Safety	Intimidation	Race
2024	On-Campus Property	Campus Security Authorities	Intimidation	Race
2024	On-Campus Property	Campus Security Authorities	Intimidation	Race
2024	On-Campus Property	Campus Security Authorities	Intimidation	Race
2024	On-Campus Property	Campus Security Authorities	Intimidation	Race

[illegible]

2025

The City University of New York (CUNY)

Queens College - Department of Public Safety (DPS)



Crime Statistics	2022	All On-Campus Property				Non-Campus Property				Public Property					On Campus Residential Only			
		Reported to		*Non DPS	SUB TOTAL	Reported to		*Non DPS	SUB TOTAL	Reported to		*Non DPS	SUB TOTAL	GRAND TOTAL	Reported to		*Non DPS	Section TOTAL
		DPS	NYPD			DPS	NYPD			DPS	NYPD				DPS	NYPD		
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	1	2	0	3	3	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	6	0	6	6	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		3	0	0	3	0	0	0	0	0	1	0	1	4	1	0	0	1
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		5	0	0	5	0	0	0	0	0	0	0	0	5	4	0	0	4
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		1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0
Domestic Violence		0	0	2	2	0	0	0	0	0	0	0	0	2	0	0	0	0
Dating Violence		1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0
Stalking		3	0	3	6	0	0	0	0	2	0	0	2	8	1	0	0	1

* Denotes Report to other campus authorities

Hate Crimes Reported: 23

Unfounded Crimes Reported: 0.00

Crime Statistics	2023	All On-Campus Property				Non-Campus Property				Public Property					GRAND TOTAL	On Campus Residential Only				
		Reported to			SUB TOTAL	Reported to			SUB TOTAL	Reported to			SUB TOTAL	Reported to			Section TOTAL			
		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS		DPS		NYPD		*Non DPS		
Murder/Non-Negligent Manslaughter		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Negligent Manslaughter		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Robbery		0	0	0	0	0	0	0	0	1	0	0	1	1		0	0	0	0	
Aggravated Assault		0	0	0	0	0	0	0	0	0	2	0	2	2		0	0	0	0	
Motor Vehicle Theft		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Arson		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Burglary		1	0	0	1	0	0	0	0	0	1	0	1	2		0	0	0	0	
Sex Offenses																				
Rape		0	1	0	1	0	0	0	0	0	0	0	0	0	1		0	1	0	1
Fondling		1	0	0	1	0	0	0	0	1	0	0	1	2		0	0	0	0	
Incest		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Statutory Rape		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Liquor Law Arrests		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Liquor Law Violation Referrals		12	0	0	12	0	0	0	0	0	0	0	0	12		12	0	0	12	
Drug Abuse Violations Arrests		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Drug Abuse Violations Referrals		21	0	0	21	0	0	0	0	0	0	0	0	21		18	0	0	18	
Weapons: Carrying/Possessing/Etc. Arrests		0	0	0	0	0	0	0	0	0	1	0	1	1		0	0	0	0	
Weapons: Carrying/Possessing/Etc. Referrals		3	0	0	3	0	0	0	0	0	0	0	0	3		2	0	0	2	
Domestic Violence		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Dating Violence		0	0	0	0	0	0	0	0	2	0	0	2	2		0	0	0	0	
Stalking		10	0	0	10	0	0	0	0	0	0	0	0	10		1	0	0	1	

* Denotes Report to other campus authorities

Hate Crimes Reported: 12

Unfounded Crimes Reported: 0.00

Crime Statistics	2024	All On-Campus Property				Non-Campus Property				Public Property					On Campus Residential Only				
		Reported to			SUB TOTAL	Reported to			SUB TOTAL	Reported to			SUB TOTAL	GRAND TOTAL	Reported to			Section TOTAL	
		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS			DPS	NYPD	*Non DPS		
Murder/Non-Negligent Manslaughter		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery		2	0	0	2	0	0	0	0	0	2	0	2	4	0	0	0	0	0
Aggravated Assault		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft		1	0	0	1	0	0	0	0	0	1	0	1	2	0	0	0	0	0
Arson		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary		1	0	0	1	0	0	0	0	1	0	0	1	2	0	0	0	0	0
Sex Offenses																			
Rape		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling		1	0	1	2	0	0	0	0	0	0	0	0	2	0	0	0	0	0
Incest		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation Referrals		32	0	0	32	0	0	0	0	0	0	0	0	32	32	0	0	32	32
Drug Abuse Violations Arrests		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Referrals		12	0	0	12	0	0	0	0	0	0	0	0	12	12	0	0	12	12
Weapons: Carrying/Possessing/Etc. Arrests		0	0	0	0	0	0	0	0	0	1	0	1	1	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Referrals		2	0	0	2	0	0	0	0	0	0	0	0	2	1	0	0	1	1
Domestic Violence		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence		0	0	1	1	0	0	0	0	1	0	0	1	2	0	0	0	0	0
Stalking		6	0	3	9	0	0	0	0	1	0	0	1	10	0	0	0	0	0

* Denotes Report to other campus authorities

Hate Crimes Reported: 45

Unfounded Crimes Reported: 0.00



Off-Campus Organizations Crimes and Safety Hazard Monitoring

The college does not have any recognized off-campus student organizations or housing facilities.

Disclosure of Hearing Outcomes

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

Security and Access to College Facilities

Campus Facilities

Queens College is a commuter school with on-campus housing. To date, there are no off-campus student organizations. Access to campus buildings is limited to faculty, staff, students, guests, and visitors who are conducting official college business. All students, faculty, and staff should possess a college ID card, which must be presented to a college official or Public Safety personnel upon request.

Night and weekend access: The Public Safety Department is informed of all officially approved activities scheduled to take place on campus. According to this schedule, it secures all buildings and all gates in the evenings and on weekends by 11:00 PM.

Administrators, faculty, and staff are issued keys to their respective offices and/or buildings. All buildings are locked after scheduled classes or special events. During non-business hours when the college is closed, entry to buildings is limited to students who have received written authorization and approval from the department chairperson. The college also maintains a Central Station alarm monitoring station on campus.

The college library is open to students, faculty, staff, as well as other CUNY students. Library hours are posted in the calendar/hours tab on the web at <https://library.qc.cuny.edu>. During midterms and finals, the library may have extended hours to accommodate Queens College, as well as other CUNY, students. The college reserves the right to refuse entry or remove anyone, regardless of status, for policy/rule infractions or safety reasons.

Identification Cards

New students, faculty, and staff are required to obtain an identification card inside the Q-Card office located in the I-Building, Room 200. While on campus, students, faculty, and staff must possess a Queens College ID Card. The ID card is the property of the college and must be presented upon request by a college official. If your card is lost/stolen, please go to the Q-Card office to pay a replacement fee of \$10.00. **If you are no longer a student, faculty, or staff member, your ID card must be returned to the Public Safety Department.**

College-issued Keys

Administrators, faculty, and staff are issued keys to their respective offices and/or buildings. It is your responsibility to safeguard the keys issued to you. If you lose a college key(s), you must report it to the Public Safety Department so an incident report can be filed. All buildings are locked after scheduled classes or special events. During non-business hours, when the college is closed, students are not permitted entry to buildings except with prior written authorization and approval by the department chairperson.

Guests

All visitors are expected to comport themselves in a manner consistent with an academic environment. Guests must identify themselves to Public Safety officers at the entry gate upon arrival. Public Safety will require a valid identification card in order for guests to be signed in. Guests are subject to the instructions of Public Safety personnel as well as administrative staff. A guest attending an event will be asked to leave if they appear to be intoxicated or refuse to follow directives given by Public Safety or administrative staff. Permission to enter onto college property is revocable at any time. Persons not having a legitimate purpose to be on campus may be asked to leave by Public Safety personnel. Trespass warnings are posted at all common entrances. All vehicles parked on campus must display a valid parking permit. Vehicles without permits should stop at the Main Gate Entrance to be granted permission to park on campus, depending upon availability. We ask for cooperation in promoting a safe and secure college environment. If you see something unusual or someone acting suspiciously, report it to Public Safety immediately.

Security Considerations Used in the Maintenance of Campus Facilities

The Public Safety Department is open 24 hours a day, 7 days a week. Central operations are located in the Main Gate office where Public Safety officers monitor approximately 289 interior/exterior surveillance cameras, a security alarm system, a key control system, the emergency phone line, and maintain a logbook of all reported incidents, events, and campus conditions. While conducting patrols, officers must report potential safety and/or security hazards to the central operator, including but not limited to entry door problems, elevator malfunctions, and automated external defibrillator (AED) operating conditions. The central operator keeps accountability of the officers/supervisors that are on duty and dispatches them as needed to different areas of the campus. The central operator is responsible for contacting appropriate personnel if a campus condition is reported (e.g., Buildings and Grounds, Environmental Health and Safety, Information Technology, etc.). Any conditions that appear unsafe should be directly reported to a Public Safety officer as soon as possible. All Public Safety personnel carry two-way mobile radios programmed through a repeater to enhance effectiveness. A special two-way radio that can communicate with other CUNY campuses is also located at Central Operations. The Main Gate Public Safety Office has a radio to communicate with the local precinct during emergency situations.

Campus Facilities, Buildings & Grounds, and the Director of Public Safety, with the oversight of the Office of the President, conduct ongoing reviews of campus grounds and facilities. Special emphasis is placed on the need to ensure safe accessibility to buildings with special attention to landscape hazards as well as inadequate lighting. In addition, all Public Safety personnel report potential safety and security hazards as well as entry door problems, elevator malfunctions, and automated external defibrillator (AED) operating conditions while on patrol.

Safety Escort Service

The Department of Public Safety operates a safety escort service 24 hours a day, 365 days a year. A college affiliate can request a security escort by dialing 718-997-5912 or 718-997-5911 from any on-campus phone or a cell phone. A member of the Public Safety staff may provide a security escort off the premises, directly across the street from the campus.

Emergency Phones

There are 24 emergency phones that may be used to report emergencies located throughout the campus grounds and in parking areas. A blue light is located above these phones for ease of identification.

Emergency Notification and Response

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

The Emergency Response Team is comprised of representatives from the following Queens College departments: Information Technology, Student Affairs, Facilities Management, Finance, Auxiliary Services, Human Resources, Legal Counsel, Student Health Center, University Communications and Marketing, Purchasing, Risk Management, and Public Safety.

For the purposes of this policy, a significant emergency or dangerous situation involves an immediate threat to the health or safety of students or employees occurring on campus. In the event of an emergency, Queens College will initiate and provide without delay immediate notifications to the appropriate segment(s) of the University community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees, and visitors.

CUNY Alert

All students, as well as faculty and staff, are strongly encouraged to participate in the CUNY Alert system. The CUNY Alert system is designed to give you immediate and up-to-date information regarding weather, utility, and emergency situations. The system can contact you and family or friends, as you designate, via text message, cell phone, landline, and/or email. The system can offer all methods of notification, 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 contact the ITS Help Desk.

The system is activated via a web-based system controlled by the New York State Office of Emergency Management. CUNY Alert is the CUNY-branded emergency alert system that is based on the NY Alert system operated by New York State. CUNY makes every effort to inform affected CUNY Alert registered users of an emergency in a timely and appropriate manner. However, please be aware that CUNY is not responsible for outdated or incorrect subscriber information, technical limitations such as overtaxed communications systems, transmission errors, and cellular telephone roaming and out-of-range areas that may delay, block, or prevent the communications of messages to certain users. CUNY is also 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 CUNY Alert settings, you must log in to CUNYFirst and click on the CUNY Alert Preferences link at <https://www.cuny.edu/cuny-alert/>. We do not collect any personal information about you unless you provide that information voluntarily. Any personal information you choose to provide us will only be used by CUNY to conduct official CUNY business. CUNY does not sell, rent, loan, trade, or lease personal information collected on the site. For more information about the CUNY privacy policy, please visit <http://www.cuny.edu/website/privacy.html>.

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

As used in this policy, authorized Public Safety personnel are the Director of Public Safety or the Deputy Director, lieutenants, sergeants, dispatchers, and officers who have been trained in the use of the emergency notification system.

Emergency Notification Procedures

Any individual on campus who has information about an emergency or dangerous situation that may affect the Queens College campus must notify the Department of Public Safety as soon as possible. Queens College will initiate and provide, without delay, emergency notifications to the college community upon the confirmation of a significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety of students, employees, and visitors.

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

Emergency notification for incidents that may pose an immediate threat to health and safety will be made, without delay, unless issuing a notification will, in the professional judgment of responsible authorities and taking into account the safety of the college community, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Timely Warnings

The Timely Warning Notice, specifically related to compliance with the Federal Clery Act, requires colleges and universities to notify students and employees whenever there is a threat that a serious crime is ongoing or may be repeated so that campus community members can protect themselves from harm. The Clery Act defines certain specific crimes that require a Timely Warning Notice to be issued when crimes are reported to campus security authorities (CSAs) with significant responsibility for student and campus activities, campus safety, or the local police *and* the reported crime(s) are believed to have occurred on campus, in or on non-campus buildings or property, or on public property contiguous to the campus.

Campus officials not subject to the timely warning reporting requirement include licensed or certified professional counselors and recognized pastoral counselors who are functioning in the role of providing confidential counseling to members of the Queens College community on behalf of the institution.

The Public Safety Department will issue crime alerts for crimes occurring on the Queens College Clery Geography (on-campus, public property, and non-campus property) that present a serious or continuing threat to the campus community as required by the Timely Warning Notice requirements of the Jeanne Clery Act to aid in the prevention of similar occurrences. Timely Warning Notices will be distributed as soon as practicable, with the goal of preventing similar occurrences. The identities of victims and witnesses will **not** be included in the Timely Warning Notice.

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

1. Based on the information available, the Director of Public Safety or his/her designee shall determine whether the crime presents a serious or continuing threat to the campus community. Crime alerts are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:
 - a. **Murder/non-negligent manslaughter.**

- b. **Aggravated assault** (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the college community).
 - c. **Robbery** involving force or violence (cases including pickpocketing and purse snatching will typically not result in the issuance of a crime alert but will be assessed on a case-by-case basis).
 - d. **Sexual assault** (considered on a case-by-case basis, depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the Director of Public Safety or designee). Cases involving sexual assault are often reported long after the incident occurred, thus there is no longer the opportunity to distribute a crime alert as a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a crime alert.
 - e. Major incidents of **arson**.
2. Timely Warnings may be issued for other Clery crimes as determined necessary by the Director of Public Safety or his/her designee in his/her absence. Notices for other crime classifications and locations, even though not required by the law, may be issued as Public Safety advisories.
 3. Based on the information available, the Director of Public Safety or his/her designee shall determine the content of the crime advisory, the method by which to disseminate the warning to the campus community and will issue/initiate the distribution of the crime advisory.
 4. Crime alerts will typically be issued to all current students and employees via email using college email accounts. Crime alerts may also be issued using some or all of the following methods of communication: posters, campus newspaper, or the college website. The content of the crime alert may include, but is not limited to, the nature of the crime, the area where the crime occurred, a description of the suspect(s), and safety tips. It is the responsibility of the Director of Public Safety or his/her designee to determine whether a crime presents a serious or continuing threat to the campus community and issue a crime alert if necessary.
 5. The Director of Public Safety’s designee may include the Deputy/Assistant Director of Public Safety, lieutenants, and sergeants, after consultation with a higher authority.

Immediate Notifications

Unless such notice and warning compromise the containment of an emergency or would likely result in an expansion or exacerbation of an emergency, immediate notification of an emergency will take place through one or a combination of the following methodologies:

1. CUNY Alert
2. Verbal announcement through the building Class E fire control system if a fire or smoke issue is detected
3. Campus-wide email blast
4. School website notice

The following personnel are authorized to make such announcements: President or his/her designee, Public Safety Director or his/her designee, Queens College dean or his or her designee, Chief Student Affairs Officer or his/her designee. Again, please note that a circumstance may arise in which it would not be prudent or appropriate to issue an immediate notification if such a release would compromise efforts to contain the emergency.

Emergency Response and Evacuation Procedures

Queens College maintains an Emergency Response Plan that outlines the responsibilities of campus units during emergencies. This plan outlines incident priorities, campus organization, and specific responsibilities of particular units or positions. The plan is available online at https://www.qc.cuny.edu/ps/wp-content/uploads/sites/56/2021/02/Emergency_Response_Guide.pdf.

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

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

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

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

Testing of Emergency Response and Evacuation Procedures

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

Fire Emergency Plan

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

When fire alarms ring, please make note of the announcement that immediately follows. It will provide you with instructions on where to assemble. If a false alarm occurs, an “all clear” announcement will follow via the fire command response system. Treat all fire alarms as real unless otherwise directed by floor wardens or members of the Public Safety staff. Below are general guidelines for dealing with a fire. But remember, ***when in doubt, call 911***.

1. Be familiar with the location of stairways, fire extinguishers, fire exits, and pull boxes in the buildings.
2. If a minor fire appears controllable, immediately contact (yourself, or preferably have someone else call) the Public Safety Department at 718-997-5912 or 718-997-5911. Locate a portable fire extinguisher. Then promptly direct the discharge of the fire extinguisher toward the base of the flame by squeezing the trigger and moving the hose in a side-to-side motion. Do not use water extinguishers on electrical fires.
3. In the case of large fires that do not appear controllable, immediately activate a fire pull station and, if time permits, call 718-997-5912 or 718-997-5911 to report the exact location of the fire. If time permits and it is safe to do so, close the door of the room where the fire exists.
4. When the building evacuation alarm is sounded, always assume that an emergency exists. Touch closed doors: do not open them if they are hot. If the door is cool, brace yourself behind

the door and open it slowly. Bracing yourself behind the door prevents the door from being blown open due to the pressure created by the fire. Walk quickly to the nearest exit and alert others to do the same. Do not use elevators during a fire.

5. Smoke is the greatest danger in a fire, so stay near the floor where the air will be less toxic.
6. Once outside, move to a clear area at least 100 feet away from the affected building. Keep streets, fire lanes, hydrants, and walkways clear for emergency vehicles and crews. These essential personnel must be allowed to do their jobs.
7. Do not return to an evacuated building unless told to do so by a college official.
8. 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. If possible, 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.
9. Should your clothing catch fire, stop, drop, and roll. Rolling on the ground will help smother the fire; this is, in fact, very effective.

Hostile Intruder

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

1. **“Run”/Evacuate.** If you can safely do so, run as fast as you can. Have an escape route and plan in mind. If outside, use buildings, trees, shrubs, and cars as cover. Leave your belongings behind. If you can get away from the immediate area of danger, summon help and warn others.
2. **Hide Out.** If you decide to hide, take into consideration the area in which you are hiding. Hide where you are out of the aggressor’s view. Stay as quiet and calm as possible. Block the entry to your hiding place and lock the doors (if possible). Silence all electronic devices.
3. **“Fight”/Take Action.** Only do this as a last resort and only when your life is in imminent danger. If you choose to confront the aggressor, use all manner of materials at hand as weapons, including books, chairs, or any object. Act with physical aggression and throw items at the aggressor. You can choose to play dead if other victims are around you. Do not give your position away or stand up until Public Safety or civil authorities give an “all-clear” signal.

Bomb Threat Response 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 must be taken seriously. Each threat will be thoroughly investigated and will be considered suspect until all avenues of investigation have been explored.

1. A suspicious-looking box, package, object, or container in or near your work area may be a bomb or explosive material. Do not handle or touch the object. Move to a safe area (far from the object) and call the Public Safety Department immediately at 718-997-5912 or 718-997-5911. 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 (e.g., excited, nervous, calm, 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 help identify the source of the call or its purpose.
- 4. The police will be called, and the building may be subject to full or partial evacuation. When evacuating the building, use only the stairs. Do not use elevators. Move well away from the building and follow the instructions of floor coordinators and emergency personnel on scene.
- 5. If there is an explosion:
 - a. Immediately take cover under sturdy furniture.
 - b. Stay away from the windows.
 - c. Do not light matches.
 - d. Move well away from the site of the explosion to a safe location.
 - e. Use stairs only; do not use elevators.

Medical Emergencies

All medical emergencies should be reported immediately to Public Safety at 718-997-5912 or 718-997-5911. Public Safety personnel are trained first responders and will render aid until emergency personnel arrive.

- 1. If a medical emergency is life-threatening, Public Safety will respond with emergency equipment. Public Safety will notify 911. When available, a Public Safety EMT will be dispatched to the scene to provide patient assessment and care under NYC Basic Life Support treatment protocols. A Public Safety officer will escort arriving emergency personnel to the scene.
- 2. If a medical problem is non-life-threatening, the responding Public Safety officer will assess the victim and will escort/transport the victim to Health Services if they can safely be moved.
- 3. Aid will not be given to a patient who knowingly and willingly refuses it. If the victim refuses medical aid, the Public Safety officer will document the victim's refusal of care and have the victim sign the written record. Any refusal to sign will be documented.

Mental Health Medical Emergencies

The balance of the demands of school and personal life can be challenging. Counseling Services provides individual, group, and ESL support services to students currently enrolled at Queens College. Counseling sessions are confidential. Sessions generally last 45 minutes and are usually held once a week. The Counseling office is located in Frese Hall, and its telephone number is 718-997-5420.

- 1. If there is no imminent physical danger, you can speak to a counselor in Frese Hall. If a counselor is not available, please contact Public Safety for additional resources.
- 2. Whenever an individual demonstrates or reports a risk of self-destructive or suicidal behavior, immediate assistance is needed, and Public Safety should be notified **immediately at 718-997-5912 or 718-997-5911**. Public Safety will take necessary measures to ensure their safety and refer them to appropriate resources.

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 718-997-5912 or 718-997-5911. In the event of a building-wide power failure, phones may not function. The Public Safety office can be reached on its emergency telephone line, 718-891-5732 (only works if power is shut down). If no other emergency situation exists, you can come to the front desk in the Public Safety office.
2. **In the event of loss of power in any building, an emergency generator will supply low-level light until power is restored.**
3. Having a flashlight attached to a key chain, belt clip, or in a bag may be helpful, even when not in school. Never use candles.
4. During daylight, add as much natural lighting as possible by raising blinds.
5. Faculty with classes should remain where they are until notified otherwise.
6. During a power failure or a possible power failure, **never use an elevator**. If you become trapped in an elevator during a power outage, use the emergency "call for help" button in the elevator to contact Public Safety. Wait for assistance. Don't panic.
7. Once power is restored, Public Safety will make an announcement using the college's public address system. Evacuation may not be necessary during a power failure.

Plumbing Problem/Flooding

In the event of a water leak or flooding, cease using all electrical equipment. Notify Public Safety immediately at 718-997-5912 or 718-997-5911. If necessary, vacate the area and prevent anyone else from entering. If a toilet overflows or water is accumulating in a given area, contact Buildings and Grounds at 718-997-3520.

Gas Leaks

Gas leaks are very rare but can be very serious. **If you smell gas, go to a safe area and contact Public Safety at 718-997-5912 or 718-997-5911. Do not use a mobile phone near a gas leak, either on campus or at home. Gas vapors can be ignited by static electricity.**

Biological, Chemical Spill Response or Nuclear Attack Procedures:

1. In the event of a biological or chemical spill, Queens College Environmental Health and Safety (EHS) Officer William Graffeo will be contacted at 718-997-2881. Buildings and Grounds and Public Safety will respond, along with the EHS Officer, who will determine the actions to follow.
2. Upon receiving confirmation of an imminent or ongoing biological or chemical spill that poses a great risk to life at the college, the President or his/her designee shall declare a campus-wide emergency. This state of emergency may initiate a lockdown of the building and/or its total evacuation. Note: Notification will be made via the college website, voicemail, emergency communication response system, and/or CUNY Alert, if at all possible.
3. Building occupants will be kept informed by college officials of changes as they develop. The following actions will be taken if necessary:
 - a. Building-wide air handlers will be turned off and intakes sealed, if possible.
 - b. Building occupants will be directed to enclosed areas of the building, unless otherwise directed by civil authorities, to provide the most insulation.
 - c. Updates on the emergency will be given, if practicable, by the same methods indicated above.

Publication of Emergency Procedures

Emergency response and evacuation procedures are published annually via the Annual Security Report. The Public Safety Department encourages members of the college community to use this report as a guide for safe practices both on and off campus. Paper copies are available by calling 718-997-5912 or 718-997-5911 or in the Public Safety Department, located in Jefferson Hall, Room 201.

Crime Prevention & Security Awareness Programs

The Public Safety Department issues safety alert bulletins (paper/email) to the campus community when serious crimes occur in areas on or near the campus, when deemed necessary. The department maintains a relationship with the New York City police precincts that are responsible for the surrounding areas of the campus perimeter and provide additional response assistance. All persons reporting crimes to the Public Safety Department are encouraged to promptly report incidents to the local police precinct as well. A record of each report made to the local precincts is maintained as part of the Public Safety Department's annual statistical report.

Crime prevention is a high priority for the Public Safety Department and the college community. The department encourages community members to be vigilant and aware of their surroundings, both on and off campus, and to take responsibility for their own safety and security and that of others. Crime prevention seminars are scheduled each semester, and members of the college community are encouraged to actively participate.

All incoming students receive information about campus crime prevention programs, CUNY's Sexual Misconduct Policy, and awareness and prevention of sexual misconduct (as defined in CUNY's Policy on Sexual Misconduct) during initial orientation. Along with the Campus Facilities and Buildings & Grounds, the director of Public Safety, under the oversight of the Office of the President, conducts ongoing reviews of campus grounds and facilities. Special emphasis is placed on the need to ensure safe accessibility to buildings, with special attention to landscape hazards as well as inadequate lighting. All Public Safety personnel, while on patrol, report potential safety and security hazards as well as entry door problems and elevator malfunctions. Building engineers and custodial staff report health and safety issues during the course of their normal work assignments.

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

1. **Crime prevention brochures:** Brochures are available from the Public Safety Department to the college community in the Public Safety office, as well as at tabling events around campus throughout the semester. Topics include personal safety, crime prevention tips, and ID theft prevention.
2. **New student/employee orientation:** Public Safety officers meet with new students/employees during their orientation to provide them with an overview of the programs and services offered by the department.
3. **Emergency preparedness training:** The Public Safety Department has NYS Division of Criminal Justice-certified general topics instructors with special training and provides training to the college community for active shooter incidents, emergency evacuations, basic fire safety, medical emergencies, etc.
4. **Fire safety prevention training:** Fire safety training is provided to designated fire wardens on campus. In addition, the Public Safety Department provides fire safety training to faculty/staff upon request.
5. **Security surveys and vulnerability assessments:** The Public Safety Department conducts security surveys and vulnerability assessments to identify areas of the campus that present vulnerabilities to the safety of the college community. Public Safety personnel report potential

safety and security hazards and non-operational conditions (e.g., elevator, doors, lighting, etc.) for appropriate remediation.

6. **Operation identification:** The Public Safety Department, along with the NYPD 107 Precinct Crime Prevention Officer(s), will obtain identifying information to register portable valuables so that they can be returned to their rightful owner(s) in the event they are recovered after being lost or stolen.
7. **Security escort service:** The Public Safety Department provides security escorts to all students, faculty, and staff on campus upon request. If you are working late on campus and would like an escort to the parking lot or bus stop, please call Public Safety at 718-997-5912 or 718-997-5911 approximately 15 minutes prior to your departure time.
8. **Other educational programs:** The Public Safety Department can provide training for your educational programs free of charge on other topics not listed above. We offer a variety of programming on topics including active shooter, emergency preparedness, sexual assault prevention and awareness, what is consent, rape aggression defense (RAD), workplace violence, bystander intervention, and more.

Please visit CUNY's Public Safety website at <https://www2.cuny.edu/about/university-resources/emergency-preparedness/publicsafety/> for more information. To request an officer to speak at your event, contact us in advance at 646-664-2911.

COLLEGE REGULATIONS/CODE OF CONDUCT:

Rules and Regulations for the Maintenance of Public Order pursuant to Article 129-A of the Education Law (The "Henderson Rules")

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

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

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

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

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

- a. have the affirmative responsibility of conserving and enhancing the educational standards of the college and schools under his/her jurisdiction;
- b. be the advisor and executive agent of the Board and of his/her respective college committee, and as such shall have the immediate supervision with full discretionary power in carrying into

effect the bylaws, resolutions, and policies of the Board, the lawful resolutions of the several faculties;

- c. exercise general superintendence over the concerns, officers, employees, and students of his/her educational unit.

Henderson Rules

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

Penalties

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

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

Warning: Notice to the offender, orally or in writing, that continuation or repetition of the wrongful conduct within a period of time stated in the warning may be cause for 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 are permitted, shall be defined within 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 of 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 of 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 of 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 of 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 that authorized the conduct prohibited under the bylaws, including the Henderson rules 1- 11, shall have its permission to operate on campus rescinded.

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

Additional Campus Rules

1. Any student violating any law or regulation established by the college, University, city, state, or federal government (including the use of drugs) shall be subject to the formal disciplinary procedures as outlined in Article 15 of the CUNY Board of Trustees bylaws and sanctions as listed in the bylaws and Article 129A of the Education Law (CUNY Henderson Rules). The initiation of disciplinary procedures requires notice to the student pursuant to 15.4 of the CUNY bylaws. In emergency or extraordinary circumstances, immediate suspension can be effectuated pending a hearing within 7 school days.
2. All other persons who violate New York State or federal laws, including those that govern gambling activities, the use of alcohol, and the possession, distribution, or consumption of any controlled substance, will be subject to arrest.

Weapons Policy

No one within the University community (including visitors), except Campus Peace Officers, 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, damage to a building, or campus.

University Policy Relating to Drugs and Alcohol

The City University of New York ("CUNY") is an institution committed to promoting the physical, intellectual, and social development of all individuals. As such, CUNY seeks to prevent the abuse of drugs and alcohol, which can adversely impact performance and threaten the health and safety of students, employees, their families, and the general public. CUNY complies with all federal, state, and local laws concerning the unlawful possession, use, and distribution of drugs and alcohol. Federal law requires that CUNY adopt and implement a program to prevent the use of illicit drugs and abuse of alcohol by students and employees. As part of its program, CUNY has adopted a policy which sets forth (1) the standards of conduct that students and employees are expected to follow; (2) CUNY sanctions for the violation of this policy; and (3) responsibilities of the CUNY colleges/units in enforcing this policy.

CUNY's policy also (1) sets forth the procedures for disseminating the policy, as well as information about the health risks of illegal drug and alcohol use, criminal sanctions for such use, and available counseling, treatment, or rehabilitation programs, to students and employees; and (2) requires each college to conduct a biennial review of drug and alcohol use and prevention on its campus. This policy applies to all CUNY students, employees, and visitors when they are on CUNY property, including CUNY residence halls, as well as when they are engaged in any CUNY-sponsored activities off campus.

Who Needs to Know This Policy?

All CUNY senior management, students, prospective students, employees, and prospective employees must be aware of this policy.

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, regardless of whether the

student is of lawful age. 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 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 Education Rights and Privacy Act ("FERPA"), CUNY may also choose, when appropriate, to contact parents or legal guardians of students who have violated the CUNY policy on drugs and alcohol.

Standards that clearly prohibit the unlawful possession, use, sale, or distribution of illicit drugs and alcohol on college property or as part of any school activities can be found in the student handbook at <https://qc-undergraduate.catalog.cuny.edu/> <https://qc-graduate.catalog.cuny.edu>

Employees

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

Standards that clearly prohibit the unlawful possession, use, sale, or distribution of illicit drugs and alcohol on college property or as part of any school activities can be found on the Human Resources webpage at <https://www.qc.cuny.edu/HR>.

Drug/Alcohol Use Amnesty Policy

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

harassment, and who report such violence or harassment will not be disciplined for the consumption of alcohol or drugs in the absence of other violations that ordinarily would subject the student to disciplinary action. However, if you are involved in the distribution of illegal drugs, sexual misconduct, causing or threatening physical harm, hazing, or damage to property, amnesty may not apply. Additional information can be found at [THE CITY UNIVERSITY OF NEW YORK DRUG/ALCOHOL USE AMNESTY POLICY](#)

Information for the CUNY Community on the Risks and Consequences of Drug and Alcohol Use

Background

The City University of New York's Policy on Drugs and Alcohol, adopted by the Board of Trustees on June 22, 2009, prohibits the unlawful manufacture, distribution, dispensation, possession, or use of drugs or alcohol by employees, students, or visitors on CUNY property, in CUNY buses or vans, or at CUNY-sponsored activities. It prohibits all students (regardless of their age) from possessing or consuming alcoholic beverages in CUNY residence halls. 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 substances by anyone in close proximity.

Further, pursuant to New York State law:

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

a felony in New York, punishable by a fine of up to \$5000, imprisonment up to 7 years, or both. Penal Law §170.25.

5. Appearing in public under the influence of narcotics or a drug other than alcohol to the degree that a person may endanger him or herself, or other persons or property, or annoy persons in their 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 the 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 a 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, including about the amount of drugs and/or alcohol used
- feeling hopeless, depressed, or even suicidal.

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

Drug and Alcohol Prevention Programs (DAAPP)

On-Campus Alcohol and Substance Abuse Resources

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

The Student Health Services Center, in particular, is a great resource to obtain educational material designed to heighten awareness about alcohol and substance use/abuse, tobacco addiction, and many other health-related topics. In addition, the Student Wellness Center offers alcohol screenings and year-round activities focusing on wellness.

Appointments for the Student Wellness Center or the Counseling Services offices can be made by calling the numbers listed below or emailing healthquestions@qc.cuny.edu. Both offices welcome walk-ins when the campus is open (no appointment needed).

Office	Location	Room	Telephone Number
Student Health Services Center	Frese Hall	310	(718) 997-2760
Counseling and Resource Center	Frese Hall	First Floor	(718) 997-5420

CUNY Employees can seek assistance through the CUNY Work Life Program, CCA@YourService at 800-833-8707 or www.myccaonline.com (company code: CUNY).

Off-Campus Alcohol and Substance Abuse Resources

Program Name	Address	Telephone Number
Phoenix House Queens	34-25 Vernon Blvd, Long Island City, NY 11106	(888) 671-9392
Faith Mission Crisis Center	114-40 Van Wyck Expy, Jamaica, NY 11420	(718) 322-3455
Western Queens Recovery Services	62-07 Woodside Ave, Woodside, NY 11377	(718) 898-5085
Advanced Human Services, Inc.	112-15 72nd Rd # L11, Forest Hills, NY 11375	(718) 261-3437
Far Rockaway Treatment Center	1600 Central Ave, 2 nd Floor, Far Rockaway, NY 11691	(718) 868-1400
Program for the Development of Human Potential	112-06 86 Ave. - 3rd fl. Richmond Hill, NY 11418	(718) 441-8921
NY Therapeutic Communities, Inc.	162-24 Jamaica Avenue, Lower Level (Entrance on Guy Brewer Boulevard) Jamaica, New York 11432	(718) 657-2021 (718) 657-0288

12 Step Recovery Programs

Narcotics Anonymous (212) 929-6262	http://www.newyorkna.org/
Cocaine Anonymous (212) 262-2463	http://www.canewyork.org/
Marijuana Anonymous (917) 525-3653	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 (212) 941-0094	http://www.al-anonny.org

Detoxification and Outpatient/Inpatient Rehabilitation Facilities by County

KINGS		
Bridge Back to Life Center, Inc.	175 Remsen St., 10 th Floor Brooklyn, NY 11201	(718) 852-5552
Kings County Hospital Center	410 Winthrop Street Brooklyn, NY 11203	(718) 245-2635
Interfaith Medical Center	1545 Atlantic Avenue Brooklyn, NY 11213	(718) 613-4000

NEW YORK		
Bellevue Hospital Center	462 First Ave. New York, NY 10016	(212) 562-4623
Greenwich House, Inc.	190 Mercer Street New York, NY 10003	(212) 677-3400
Mount Sinai West Addiction Institute	9 Nathan Perlman Place (between 1 st and 2 nd Ave. on 15 th Street) New York, NY 10003	(212) 420-4220

QUEENS		
Flushing Hospital Medical Center	4500 Parsons Boulevard Flushing, NY 11355	(718) 670-5540 (718) 670-5693
Samaritan Village, Inc. – Outpatient	144-10 Jamaica Ave. Jamaica, NY 11435	(718) 206-1990
Samaritan Village, Inc. – Inpatient	88-83 Van Wyck Expressway, Jamaica, NY 11435	(718) 657-8010

BRONX		
St. Barnabas Hospital	4535 East 183 rd Street Bronx, NY 10457	(718) 960-6636
Montefiore Medical Center	2058 Jerome Ave. #1803, Bronx, NY 10453	(917) 564-8700
Bronx-Lebanon Hospital Center	1276 Fulton Ave., 7 th Floor Bronx, NY 10456	(718) 503-7750

RICHMOND COUNTY		
Staten Island University Hospital	392 Seguine Ave. Staten Island, NY 10305	(718) 226-2808
Richmond University Medical Center	1130 South Ave. Staten Island, NY 10314	(347) 507-3541
Camelot of Staten Island, Inc.	1268 Forest Ave. Staten Island, NY 10302	(718) 981-8117
NASSAU COUNTY		
Long Island Jewish Medical Center	7559 263 Street Glen Oaks, NY 11004	(718) 470-8950
Nassau University Medical Center	2201 Hempstead Tpke. East Meadow, NY 11554	(516) 572-6394

Off-campus Resources

New York State Office of Addiction Services and Support

Tel: (877) 846-7369

<http://www.oasas.ny.gov>

New York State Smokers' Quit-line

Tel: (866) 697-8487

<http://www.nysmokefree.com>

Elmhurst Hospital Chemical Dependency Clinic

7901 Broadway, Bldg. H, Suite 117

Elmhurst, NY 11373

Phone: 718-334-4601, Fax: 718-334-5796

Drug Abuse Evaluation Health Referral Service (DAEHRS) at Northwell Health Zucker Hillside

75-59 263rd Street, Glen Oaks, NY 11004

On the grounds of Zucker Hillside Hospital in Glen Oaks

718-470-8950 fax: 718-470-6408

Sexual Misconduct

Reporting and Prevention of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

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

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

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

- Chief Diversity Officer & Dean of Diversity: Jerima DeWese, Chief Diversity Officer/Director, Office of Compliance & Diversity Programs, Kiely Hall, 718-997-5888, TitleIX@qc.cuny.edu
- Title IX Coordinator/Director of Investigations - Christine McKeithan – Kiely Hall, 718-997-5726, TitleIX@qc.cuny.edu
- Interim Director of Public Safety: Deborah Huggins, Interim Director of Public Safety, Jefferson Hall, 718-997-4486, deborah.huggins@qc.cuny.edu
- Public Safety: Jose Sanchez, Lieutenant, Public Safety Office at the Main Gate, 718-997-5912/5911, jose.sanchez@qc.cuny.edu
- Public Safety: Hemwatie Seusarran, Lieutenant, Public Safety Office at the Main Gate, 718-997-5912/5911, hemwatie.seusarran@qc.cuny.edu
- Student Affairs: Jennifer Jarvis, Vice President for Student Affairs and Enrollment Management, Student Union, 718-997-5500, jennifer.jarvis@qc.cuny.edu
- Student Affairs: Sean J. Pierce, Assistant Vice President of Student Affairs, Student Union, 718-997-3943, sean.pierce@qc.cuny.edu
- Director of Human Resources: Lee Kelly, Assistant Vice President for Human Resources, Kiely Hall, 718-997-4455, lee.kelly@qc.cuny.edu
- Public Safety 24-Hour Operations Office at Main Gate: 718-997-5912 or 718-997-5911

Prevention Education Programs

Queens College is committed to creating a community free from sexual misconduct. Queens College has developed materials and programs to educate its students, faculty, and staff on the nature, dynamics, common circumstances, and effects of sexual assault, dating violence, domestic violence, and stalking, and the means to reduce their occurrence and prevent them. These programs are offered to incoming freshmen and transfer students during fall and spring orientation sessions. The offices of the Title IX Coordinator and the Vice President for Student Affairs and Enrollment Management provide this training to student activity groups, clubs, and athletic teams. Prevention education materials are distributed to all students during campus orientation activities.

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

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

In addition, Queens College provides workshops throughout the year related to the prevention and handling of sexual assaults, stalking, and domestic/intimate partner violence for all relevant personnel, including Public Safety officers, counselors, and Student Affairs staff. Workshops are conducted by Safe Horizon, the Urban Justice Center, and the Kings County District Attorney Victim Services Unit.

Faculty and staff are welcome to attend these workshops as well. The Public Safety Department has a number of NYS Certified General Topics instructors who are designated liaisons for additional training on campus. The Public Safety Department is available to provide such education programs upon request. The Public Safety Department conducts prevention education training on domestic violence, dating violence awareness, bullying, active shooter response, emergency preparedness, stranger danger (for children in the Day Care Center), and other general crime prevention topics. If you would like to schedule an education program for a specific group, please contact Public Safety at 718-997-5912 or 718-997-5911.

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

How to be an Active Bystander

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

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

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are okay.

2. Confront people who seclude, hit on, and try to make out or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on- or off-campus resources listed in this document for support in health, counseling, or with legal assistance.

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

If you or someone else is in immediate danger, dial 911 (if on campus, call Public Safety at 718-997-5912 or 718-997-5911).

Prevention and Risk Reduction

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

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

Procedures Victims Should Follow in the Case of Alleged Dating Violence, Domestic Violence, Sexual Assault, or Stalking

The following information addresses what students should do if they experience dating violence, domestic violence, sexual assault, or stalking.

- After an attack, try to be as calm as possible in order to think clearly. Get to a safe place and call for help immediately. If you are in a building on campus, immediately contact Public Safety; otherwise, call 911, call a relative or a friend, or contact a rape crisis center for assistance.
- Rape Line is always open at 212-COP-RAPE (212-267-7273).
- Remain in the same condition as when the attacker left. Do not change, wash, or destroy any clothing or any article that may be evidence.
- Do not wash, douche, or comb your hair.
- Have a medical/gynecological exam at the nearest hospital emergency room as soon as possible. The doctor should note and treat any injury and take measures to combat the possibility of sexually transmitted diseases or pregnancy. If you report being raped, the doctor may be able to collect semen smears or other physical specimens as evidence.
- Show police any bruises or injuries, however minor, resulting from the attack. Also show injuries to a friend or relative who might be available as a corroborative witness at the trial. If possible, photograph bruises.
- Leave the crime scene exactly as it is. Do not touch, clean up, or throw anything away.
- Give any clothing that was stained or torn (including undergarments) during the crime to the police.
- When calm, write down every detail about the incident, including: who, what, where, when, and how; what the attacker looked like (height, weight, clothing, type of build, color of skin, hair, eyes, facial oddities, scars jewelry, tattoos, etc.); description of any vehicle used or the direction you last saw the attacker running; what kind of force or coercion was used; any objects touched, taken, or left by the attacker; if the attacker said anything, try to remember the words, the grammar, any accents or speech defects; and if there were witnesses, list who and where they might be.
- Seek psychological support as well as medical attention. Even though the actual incident is over, you may suffer from rape trauma syndrome, which includes a variety of difficulties commonly experienced after a sexual assault.
- A student can call the New York City Police Department or 911, or go directly to a hospital. If the student wishes, Public Safety will call 911 on their behalf. It is important to note that if you are a victim of a sex offense, **do not destroy any evidence (including clothing) and do not take a shower or bath.**
- It is important that such physical evidence be preserved in order to assist with any ensuing criminal investigation. If the student believes that she/he may be the victim of date rape by being drugged, she/he should go directly to a hospital to receive a toxicology examination since such drugs only remain in a person's system for a short period of time. The Public Safety Department will assist with notification of other law enforcement authorities and/or medical professionals if the student chooses.

1. The New York State Department of Health has designated Sexual Assault Forensic Examiner ("SAFE") programs in hospitals that are designated as 24-hour centers of excellence. SAFE hospitals ensure the quality of collections, documentation, preservation, and custody of physical evidence by a trained examiner and provide medical care that includes, but is not limited to, treatment, referral, and follow-up, at no cost to the victim.
2. As time passes, evidence may dissipate or become lost or unavailable, making investigation, possible prosecution or disciplinary proceedings, or obtaining an Order of Protection more difficult. Even if a victim of sexual assault chooses not to file a complaint with law enforcement, the victim should consider having a sexual assault forensic exam, which will preserve the evidence in case the victim decides to file a report later. Files relating to sex offenses are kept confidential by the Public Safety Department and by the Office of Student Affairs/Student Development, unless otherwise required by law or CUNY policy.

How to Report Dating Violence, Domestic Violence, Sexual Assault, or Stalking

1. Call the Department of Public Safety's emergency telephone line extension, 718-997-5912 or 718-997-5911, from your cell phone or report the information to any member of the Public Safety Department or in person at the Public Safety Office located at the Main Gate on Kissena Blvd and 65th Ave.
2. Use one of the 24 emergency assistance call boxes located throughout the campus.
3. Victims or witnesses may report crimes to persons designated as campus security authorities who will then forward only the report of the crime, without divulging the name of the victim or witness(es), to the Public Safety Department for inclusion in the annual crime report. Names and numbers of campus security authorities are located on pp. 7-8 of this report. The college recognizes the importance of confidentiality to victims and witnesses of crimes. For the purpose of providing crime statistics pursuant to the Campus Security Act in the college's annual security report, victim and witness information will remain anonymous. However, complete confidentiality cannot be guaranteed in all other contexts. The college reserves the right to notify the police when it believes that such reporting is necessary for the protection of the college community. In many cases, however, that notification will be done without divulging the victim's identity and will be done only for the purpose of providing a campus-wide alert.
4. In the event that the situation you observe or are involved in is of an extreme or life-threatening nature, call 911. After you make a 911 call, also notify the Public Safety Department. They will assist and direct the police, along with other responding emergency personnel.
5. If you wish to report the allegations to Queens College, contact one of the individuals listed below:
 - Chief Diversity Officer & Dean of Diversity: Jerima DeWese, Chief Diversity Officer/Director, Office of Compliance and Diversity Programs, Kiely Hall, 718-997-5888, TitleIX@qc.cuny.edu
 - Title IX Coordinator/Director of Investigations - Christine McKeithan – Kiely Hall, 718-997-5726, TitleIX@qc.cuny.edu
 - Interim Director of Public Safety: Deborah Huggins, Interim Director of Public Safety, Jefferson Hall, 718-997-4448, deborah.huggins@qc.cuny.edu
 - Public Safety: Jose Sanchez, Lieutenant, Public Safety Office at the Main Gate, 718-997-5912/5911, jose.sanchez@qc.cuny.edu
 - Public Safety: Hemwatie Seusarran, Lieutenant, Public Safety Office at the Main Gate, 718-997-5912/5911, hemwatie.seusarran@qc.cuny.edu
 - Student Affairs: Jennifer Jarvis, Vice President for Student Affairs and Enrollment Management, Student Union, 718-997-5500, jennifer.jarvis@qc.cuny.edu
 - Student Affairs: Sean J. Pierce, Assistant Vice President of Student Affairs, Student Union, 718-997-3943, sean.pierce@qc.cuny.edu
 - Director of Human Resources: Lee Kelly, Assistant Vice President for Human Resources, Kiely Hall, 718-997-4455, lee.kelly@qc.cuny.eduPublic Safety 24-Hour Operations Office at Main Gate: 718-997-5912 or 718-997-5911

Options about the Involvement of Law Enforcement and Campus Authorities

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

If a student, employee, or other community member chooses to report sexual misconduct to outside law enforcement, CUNY/Queens College will provide assistance. Each college's Public Safety Department must have an appropriately trained employee available at all times to provide the complainant with information regarding options to proceed, including information regarding the criminal justice process and the

preservation of evidence. Campus Public Safety officers can also assist the complainant with reporting allegations both on- and off-campus and in obtaining immediate medical attention and other services.

Who is a Perpetrator?

Many people think that only vicious strangers on dark, deserted streets perpetrate sexual assaults. In fact, studies indicate that between 80% and 90% 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 when 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, sexual assault is still a crime regardless of the intoxication of the perpetrator or the victim.

Who is a Victim?

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

When is There a Lack of Consent?

CUNY’s Policy on Sexual Misconduct requires affirmative consent to sexual activity. Affirmative consent, as defined in CUNY’s Policy on Sexual Misconduct, is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in 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?

The person who engages in a sexual act without clear affirmative consent is responsible for committing the sexual misconduct or assault, regardless of the victim’s appearance, behavior, or conduct on previous occasions. An attacker cannot assume that the way a person dresses or acts is an invitation for sexual advances. A person may welcome some forms of sexual contact and be opposed to others. The more impaired a person is from alcohol or drugs, the less likely she/he can give consent; having sex with someone who is “passed out” or sleeping is rape. In addition, regardless of previous sexual activity, if someone refuses sexual contact or withdraws their consent to further engage in sexual activity, the failure to respect that limit constitutes as non-consensual sex.

Complainant's Rights

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

Complainants also have these rights:

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

College and Community Counseling and Support Services for Those Affected by Sexual Misconduct

On-campus Assistance

CUNY is committed to providing assistance, support, and resources to those affected by sexual misconduct. Anyone who has experienced sexual assault, domestic violence, or dating violence is encouraged to contact the Title IX Coordinator to obtain assistance in accessing medical and counseling services or to obtain supportive measures, such as changes to the student's academic program or an employee's work assignment. There is a wide range of supportive measures and accommodations available to those affected by sexual misconduct. For example, the Public Safety Department can assist a complainant in getting to and from campus classes, filing a police report, and obtaining an order of protection against the respondent.

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

College Support Services

On-campus Resources

- Chief Diversity Officer & Dean of Diversity: Jerima DeWese, Chief Diversity Officer/Director, Office of Compliance and Diversity Programs, Kiely Hall, 718-997-5888, TitleIX@qc.cuny.edu
- Title IX Coordinator/Director of Investigations - Christine McKeithan – Kiely Hall, 718-997-5726, TitleIX@qc.cuny.edu
- Interim Director of Public Safety: Deborah Huggins, Director of Public Safety, Jefferson Hall, 718-997-4448, deborah.huggins@qc.cuny.edu
- Public Safety: Jose Sanchez, Lieutenant, Public Safety Office at the Main Gate, 718-997-5912/5911, jose.sanchez@qc.cuny.edu
- Public Safety: Hemwatie Seusarran, Lieutenant, Public Safety Office at the Main Gate, 718-997-5912/5911, hemwatie.seusarran@qc.cuny.edu
- Student Affairs: Jennifer Jarvis, Vice President for Student Affairs and Enrollment Management, Student Union, 718-997-5500, jennifer.jarvis@qc.cuny.edu
- Student Affairs: Sean J. Pierce, Assistant Vice President of Student Affairs, Student Union, 718-997-3943, sean.pierce@qc.cuny.edu
- Health Service Center: Ms. Terri Calhoun, RN/Coordinator, Frese Hall, 718-997-2763

Counseling for Employees: CUNY Work Life Program, (800) 833-8707

Contacting Outside Agencies

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

Off-campus Resources

- For immediate help, call 911.
- The New York City Police Department Sex Crimes Report Line, 212-COP-RAPE (212-267-7273).
- New York State Domestic & Sexual Violence Hotline (confidential assistance), 1-800-942-6906 (available 24/7/365) or visit the National Sexual Violence Resource Center website at nsvrc.org
- Report sexual assault on a New York college campus to the New York State Police, 1-844-845-7269.
- Safe Horizon Hotline, 1-800-621-HOPE (4673) www.safehorizon.org
- National Sexual Assault Hotline, 800-656-HOPE (4673), Free, confidential, 24-hour hotline.
- New York State Domestic and Sexual Violence Hotline 1-800-942-6906 <http://www.nyscadv.org/>
- The New York City Anti-Violence Project empowers gay, lesbian, bisexual, transgender, queer, and HIV-affected communities to end all forms of violence through organizing and education. The Anti-violence Project provides support, counseling, and advocacy. The 24-hour hotline is 212-714-1141.
- The New York State Department of Criminal Justice website offers links to many additional resources: www.criminaljustice.ny.gov
- New York State Office of Victims' Services, www.ovs.ny.gov
- NYC Mayor's Office to End Domestic and Gender-based Violence Family Justice Centers, www.nyc.gov/fjc

Off-campus Resources Continued

NYC Family Justice Center, Queens

Mayors' Office to Combat Domestic Violence
4673
126-02 82nd Avenue, Kew Gardens, NY 11415
(718) 575-4501 Direct | (718) 575-4500 Main
www.nyc.gov/domesticviolence

Safe Horizon

Domestic Violence Hotline: 1-800-621-
Sexual Assault Hotline: 212-227-3000

Alexandra Patino, Executive Director

Director of Programs and Community Partnerships
NYC Family Justice Center, Queens
Mayor's Office to Combat Domestic Violence
(718) 575-4503 Direct | (718) 575-4545 Main
www.nyc.gov/domesticviolence

Susan Jacob

Deputy Director
Director of Programs and Community Partnerships
NYC Family Justice Center, Queens
Mayor's Office to Combat Domestic Violence
(718) 575-4503 Direct | (718) 575-4545 Main
susanj@fjcnyc.org; www.nyc.gov/domesticviolence

NYC WELL available 24/7

Free and confidential hotline for mental health support and crisis intervention.
Talk: 1-888-692-9355
Text: WELL to 65173
Chat: nyc.gov/nycwell

Rape and Incest National Network (RAINN) is available 24/7

Free and confidential hotline for crisis intervention and to connect to local resources to support survivors of sexual violence. Talk: 1-800-656-4673

Womankind available 24/7

Free and confidential therapy in several Asian languages for survivors of sexual or intimate partner violence, human trafficking, and other domestic, elder, and child abuse. Call: 1-888-888-7702

The City University of New York Policy on Sexual Misconduct

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

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

Under the provisions of Title IX of the Education Amendments of 1972 ("Title IX"), 20 USC §§ 1681 et seq., and its implementing regulations, 34 CFR Part 106, discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance is prohibited. Sexual harassment, which includes sexual assault, dating violence, domestic violence, and stalking, is a form of discrimination prohibited by Title IX.

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

CUNY's Policy on Sexual Misconduct prohibits sexual misconduct, whether or not it falls within the scope of Title IX Sexual Harassment, defined above. Prohibited sexual misconduct includes sexual assault, sexual harassment, dating violence, domestic violence, stalking, and voyeurism, as those terms are defined in CUNY's Policy on Sexual Misconduct. Sexual misconduct is prohibited regardless of whether it occurs on or off campus.

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

The specific procedures that apply to the investigation and discipline of sexual misconduct allegations (including domestic violence, dating violence, sexual assault, and stalking) vary based on the circumstances of each case and are outlined fully in CUNY's Policy on Sexual Misconduct, attached to this report.

Generally, the Title IX Coordinator is responsible for conducting investigations in a prompt, thorough, and impartial manner. Parties to an investigation have the right to an investigation process where the burden of proof and the burden of gathering evidence sufficient to reach a determination of responsibility rests on the college and not on the parties, although the parties will be provided the opportunity to offer evidence during an investigation. Parties have the right to be accompanied by an advisor of their choice, who may assist and advise throughout the process, including during all related meetings and hearings.

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

Consent

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

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

- (a) forcible compulsion; or
- (b) incapacity to consent; or
- (c) where the offense charged is sexual abuse or forcible touching, under any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or
- (d) where the offense charged is rape in the third degree as defined in subdivision 3 of section 130.25, or criminal sexual act in the third degree as defined in subdivision 3 of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct, or anal sexual conduct, the victim clearly expressed that he or she did not consent to

engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.

CUNY's Policy on Sexual Misconduct Requires Affirmative Consent to Sexual Activity

Affirmative consent, as defined in CUNY's Policy on Sexual Misconduct, is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in 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.

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

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

Sexual Assault

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

In New York State, lack of consent results from:

- (a) forcible compulsion; or
- (b) incapacity to consent; or
- (c) where the offense charged in sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or
- (d) where the offense charged is rape in the third degree as defined in subdivision 3 of section 130.25, or criminal sexual act in the third degree as defined in subdivision 3 of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct, or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.

Stalking

A person is guilty of stalking in the fourth degree (Penal Law 120.45) when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct: (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, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business, or career is threatened, where such conduct consists of appearing, telephoning, or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

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

Criminal sex offenses are classified in degree according to the seriousness of sexual activity, the degree of force used, the age of the victim, and the physical and mental capacity of the offender and victim. See the chart below for a list of some of the major sex offenses and their maximum penalties under New York State Law.

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

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

<i>Aggravated sexual abuse in the first degree (PL § 130.70)</i>	<i>A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis, or rectum of another person, causing physical injury to such person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11 years old.</i>	<i>Is a class B felony, with penalties up to 25 years in prison.</i>
<i>Aggravated sexual abuse in the third degree (PL § 130.66)</i>	<i>A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis, or rectum of another person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11 years old.</i>	<i>Is a class D felony, with penalties up to 7 years in prison.</i>
<i>Facilitating a sex offense with a controlled substance (PL § 130.90)</i>	<i>A person is guilty when he or she knowingly and unlawfully possesses a controlled substance, or any substance that requires a prescription to obtain, to another person, without such person's consent and with intent to commit against such person conduct constituting a felony, and commits or attempts to commit such conduct constituting a felony defined in Article 30.</i>	<i>Is a class D felony, with penalties up to 7 years in prison.</i>

Admission of Sex Offenders

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

Campus Sex Crimes Prevention Act

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

1. Contact the police department in the jurisdiction in which the offender resides and/or in which the college is located.
2. Contact Public Safety at (718)997-5912 or (718) 997-5911.
3. Go to the Division's sex offender registry website, www.criminaljustice.ny.gov/nsor/index.htm, and click on "Search the SexOffender Registry," or dial 800-262-3257.

Searching for Level 1 Sex Offenders (or those with a pending risk level):

Call the Division's sex offender registry at (800) 262-3257 with the name and at least one other identifier (an exact address, date of birth, driver's license number, or social security number), and DCJS will tell you if that individual is a registered sex offender in New York.

Missing Students

In accordance with state and federal law, the college maintains procedures for the investigation of reports of missing persons. In addition, in compliance with state and federal law, the college will notify the appropriate law enforcement agency within 24 hours of receiving a report of a missing student who resides in campus housing.

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

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

Additional Links to CUNY Policies and Procedures

[CUNY Sexual Misconduct Policy](#)

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

[Student Bill of Rights](#)

[CUNY Campus Workplace Violence Policy](#)

[Domestic Violence and the Workplace](#)

[Reasonable Accommodations and Academic Adjustments](#)

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

Crime Statistics for Queens College 2022-2024

The following are the Queens College Crime Statistics for the 2022-2024 calendar years. The statistics included in 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. 107th Precinct (NYPD)

2025

The City University of New York (CUNY)

Queens College - Department of Public Safety (DPS)



Crime Statistics	2022	All On-Campus Property				Non-Campus Property				Public Property				GRAND TOTAL	On Campus Residential Only			
		Reported to		*Non DPS	SUB TOTAL	Reported to		*Non DPS	SUB TOTAL	Reported to		*Non DPS	SUB TOTAL		Reported to		*Non DPS	Section TOTAL
		DPS	NYPD			DPS	NYPD			DPS	NYPD				DPS	NYPD		
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	1	2	0	3	3	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	6	0	6	6	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		3	0	0	3	0	0	0	0	0	1	0	1	4	1	0	0	1
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		5	0	0	5	0	0	0	0	0	0	0	0	5	4	0	0	4
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		1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0
Domestic Violence		0	0	2	2	0	0	0	0	0	0	0	0	2	0	0	0	0
Dating Violence		1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0
Stalking		3	0	3	6	0	0	0	0	2	0	0	2	8	1	0	0	1

* Denotes Report to other campus authorities

Hate Crimes Reported: 23

Unfounded Crimes Reported: 0.00

Crime Statistics	2023	All On-Campus Property				Non-Campus Property				Public Property					GRAND TOTAL	On Campus Residential Only			
		Reported to		*Non DPS	SUB TOTAL	Reported to		*Non DPS	SUB TOTAL	Reported to		*Non DPS	SUB TOTAL	Reported to		*Non DPS	Section TOTAL		
		DPS	NYPD			DPS	NYPD			DPS	NYPD			DPS				NYPD	
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	1	0	0	1	1	0	0	0	0	
Aggravated Assault		0	0	0	0	0	0	0	0	0	2	0	2	2	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	0	0	0	0	0	1	0	1	2	0	0	0	0	
Sex Offenses																			
Rape		0	1	0	1	0	0	0	0	0	0	0	0	0	1	0	1	1	
Fondling		1	0	0	1	0	0	0	0	1	0	0	1	2	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		12	0	0	12	0	0	0	0	0	0	0	0	12	12	0	0	12	
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		21	0	0	21	0	0	0	0	0	0	0	0	21	18	0	0	18	
Weapons: Carrying/Possessing/Etc. Arrests		0	0	0	0	0	0	0	0	0	1	0	1	1	0	0	0	0	
Weapons: Carrying/Possessing/Etc. Referrals		3	0	0	3	0	0	0	0	0	0	0	0	3	2	0	0	2	
Domestic Violence		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Dating Violence		0	0	0	0	0	0	0	0	2	0	0	2	2	0	0	0	0	
Stalking		10	0	0	10	0	0	0	0	0	0	0	0	10	1	0	0	1	

* Denotes Report to other campus authorities

Hate Crimes Reported: 12

Unfounded Crimes Reported: 0.00

Crime Statistics	2024	All On-Campus Property				Non-Campus Property				Public Property					GRAND TOTAL	On Campus Residential Only			
		Reported to		*Non DPS	SUB TOTAL	Reported to		*Non DPS	SUB TOTAL	Reported to		*Non DPS	SUB TOTAL	Reported to		*Non DPS	Section TOTAL		
		DPS	NYPD			DPS	NYPD			DPS	NYPD			DPS				NYPD	
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		2	0	0	2	0	0	0	0	0	2	0	2	4	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		1	0	0	1	0	0	0	0	0	1	0	1	2	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	0	0	0	0	1	0	0	1	2	0	0	0	0	
Sex Offenses																			
Rape		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Fondling		1	0	1	2	0	0	0	0	0	0	0	0	2	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		32	0	0	32	0	0	0	0	0	0	0	0	32	32	0	0	32	
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		12	0	0	12	0	0	0	0	0	0	0	0	12	12	0	0	12	
Weapons: Carrying/Possessing/Etc. Arrests		0	0	0	0	0	0	0	0	0	1	0	1	1	0	0	0	0	
Weapons: Carrying/Possessing/Etc. Referrals		2	0	0	2	0	0	0	0	0	0	0	0	2	1	0	0	1	
Domestic Violence		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Dating Violence		0	0	1	1	0	0	0	0	1	0	0	1	2	0	0	0	0	
Stalking		6	0	3	9	0	0	0	0	1	0	0	1	10	0	0	0	0	

* Denotes Report to other campus authorities

Hate Crimes Reported: 45

Unfounded Crimes Reported: 0.00



THE CITY
UNIVERSITY
OF NEW YORK

Reported Hate Crimes 2022-2024
The City University of New York (CUNY) Queens College

Year	Location	Reported to	Incident Type	Bias Classification
2022	On-Campus Property	Department of Public Safety	Intimidation	Race
2022	On-Campus Property	Department of Public Safety	Intimidation	Race
2022	On-Campus Property	Department of Public Safety	Intimidation	Race
2022	On-Campus Property	Department of Public Safety	Intimidation	Race
2022	On-Campus Property	Department of Public Safety	Intimidation	Race
2022	On-Campus Property	Department of Public Safety	Intimidation	Race
2022	On-Campus Property	Department of Public Safety	Intimidation	Race
2022	On-Campus Property	Department of Public Safety	Intimidation	Race
2022	On-Campus Property	Campus Security Authorities	Intimidation	Race
2022	On-Campus Property	Campus Security Authorities	Intimidation	Race
2022	On-Campus Property	Department of Public Safety	Intimidation	Religion
2022	On-Campus Property	Department of Public Safety	Intimidation	Religion
2022	On-Campus Property	Department of Public Safety	Intimidation	Religion
2022	On-Campus Property	Campus Security Authorities	Intimidation	Religion
2022	On-Campus Property	Campus Security Authorities	Intimidation	Religion
2022	On-Campus Property	Campus Security Authorities	Intimidation	Religion
2022	On-Campus Property	Campus Security Authorities	Intimidation	Disability
2022	On-Campus Property	Campus Security Authorities	Intimidation	Disability
2022	On-Campus Property	Campus Security Authorities	Intimidation	Ethnicity
2022	On-Campus Property	Campus Security Authorities	Intimidation	Ethnicity
2022	On-Campus Property	Campus Security Authorities	Intimidation	Ethnicity
2022	On-Campus Property	Campus Security Authorities	Intimidation	Ethnicity
2022	On-Campus Property	Campus Security Authorities	Intimidation	National Origin
2023	Public Property	Department of Public Safety	Destruction/Damage/Vandalism	Religion
2023	On-Campus Property	Department of Public Safety	Destruction/Damage/Vandalism	Religion
2023	On-Campus Property	Department of Public Safety	Intimidation	Religion
2023	On-Campus Property	Department of Public Safety	Intimidation	Race
2023	On-Campus Property	Department of Public Safety	Intimidation	Race
2023	Public Property	Department of Public Safety	Intimidation	Race
2023	On-Campus Property	Department of Public Safety	Destruction/Damage/Vandalism	National Origin
2023	Public Property	Department of Public Safety	Intimidation	National Origin
2023	Public Property	Department of Public Safety	Intimidation	National Origin
2023	On-Campus Property	Department of Public Safety	Destruction/Damage/Vandalism	National Origin
2023	Public Property	Department of Public Safety	Intimidation	Gender Identity
2024	Public Property	Department of Public Safety	Intimidation	Race
2024	Public Property	Department of Public Safety	Intimidation	Race
2024	Public Property	Department of Public Safety	Intimidation	Race
2024	On-Campus Property	Department of Public Safety	Intimidation	Race
2024	On-Campus Property	Department of Public Safety	Intimidation	Race
2024	On-Campus Property	Campus Security Authorities	Intimidation	Race
2024	On-Campus Property	Campus Security Authorities	Intimidation	Race
2024	On-Campus Property	Campus Security Authorities	Intimidation	Race
2024	On-Campus Property	Campus Security Authorities	Intimidation	Race

Year	Location	Reported to	Incident Type	Bias Classification
2024	On-Campus Property	Campus Security Authorities	Intimidation	Race
2024	On-Campus Property	Campus Security Authorities	Intimidation	Race
2024	On-Campus Property	Campus Security Authorities	Intimidation	Race
2024	On-Campus Property	Campus Security Authorities	Intimidation	Race
2024	On-Campus Property	Campus Security Authorities	Intimidation	Race
2024	On-Campus Property	Department of Public Safety	Intimidation	Sexual Orientation
2024	On-Campus Property	Campus Security Authorities	Intimidation	Religion
2024	On-Campus Property	Campus Security Authorities	Intimidation	Religion
2024	On-Campus Property	Campus Security Authorities	Intimidation	Religion
2024	On-Campus Property	Campus Security Authorities	Intimidation	Religion
2024	On-Campus Property	Campus Security Authorities	Intimidation	Disability
2024	On-Campus Property	Campus Security Authorities	Intimidation	Ethnicity
2024	On-Campus Property	Campus Security Authorities	Intimidation	Ethnicity
2024	On-Campus Property	Campus Security Authorities	Intimidation	Ethnicity
2024	On-Campus Property	Campus Security Authorities	Intimidation	Ethnicity
2024	On-Campus Property	Campus Security Authorities	Intimidation	Ethnicity
2024	On-Campus Property	Campus Security Authorities	Intimidation	Ethnicity
2024	On-Campus Property	Campus Security Authorities	Intimidation	Ethnicity
2024	On-Campus Property	Campus Security Authorities	Intimidation	Ethnicity
2024	On-Campus Property	Department of Public Safety	Destruction/Damage/Vandalism	Religion
2024	On-Campus Property	Department of Public Safety	Destruction/Damage/Vandalism	Religion
2024	On-Campus Property	Department of Public Safety	Destruction/Damage/Vandalism	Religion
2024	On-Campus Property	Department of Public Safety	Destruction/Damage/Vandalism	National Origin
2024	On-Campus Property	Department of Public Safety	Destruction/Damage/Vandalism	National Origin
2024	On-Campus Property	Department of Public Safety	Destruction/Damage/Vandalism	National Origin
2024	On-Campus Property	Department of Public Safety	Destruction/Damage/Vandalism	National Origin
2024	On-Campus Property	Department of Public Safety	Destruction/Damage/Vandalism	National Origin
2024	On-Campus Property	Department of Public Safety	Destruction/Damage/Vandalism	National Origin
2024	On-Campus Property	Campus Security Authorities	Destruction/Damage/Vandalism	Race
2024	On-Campus Property	Campus Security Authorities	Destruction/Damage/Vandalism	Race
2024	On-Campus Property	Campus Security Authorities	Destruction/Damage/Vandalism	Race
2024	On-Campus Property	Campus Security Authorities	Destruction/Damage/Vandalism	Race
2024	On-Campus Property	Campus Security Authorities	Destruction/Damage/Vandalism	Race
2024	On-Campus Property	Campus Security Authorities	Destruction/Damage/Vandalism	Race
2024	On-Campus Property	Campus Security Authorities	Destruction/Damage/Vandalism	Race
2024	On-Campus Property	Campus Security Authorities	Destruction/Damage/Vandalism	Race

For the years 2022, 2023, and 2024:

- There was a total of 23 reported Hate Crimes for the year 2022, classified as 6 religious-biased, 10 race-biased, 2 disability-based, 4 ethnicity-biased, and 1 nationality-biased intimidation.
- There was a total of 12 reported Hate Crimes for the year 2023, classified as 3 religious-biased, 3 race-biased, 4 nationality-biased, 1 gender-biased, and 1 sexual-orientation-biased
- There was a total of 45 reported Hate Crimes for the year 2024, classified as 7 religious-biased, 22 race-biased, 6 nationality-biased, 8 ethnicity-biased, 1 sexual-orientation-biased, and 1 disability-biased

Unfounded Statistics

There were no unfounded crimes for the years 2022, 2023, and 2024. Definitions of Geography

On-campus

Any building or property owned or controlled by an institution within one mile of the core campus and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and any building or property that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

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

Non-campus Building or Property

Any building or property owned or controlled by a student organization that is officially recognized by the institution, or any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property

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

Uniform Crime Reporting (UCR) Federal Definitions related to Clery

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

Rape

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

Fondling

Fondling is the touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest

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

Statutory Rape

Statutory rape is sexual intercourse with a person who is under the statutory age of consent.

Stalking

Stalking is "engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

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

For the purpose of this definition:

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

Domestic Violence

The term Domestic Violence is not defined by New York State Penal Law, although various criminal acts defined by the New York State Penal Law may qualify as a "family offense" when committed by an intimate partner. An intimate relationship includes family or household members and other types of close relationships, such as people who are legally married or divorced; people with a child in common, including adopted children; people related by marriage, like in-laws; people related by blood, like brothers, parents, cousins; unrelated people who live or have lived together for period of time; and/or unrelated people in, or who have been in an intimate relationship (current or former), like same-sex couples and teens who are dating. <http://nycourts.gov/CourtHelp/Safety/DVbasics.shtml>

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

Dating Violence

The term Dating Violence is not defined by New York State Penal Law, although various criminal acts defined by the New York State Penal Law may qualify as a "family offense" when committed by an intimate partner, which includes people in an intimate relationship (current or former). Intimate relationships do not have to be sexual. For more information, see <http://nycourts.gov/CourtHelp/Safety/DVbasics.shtml>.

According to federal statute, "dating violence" means violence committed by a person—

- a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. the length of the relationship
 - ii. the type of relationship
 - iii. the frequency of interaction between the persons involved in the relationship, 42 U.S.C. 13925 (a).

Queens College Boundaries for Clery Crime Reporting

From the intersection of Melbourne Avenue and Kissena Boulevard:

North on Kissena Boulevard to Horace Harding Expressway

West on Horace Harding Expressway to 153rd Street

South on 153rd Street to Reeves Avenue

West on Reeves Avenue to 148th Street

West on Melbourne Avenue to 149th Street

North on 149th Street to Gravett Road

West on Gravett Road to the property addressed 144-60 Gravett Road

In front of Queens Hall, 65-21 Main Street between Gravett Road and end of said property.

Queens College boundaries comprise the sidewalk and bus stops on the streets bordering the campus, as well as public property that is easily accessible from the campus. This area includes Pomonok Playground—the park on Kissena Boulevard directly opposite the main campus gate—during the hours when it is open to the public.

The following bus stops are also included in the **Clery Crime Reporting** boundaries:

- 1 – Bus stop on the south side of Horace Harding Expressway, east of Kissena Boulevard
- 2 – Bus stop on the west side of Kissena Boulevard, south of Melbourne Avenue
- 3 – Bus stops on southbound and northbound sides of Main Street in front of Queens Hall, 65-21 Main Street.



Key

— QC Boundary

♿ Accessibility Ramps

◆ Parking Lots

● Bus Routes

☎ Emergency Blue Phone

■ Buildings

■ Off Campus

■ Sidewalks

■ Roadways

■ Grassy Areas

■ Athletics Fields

■ Parking Areas

CUNY Residence Hall Disciplinary Procedures

I. Introduction

These procedures are intended to apply to all CUNY-owned and/or operated residence halls (referred to as “CUNY residence halls”). CUNY-owned buildings refer both to buildings operated by CUNY as the owner and those owned by CUNY but operated by a private company on behalf of CUNY. CUNY-operated buildings are buildings for which CUNY is responsible for the management of the building, regardless of whether CUNY owns the building. The purpose of these procedures is to protect the health and safety of the entire residence hall community. These procedures provide for the discipline of students who live in residence halls who violate the rules governing student conduct applicable to CUNY students. At the same time, these procedures are designed to ensure that the due process rights of student residents accused of engaging in inappropriate conduct are respected.

II. Applicable Rules of Conduct

All students who live in CUNY residence halls are expected to behave lawfully and responsibly. They are expected not to engage in conduct that threatens or causes harm to others or interferes with the working or learning environment of others. All resident students must comply with local, state, and federal laws, including the Henderson Rules (NY State Education Law, Article 129-A), and with CUNY and college policies. In addition, each CUNY residence hall should have written rules that are distributed to residents governing appropriate conduct in the residence hall. Students who violate their residence hall’s rules concerning behavior in the residence hall will be subject to discipline under these residence hall disciplinary procedures.

To the extent that the conduct at issue also violates local, state, or federal law (including the Henderson Rules) or other CUNY or college policies, a student will be subject to discipline under Article XV of CUNY’s bylaws (“Article XV”) as an alternative to disciplinary proceedings invoked under these residence hall procedures. In cases in which the conduct is serious and the sanction might involve suspension or expulsion from the University rather than a sanction solely relating to future conduct and tenure at the residence hall, Article XV procedures should be invoked instead of residence hall disciplinary procedures. Further, in all cases involving a possible violation of CUNY’s Sexual Misconduct Policy (cases involving alleged sexual misconduct, including cases of sexual harassment, gender-based harassment, or sexual violence), the cases must be reported to the applicable CUNY college’s Title IX coordinator for applicable interim measures, investigation, and potential discipline under Article XV. Further, if a student’s conduct threatens harm to him/herself or others or substantially disrupts the learning or working environment of others and is connected to a mental health or other medical issue, that conduct should be addressed under CUNY’s Medical Withdrawal and Re-entry Policy and Procedures (“Medical Withdrawal Policy”).

III. Emergency Situations

A. Emergency Interim Removal

If a resident’s behavior presents an immediate, severe, and direct threat to him or herself or others (by evidencing a likelihood of harm to him or herself or others) or is substantially disrupting the learning or working environment of others, the Residence Hall Director (“RHD”) may remove the resident from the residence hall for a period not to exceed 7 business days, pending the results of administrative proceedings or, where mental health issues are present, psychological evaluation. The RHD must consult with the college’s Chief Student Affairs Officer or designee and Director of the Public Safety Department or designee before deciding on and effectuating such removal unless the situation presents an immediate danger. If the need for removal is immediate, the RHD must consult with the above-referenced college officials as soon as practicable following such removal.

The fact that a resident has threatened to commit or attempted to commit suicide, however, may not, in and of itself, be used as the basis for an emergency interim removal. In such a circumstance, the RHD should

contact the college's Chief Student Affairs Officer or designee, who shall arrange for the resident to be referred to a mental health professional under the Medical Withdrawal Policy for an assessment of whether the resident presents a direct threat to him/herself or others.

Following an emergency interim removal of a student, the next step in the applicable and appropriate process (either under these procedures, the Medical Withdrawal Policy, or Article XV) should be taken as soon as practicable, and in no event later than the time deadlines outlined in the applicable policy.

B. Emergency Interim Relocation

A student may be relocated from one area of a residence hall to a different location in that building or, if applicable, to a different building in the complex. Room relocation may also be imposed as an interim measure under CUNY's Sexual Misconduct Policy.

This relocation may be made permanent or temporary until a permanent space is located by residence hall staff. The interim relocation shall become immediately effective without prior notice whenever there is evidence that the student's continued presence in the current residence poses a significant disruption to other persons or property or to the stability and continuance of normal housing functions.

Following an emergency interim relocation of a student, the next step in the applicable and appropriate process (either under these procedures, the Medical Withdrawal Policy, or Article XV, including in cases involving alleged sexual misconduct) should be taken as soon as practicable, and in no event later than the time deadlines outlined in the applicable policy.

IV. Disciplinary Procedures in the Residence Hall

A. Role of the Residence Hall Director

Each residence hall, whether managed directly by a CUNY college or by a private management company, will have a director ("RHD") whose responsibilities will include oversight of the residence hall's internal disciplinary process. The RHD may conduct investigations of complaints, mediation conferences, and disciplinary hearings under these procedures. If the RHD is involved in the investigation or attempted mediation of a case, he/she may not also adjudicate the case if it goes to a hearing. In that event, the RHD shall designate another residence hall professional staff member to conduct the hearing.

B. Complaint and Investigative Process

A complaint of a violation of a residence hall, college, or CUNY policy may be submitted by anyone, including resident advisors ("RAs"), residence hall staff, or other staff or students, including guests in the residence hall. The complaint must be in writing. Intentionally providing false information is a serious offense that will subject a person providing such information to disciplinary action. Further, retaliation of any kind against witnesses or other participants in the investigative process is strictly prohibited and may result in separate disciplinary action.

If the complaint involves sexual misconduct because it alleges harassment, gender-based harassment, or sexual violence, the case must be reported to the applicable CUNY college's Title IX coordinator for investigation and for potential discipline under Article XV. In all other cases, the complaint should be submitted to the RHD or designee for investigation, with a copy provided to the college's Chief Student Affairs Officer. The RHD or designee will assess the incident and identify any alleged policy violations. If he/she determines that policies may have been violated, he/she will investigate by interviewing witnesses and gathering relevant documents. Investigations should be completed within 30 days, except that they must be completed within 7 days if the student has been removed from the residence hall under the emergency interim removal procedure or if the student has been relocated within the residence hall or complex under the emergency interim relocation procedure.

After the investigation has been completed, the RHD or designee will determine if residence hall, CUNY, and/or college policy was violated. If so, and if the matter is not referred to the college's Chief Student Affairs Officer, the RHD or designee will refer the incident for informal mediation through the residence hall's procedures. Alternatively, in the event of a determination (in consultation with the college's Chief Student Affairs Officer) that the matter presents a serious violation of CUNY and/or college policies (including but not limited to the Henderson Rules) for which the appropriate sanction might involve suspension or expulsion from the University, the RHD or designee will refer the case to the college's Chief Student Affairs Officer for all further action under Article XV of CUNY's bylaws or, if applicable and appropriate, the Medical Withdrawal Policy.

C. The Mediation Process

The first step in the mediation process ordinarily should be a meeting between the accused student ("respondent") and the RHD or designee. In cases involving minor infractions, a policy clarification notice letter may be sent in lieu of initiating the mediation process. Should the student wish to contest the policy clarification letter and engage in mediation instead, the student must send a written request for mediation to the RHD within 5 business days from receipt of the policy clarification letter.

The RHD or designee will conduct the mediation conference. At the conference, the findings of the investigation will be discussed with the student with an effort toward resolving the case. There are 3 potential outcomes to mediation. First, the case may be resolved by mutual agreement, which may include the imposition of sanctions for violations of policy (if a student admits responsibility for such violations). Second, if no agreement is reached, the matter may proceed to a formal disciplinary hearing under these procedures. Third, if the student effectively demonstrates that the investigation's findings are incorrect, the allegations may be dismissed as unfounded.

Failure to attend an assigned mediation conference may result in the student being charged with an additional violation of residence hall rules and the scheduling of a disciplinary hearing.

D. Disciplinary Hearing

1. Notice to Students

Notice of the charge(s) and the time and place of the hearing must be sent to the student's college email address and, by regular mail or hand delivery, to the student's residence hall address or by regular mail to the student's other current resident address, if the student is no longer living in the residence hall (or, if unknown, the student's permanent home address). The notice must contain a summary of the student's procedural rights at the hearing, as listed below. The student should be given a minimum of 7 calendar days' notice of the date of the hearing.

2. General Rules

In general, the model for the disciplinary hearing is an administrative proceeding, not a criminal or civil trial. Accordingly, criminal or civil trial procedures and rules of evidence do not apply. As long as the student rights outlined in this policy are observed, the Hearing Officer will have considerable discretion with respect to procedural requirements so as to facilitate a fair and expeditious decision.

Hearings will be closed to the public, except that an open hearing may be held at the discretion of the presiding adjudicator(s), if requested by the respondent. The case against the respondent will be presented by the RHD or designee. The RHD may serve as the Hearing Officer for the case if he/she was not involved in the investigation or attempted mediation process. In the event of prior involvement in the case by the RHD, a residence hall or student affairs professional staff member with no prior involvement will be the Hearing Officer.

The Hearing Officer will inform the respondent of the charges, the hearing procedures, and his/her rights. The student shall then be asked for a plea of "responsible" or "not responsible." If the student pleads

“responsible,” he/she will be given an opportunity to explain his/her actions and to discuss the appropriate sanction, if any. If the student pleads “not responsible,” the hearing will proceed to determine the student’s culpability. The Hearing Officer will determine whether the student is responsible by reviewing the evidence presented and applying a preponderance of the evidence standard.

If the respondent does not attend the hearing and does not present a reasonable excuse for non-attendance to the RHD or designee, the hearing may be held in the student’s absence. The Hearing Officer will consider the evidence and make a determination based on the evidence available. The absence of a student may give rise to an inference of responsibility, but may not be treated, by itself, as sufficient to demonstrate responsibility by a preponderance of the evidence.

3. Summary of Student Procedural Rights at the Hearing

- The right to a confidential, closed hearing.
- The right to present the student’s version of the incident.
- The right to present witnesses and documentary evidence on the student’s behalf.
- The right to cross-examine witnesses presenting evidence at the hearing.
- The right to receive copies of documents introduced into evidence at the hearing.
- The right to be represented by legal counsel or an advisor at the student’s expense. The advisor does not act as an advocate for the resident and is not authorized to address the Hearing Officer. The advisor must indicate relevant professional affiliation (if any), as well as name and relationship to the respondent. RAs are not permitted to serve as advisors to respondents. The process will not be delayed due to the unavailability of an advisor.
- The right to take written notes during the hearing, but not to use recording devices. The RHD’s office, however, will be responsible for recording the hearing and must make a copy of that recording available to the student upon request.
- The right to a written decision based on a preponderance of the evidence.
- The right to appeal a determination after a hearing.

4. Witnesses

The respondent and the residence hall staff member presenting the case each may present witnesses. Witnesses may participate in the process by answering questions posed during the hearing or by providing a signed statement. Witnesses will be asked to affirm that their statements are truthful. Questions may be posed to witnesses by the Hearing Officer, the respondent, and the professional staff member presenting the case against the student.

5. Documentary Evidence

Respondents may introduce documentary evidence on their behalf at the hearing. CUNY adheres to federal law, the Federal Education Rights and Privacy Act (“FERPA”), which governs the permissible release of “education records.” Education records include records relating to students’ residency in residence halls. Except in emergency situations or for other good cause, requested copies will be provided to a respondent prior to a disciplinary hearing on that student’s case. However, redactions will be made to the copies if required by law.

6. Determination

a. Responsibility

Once all of the evidence is presented, the hearing will be adjourned for the Hearing Officer to make a determination. A student will be found responsible for a violation of residence hall rules if the case against the student was demonstrated by a preponderance of evidence. In other words, the evidence must demonstrate that it was “more likely than not” that the respondent was responsible for a violation.

A written decision will be issued and appropriate sanctions, if any, imposed, within 10 calendar days from the date of the hearing. The decision will be sent by the RHD by regular mail to the

respondent's residence hall mailbox or delivered by hand to the respondent's room and to the student's college email address. In the event that the respondent is no longer residing in the residence hall, the RHD will send the decision to the student's new address, or, if unknown, to the student's permanent home address.

b. Educational Requirements and Sanctions

Students who are found responsible for a violation(s) may be subject to one or more educational requirements and/or sanctions. Respondents may also agree to educational requirements and/or sanctions in order to resolve a case during the mediation process. The following is a list of possible requirements and sanctions:

Educational requirement: Mandate that the student complete an educational program relevant to the violation, with the possibility of imposition of sanctions if the student fails to complete the program.

Warning: Written notice that the student has violated a rule and that continuation or repetition of the wrongful conduct may result in more severe disciplinary action.

Housing Probation: Imposition of a sanction that is deferred for a period of time and then expires, unless the student continues or repeats the wrongful conduct.

Loss of Privileges: Exclusion from participation in privileges for a specified period of time, including possible exclusion from certain areas of the residence hall.

Relocation: Interim or permanent relocation to another room/location within the hall.

Restitution: Reimbursement for damage to or misappropriation of property. It may also include restoring the property to its original condition, engaging in activities related to personal and/or academic growth and reflection, and/or providing service to the residence hall community.

Denial of Renewal: Denial of the renewal option for future residence at the hall.

Residence Hall Suspension: Exclusion from the residence hall for a specified period of time, after which the student is eligible to return. It may also include specified conditions for re-admission. The student will have no access to the building during the period of suspension.

Residence Hall Dismissal: Permanent separation of the student from the residence hall and termination of a student's housing or license agreement, as applicable. Following dismissal, the student will have no access to the building.

E. Appeal

Students found responsible for violations after a disciplinary proceeding may submit a written appeal (via their email account or by regular mail) to an Appeal Officer within 10 calendar days of the date of the decision. The Appeal Officer shall be the RHD, as long as he/she was not involved in an earlier stage of the proceedings at the hearing or mediation and did not conduct the investigation. If the RHD had involvement with the case at an earlier stage, he/she should designate a staff member to decide the appeal. If there are no residence hall staff members who have not been involved in an earlier stage of the proceeding or investigation, the appeal will be decided by the college's Chief Student Affairs Officer or designee. If the sanction imposed is suspension or dismissal from the residence hall, the appeal shall be made directly to the college's Chief Student Affairs Officer or designee and not to the RHD or other residence hall staff member, even if they were not involved in the case at an earlier stage.

Unless the student has been subject to emergency interim removal or the written determination after the proceeding states that the student presents a direct threat to him or herself or others (by evidencing a

likelihood of harm to him or herself or others) or is substantially disrupting the learning or working environment of others, the student may not be removed from the residence hall while his/her appeal is pending.

The appeal should include a written statement outlining the specific issues for which review is sought and the grounds upon which exception is taken to the determination. Grounds for appeal are limited to the following:

- There is evidence that was not available at the hearing which, had it been available, would in all reasonable likelihood have produced a different finding on the student's responsibility for the alleged violation(s).
- The factual findings are "clearly erroneous" based on the evidence presented.
- There was a substantial procedural irregularity.
- The sanctions imposed are grossly disproportionate to the violation.

The Appeal Officer may either schedule a meeting with the student or decide the appeal solely on the content of the letter. The Appeal Officer may alter the findings if they are clearly erroneous, may reduce the sanctions imposed if they are disproportionate to the violation, and/or, in some cases, may remand for additional fact-finding to be made at a hearing. A determination on the appeal should be issued within 10 calendar days from the date of receipt of the appeal and it should be mailed by regular mail or hand delivered to the residents' residence hall address (or the resident's current address if no longer living in the residence hall, or, if unknown, to the resident's permanent home address) and the resident's college email address. The Appeal Officer's determination shall be final and not subject to further appeal.

Fire Safety

All rooms and apartments are equipped with smoke detectors. Each apartment is equipped with a sprinkler system. Several fire-alarm pull stations are located on each corridor. This equipment is monitored to ensure that it is in good working condition. If an emergency situation arises and you use the fire extinguisher, the extinguisher must be recharged. You must notify your RA and/or the RA on duty at the time the emergency occurred and contact the Summit Office and/or the security desk as well. Failure to notify the Summit Apartments may result in disciplinary action as well as a fee to recharge the extinguisher and any resulting damage to the property. Also, if the smoke detector in your room beeps because of a weak battery, please submit a work order through the Resident Portal.

Any person who sets off a false alarm, interferes with the operation of the alarm system, or damages or removes any part of the alarm system for purposes other than those related to fire safety (including, but not limited to, fire extinguishers, smoke detectors, sprinkler systems, fire doors, or removing an exit sign) is subject to severe disciplinary sanction.

Fire Alarm Procedures and Assembly Areas

- Residents should assume that the sounding of any alarm is valid, and they are required to evacuate the building.
- Exit your apartment and go to the nearest stairwell.
- Go down to the first floor, exit the building, and proceed to the assembly point as instructed by your RA.
 - For non-fire alarms: sidewalk across from the main entrance.
 - For confirmed fires: Powdermaker Hall lobby, Rosenthal Library, or Dining Hall. Public Safety will grant access.
- Find the staff member assigned to your assembly point and remain at the assembly point until the staff member authorizes you to re-enter the building or directs you to another location.

- After evacuating, do not re-enter the building for any purpose until emergency personnel direct you to do so. Failure to comply with re-entry instructions and/or to evacuate during an alarm will subject you to disciplinary action from college staff. Fire drills will be conducted each semester in accordance with QC processes and timelines as managed by Public Safety.

Fire or Other Emergencies

Setting or fueling a fire of any size is prohibited. The resident shall give immediate notice to the licensor of fire, accident, damage, and dangerous or defective conditions. All residents must evacuate the premises during a fire alarm. Falsely reporting a fire or any other emergency, including a bomb threat, falsely reporting a serious injury, or pulling a fire alarm station when no fire is evident, is prohibited. Fire warning devices and safety equipment are to be used only in the case of an emergency.

A fire alarm must be taken seriously, and in the event of a fire alarm, the resident must proceed in accordance with established evacuation/fire alarm protocols. These instructions may not be removed for any reason. Intentionally sounding an alarm in a non-emergency situation or tampering with emergency equipment is a criminal offense, and the person(s) responsible will be treated accordingly. Tampering with apartment smoke detectors is prohibited. This paragraph shall not limit the licensor's ability to impose additional charges, penalties, or sanctions for damage or destruction of fire safety equipment. Refusal to leave a building during a fire alarm, refusal to produce proper identification upon request of the licensor, refusal to cooperate with a reasonable request by the licensor, emergency personnel, or police officials acting in performance of their duties is prohibited and may result in disciplinary action.

Neither the Summit Apartments nor Queens College is responsible for loss or damage to the personal property of residents. We encourage you to carry personal property insurance. If applicable, you should check your parents' policy to see if your property is covered in your room or apartment unit.

Evacuation

Residents must evacuate in the case of an emergency at the sole discretion of the licensor and/or Queens College. Residents understand that no reduction in license fees will be given in the case of emergency evacuations.

Fire Hazards

Prohibited Actions and Items

Movement and/or alteration of furniture, fixtures, and/or property without prior written permission from the Director or Assistant Director or their designee, and failure to comply with procedures established for health, maintenance, and safety concerns, or "piggy-backing" surge protectors (plugging more than one surge protector in an outlet) are prohibited.

Use and/or possession of the following items is prohibited:

- halogen lamps or neon signs
- fireworks, firecrackers, flammable liquids, cans or compressed gases, poisons, highly combustible substances, chemicals, or any substance designed to injure others or damage property
- gasoline or electrical-powered vehicles or engines, regardless of their state or dismantlement
- open flame (e.g., candle, incense, cigarette, cigar, etc.) inside any part of the Summit Apartments
- appliances in bedrooms which have open or exposed heating elements (e.g., hot plates, toaster ovens, space heaters, sunlamps, halogen lamps)
- appliances without U.L. approval
- refrigerators in personal bedrooms in excess of 2.5 amps
- hookahs, e-cigarettes, or vaporizers, including JUULs.

Holiday Decorations

Holidays and other celebrations that typically involve the lighting of candles may be observed with permission of management only in a common area downstairs visible to Security, and only if conducted in a manner that does not trigger fire safety systems. Examples of such events include, but are not limited to, the lighting of the Menorah during Hanukkah or lighting the Kinara during KWANZAA. The following rules apply:

- Candle, incense, or other open flames are not permitted, even as decorations; this includes birthday, Shabbat, yahrzeit, and holiday candles.
- Garbage bags or other flammable material may not be used for decorations.
- Room/apartment and individual lights may not be covered for any reason.
- Live trees are prohibited.
- Doors: Summit Apartments entrance doors, doors and windows in other public areas, and doors in student rooms may be decorated in a manner that does not deface or damage property, create a fire hazard, or result in resident complaints. No more than 50% of doors may be covered at any time. Materials that are difficult to remove or might result in damage, such as artificial snow, are not permitted.
- Decorations that violate any established policies are prohibited.
- Empty alcohol bottles may not be used as decorations of any sort.
- All lights or other decorations must be approved by the Summit Apartments staff for your area.
- Extension cords may not be used.
- No protrusion through/around windows or screens.
- Any structures or decorations that do not meet the standards set by the Summit Apartments office and the fire marshal will be taken down immediately. If the required changes are not made, Summit staff reserves the right to remove all structures from the room and bill the resident for the cost of removal. Failure to remove or redesign items may result in disciplinary action.
- Fireworks or pyrotechnic explosive devices are not permitted by state statutes and are prohibited in the residence halls.

Residents found in possession of the prohibited items will be required to remove the item(s) from the Summit Apartments immediately and may face disciplinary action. Prohibited items may also be confiscated and returned at the Summit Apartment's discretion. Items and/or paraphernalia related to alcohol and/or drug usage will be discarded. In addition, residents will be responsible for any costs accrued in the removal of the item. Residents are responsible for all damage caused by the use of permitted and/or prohibited items.

Fire Exits

The fire exits are for emergency use only. These exits are alarmed and monitored. Other than during emergencies, entrance to and exit from the building are only at the main entrance, which is serviced by security officers. Improper use of fire exits may result in disciplinary action, up to and including License Agreement termination.

Reporting: Safety Definitions

Cause of fire: The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or an act of nature.

Fire: Any instance of open flame or other burning in a place not intended to contain the burning, or in an uncontrolled manner.

Fire Drill: A supervised practice of a mandatory evacuation of a building for a fire.

Fire-related Injury: Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, faculty, staff, visitors, firefighters, or any other individuals.

Fire-related Death: Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire, or who dies within one year of injuries sustained as a result of the fire.

Fire Safety System: Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire, including:

- sprinkler or other fire extinguishing systems
- fire detection devices
- stand-alone smoke alarms
- devices that alert one to the presence of a fire, such as horns, bells, or strobe lights
- smoke-control and reduction mechanisms
- fire doors and walls that reduce the spread of a fire.

Value of Property Damage: The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity, including:

- contents damaged by fire
- related damages caused by smoke, water, and overhaul
- but *not* including indirect loss, such as business interruption.

Fire Safety Systems in the Summit Apartments at Queens College 64-80 Kissena Blvd, Flushing, NY 11367

Fire Alarm: YES

Fire Extinguishers: YES

Room Smoke Detectors: YES

Manual Pull Stations: YES

Fire Alarm Systems: YES

Fire Sprinklers: YES

Central Monitor System: YES

Connected to IFA: YES

Standpipe: YES

Fire Drills Conducted: YES - 3 Times Annually

Residential Fire Safety Report Statistics

The Summit Apartments at Queens College: 64-80 Kissena Blvd, Flushing, NY 11367

Total Number of Fires in Building	Fire Number	Cause of Fire	Number of Injuries Related to Fires	Number of Deaths Related to Fires	Value of Property Damage Caused by Fire
0	0	n/a	0	0	0

* There were no reported Fires in The Summit Apartments at Queens College in 2022, 2023, and 2024.

The City University of New York (CUNY)					
Queens College - Department of Public Safety (DPS) – 2022 Fire Report					
Name of Facility	Date of Fire	Cause of Fire	Number of Injured Removed to Hospital	Number of Deaths Related to the Fire	Value of Property Damage
The Summit Apartments at Queens College	None	N/A	N/A	N/A	N/A

The City University of New York (CUNY)					
Queens College - Department of Public Safety (DPS) – 2023 Fire Report					
Name of Facility	Date of Fire	Cause of Fire	Number of Injured Removed to Hospital	Number of Deaths Related to the Fire	Value of Property Damage
The Summit Apartments at Queens College	None	N/A	N/A	N/A	N/A

The City University of New York (CUNY)					
Queens College - Department of Public Safety (DPS) – 2024 Fire Report					
Name of Facility	Date of Fire	Cause of Fire	Number of Injured Removed to Hospital	Number of Deaths Related to the Fire	Value of Property Damage
The Summit Apartments at Queens College	None	N/A	N/A	N/A	N/A

THE CITY UNIVERSITY OF NEW YORK POLICY ON SEXUAL MISCONDUCT

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PREAMBLE

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

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

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

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

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

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

I. POLICY STATEMENT

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

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

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

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

1. [The CUNY Policy on Equal Opportunity and Nondiscrimination](#)² prohibits discrimination on the basis of numerous protected characteristics in accordance with federal, state and local law. That policy addresses sex discrimination other than Sexual Misconduct covered by this policy.
2. [The CUNY Campus and Workplace Violence Prevention Policy](#)³ addresses workplace violence.
3. [The CUNY Domestic Violence and the Workplace Policy](#)⁴ addresses domestic violence in or affecting employees in the workplace.

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

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

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

⁴ http://policy.cuny.edu/general-policy/article-v/#policy_5.061.

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

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

II. SCOPE OF THIS POLICY

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

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

III. PROHIBITED CONDUCT AND DEFINITIONS

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

The following behaviors constitute Sexual Misconduct prohibited under this Policy:

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

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

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

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

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

- g. **Title IX Sexual Harassment** is a subset of the broader definition of Sexual Harassment above. It is defined by the USDOE to mean conduct on the basis of sex⁷ that occurs in CUNY's education program or activity against a person in the United States and that satisfies one or more of the following: (1) a CUNY employee conditioning the provision of an aid, benefit, or service of CUNY on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to CUNY's education program or activity; or (3) Sexual Assault, Dating Violence, Domestic Violence, or Stalking as defined in this Policy.
- h. **Voyeurism** is unlawful surveillance and includes acts that violate a person's right to privacy in connection with their body and/or sexual activity such as:
- i. Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent.
 - ii. Recording images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness where that person would have a reasonable expectation of privacy, without that person's consent;
 - iii. Disseminating images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness where that person would have a reasonable expectation of privacy, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure; or
 - iv. Using or installing, or permitting the use or installation of a device for the purpose of recording another person's sexual activity, intimate body parts or nakedness in a place where the person would have a reasonable expectation of privacy without that person's consent.

Other important terms and concepts addressed in this Policy:

- a. **Consent** means affirmative consent.
- b. **Affirmative Consent** is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.
- i. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
 - ii. In order to give consent, one must be of legal age (17 years or older in New York).
 - iii. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
 - iv. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by lack of consciousness or being asleep, being

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

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

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

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

IV. **TITLE IX COORDINATOR**

Each college or unit of CUNY has an employee who has been designated as the Title IX Coordinator.⁸ This employee is responsible for compliance with Title IX of the Education Amendments of 1972, 20 U.S.C. chapter 38, which prohibits sex discrimination in education programs (including Title IX Sexual Harassment as it is defined above), New York State Law Article 129-B ("Enough is Enough") and other federal, state and local laws pertaining to sex discrimination and sexual misconduct. The Title IX Coordinator has overall responsibility for implementing this Policy, including overseeing the investigation of allegations of Sexual Misconduct at their college or unit (including Title IX Sexual Harassment matters and Non-Title IX Sexual Misconduct matters) and carrying out the other functions of that position set forth in this Policy. All Title IX Coordinators will receive annual training as required by Title IX, the Clery Act, Enough is Enough, and other civil rights laws. The name and contact information for all Title IX Coordinators at CUNY can be found on CUNY's dedicated [Title IX website](http://www1.cuny.edu/sites/title-ix/campus-websites/campus/university/).⁹ Title IX Coordinator training obligations are discussed in Section XIII.

⁸ Any reference to the Title IX Coordinator may also include their designee.

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

V. RESOURCES AND INFORMATION FOR INDIVIDUALS AFFECTED BY SEXUAL MISCONDUCT

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

A. Reporting to Outside Law Enforcement

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

If a student, employee or other community member chooses to report Sexual Misconduct to outside law enforcement, CUNY will provide assistance. Each college Public Safety office must have an appropriately trained employee available at all times to provide the complainant with information regarding options to proceed, including information regarding the criminal justice process and the preservation of evidence. Campus Public Safety officers can also assist the complainant with reporting allegations both on and off-campus and in obtaining immediate medical attention and other services.

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

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

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

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

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

C. Obtaining Immediate Medical Attention and Emotional Support

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

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

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

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

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

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

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

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

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

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

A. Confidential Employees

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

These individuals will not report the allegations to the college's Title IX Coordinator or other college employees without the student's permission. The only exception is in the case where there is an imminent threat of serious injury to the complainant or any other person.

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

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

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

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

B. Responsible Employees

Individuals designated as responsible employees have a duty to report allegations of Sexual Misconduct, including all relevant details, to the Title IX Coordinator. These employees are not permitted to maintain a complainant's confidentiality, but will maintain a complainant's privacy to the greatest extent possible, and information reported to them will be shared only with the Title IX Coordinator and other people responsible for handling the college's response to the report.

To the extent possible, before a complainant reveals any information to a responsible employee, the employee should advise the complainant of the employee's reporting obligations—and if the complainant wants to maintain confidentiality, direct the complainant to confidential resources.

CUNY has designated the following individuals as responsible employees:

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

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

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

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

C. Special Rules Concerning Public Awareness and Advocacy Events

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

VII. REPORTING SEXUAL MISCONDUCT TO THE COLLEGE

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

A. Complainant’s Rights

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

Complainants also have these rights:

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

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

B. Where to Report Allegations of Sexual Misconduct on Campus

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

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

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

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

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

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

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

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

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

D. Filing External Complaints

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

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

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

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

¹⁵ https://www.eeoc.gov/federal/fed_employees/filing_complaint.cfm.

¹⁶ <https://dhr.ny.gov/complaint>.

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

E. Action by Bystanders

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

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

F. Amnesty for Drug and Alcohol Use

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

G. Reporting Retaliation

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

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

VIII. SUPPORTIVE MEASURES AND ACCOMMODATIONS

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

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

The Title IX Coordinator will work with the Chief Student Affairs Officer¹⁹ to identify a trained staff member to assist students to obtain supportive measures and accommodations. The Title IX Coordinator will work with the Human Resources Director to assist employees to obtain supportive measures and accommodations.

A. Range of Supportive Measures and Accommodations

Possible supportive measures and accommodations may include:

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

¹⁹ Any reference to the Chief Student Affairs Officer may also include their designee.

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

B. No Contact Orders

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

C. Emergency Removal

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

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

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

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

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

IX. EVALUATION OF INITIAL ALLEGATIONS OF SEXUAL MISCONDUCT

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

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

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

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

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

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

A. Rights of Parties during any Investigation and Resolution

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

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

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

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

B. Informal Resolution

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

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

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

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

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

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

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

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

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

C. CUNY-wide Sexual Misconduct Panel and Committee Structure

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

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

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

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

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

D. Conflict/Bias

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

If any administrator designated by this Policy to participate in the investigation or resolution of Sexual Misconduct allegations is the respondent, the College President will appoint another college administrator to perform such person's duties under this Policy. If the President is the respondent, the investigation will be handled by the University Title IX Director or designee. In other appropriate cases in which a high-level administrator is the respondent, the investigation may be referred for investigation to the University Title IX Director or designee.

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

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

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

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

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

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

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

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

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

F. Hearing Recording

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

G. Prohibition on Unauthorized Copying or Recording

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

H. Student Respondent Withdrawal Before Allegations are Resolved

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

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

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

I. Transcript Notations

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

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

J. Recordkeeping

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

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

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

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

XI. PROCEDURES FOR TITLE IX SEXUAL HARASSMENT MATTERS

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

A. Requirement of a Title IX Formal Complaint

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

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

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

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

B. Initiation of Title IX Grievance Procedure

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

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

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

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

C. Informal Resolution

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

D. Dismissal of Title IX Formal Complaint Prior to Resolution

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

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

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

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

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

E. Formal Resolution and Investigation

a. Rights of the Parties

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

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

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

b. Investigation

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

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

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

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

i. Post Investigation Review of Relevant Documents and Materials

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

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

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

ii. Investigative Report

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

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

iii. Review of Investigative Report

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

c. Live Hearing

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

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

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

i. Pre-hearing procedures

1. Referral for Hearing

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

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

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

2. Issuance of Notice of Hearing

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

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

The Notice of Hearing must contain the following:

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

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

3. Review of Evidence before Hearing

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

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

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

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

ii. Hearing Procedures

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

1. Roles and Responsibilities

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

Adjudication Committee

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

Adjudication Committee Chairperson

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

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

College Presenter

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

Advisors

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

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

2. Responsibility Phase

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

Presentation of Evidence

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

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

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

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

Cross Examination

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

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

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

3. Penalty Phase

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

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

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

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

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

d. Determination of Responsibility

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

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

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

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

e. Remedies for Complainants

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

f. Sanctions for Respondents

Range of Sanctions for Student Respondents

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

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

Range of Sanctions for Employees

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

XII. PROCEDURES FOR NON-TITLE IX SEXUAL MISCONDUCT MATTERS

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

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

A. Rights of the Parties

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

B. Informal Resolution

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

C. Investigation

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

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

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

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

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

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

D. Action Following the Investigation or Termination of an Investigation

a. Students

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

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

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

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

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

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

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

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

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

b. Employees

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

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

E. Disciplinary Process and Procedures

a. Disciplinary Action

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

i. Discipline Against Students

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

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

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

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

ii. Discipline Against Employees

In cases where the College President recommends discipline against an employee, the matter is referred for disciplinary action in accordance with the applicable CUNY policies, rules and collective bargaining agreements. Penalties for employees include, depending on the employee's title, reprimand, suspension, demotion, fine, or termination of employment following applicable disciplinary procedures. For many respondent employees, these procedures may include a hearing before a non-CUNY fact-finder, as required by the applicable collective bargaining agreement.

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

iii. Action Against Visitors

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

iv. No Disciplinary Action

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

b. Student Discipline – Pre Hearing Procedures

i. Referral of Violation for Disciplinary Action

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

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

ii. Issuance of Notice of Charges and Hearing

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

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

The Notice of Charges and Hearing must contain the following:

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

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

iii. Review of Evidence before Hearing

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

iv. Admission & Acceptance of Penalty

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

c. Student Discipline - Hearing Procedures

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

i. Roles and Responsibilities

Adjudication Committee

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

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

Adjudication Committee Chairperson

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

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

College Presenter

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

Advisors

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

ii. Responsibility Phase

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

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

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

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

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

iii. Penalty Phase

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

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

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

iv. Decision

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

XIII. COLLEGE OBLIGATIONS UNDER THIS POLICY

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

A. Dissemination of Policies, Procedures, and Notices

The Title IX Coordinator, in coordination with the Office of Student Affairs, Office of Public Safety, Human Resources Department and other appropriate offices, is responsible for the wide dissemination of the following on their campus: (i) this Policy; (ii) CUNY's Notice of Non-Discrimination; (iii) the Title IX Coordinator's name, phone number, office location, and email address and (iv) contact information for the campus Public Safety Office. Such dissemination includes posting the documents and information on the college website, and including it in residence life materials and training and educational materials.

The Students' Bill of Rights, which is appended to and made a part of this Policy, must be distributed to any individual reporting an incident of Sexual Misconduct at the time the report is made. It must also be distributed annually to all students, made available on the college's website and posted in college campus centers and in CUNY owned and operated housing.

B. Training and Educational Programming

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

The Title IX Coordinator, in coordination with other applicable offices, including Public Safety, Human Resources and Student Affairs, is responsible for ensuring that the college provides training to college employees on their obligations under this Policy; provides education on this Policy and on Sexual Misconduct (including Domestic Violence, Dating Violence, Stalking and Sexual Assault) to new and continuing students; and promotes awareness and prevention of Sexual Misconduct among all students and employees. Specific required trainings include the following:

a. Training For Responsible and Confidential Employees

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

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

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

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

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

c. Student Onboarding and Ongoing Education

Each college must adopt a comprehensive student onboarding and ongoing education campaign to educate students about Sexual Misconduct, including Domestic Violence, Dating Violence, Stalking, and Sexual Assault. During the student onboarding process, all new first-year and transfer students must receive training on this Policy and on a variety of topics relating to Sexual Misconduct. In addition, each college shall offer and administer appropriate educational programming to residence hall students, athletes, and student leaders. Each college must also provide such educational programming to any other student groups which the college determines could benefit from education in the area of Sexual Misconduct. The college must also share information on Domestic Violence, Dating Violence, Stalking and Sexual Assault prevention with parents of enrolling students. This may be done by linking to <http://www1.cuny.edu/sites/title-ix/information-for-parents-and-families/campus/university/>.

C. Campus Climate Assessments

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

XIV. RULES REGARDING INTIMATE RELATIONSHIPS BETWEEN EMPLOYEES AND STUDENTS

A. Relationships Between Faculty or Employees and Students

Sexual activity or amorous or dating relationships (“intimate relationships”), even when apparently consensual, are inappropriate when they occur between a faculty member or employee and any student for whom they have a professional responsibility. Those relationships are inappropriate because of the unequal power dynamic between students and faculty members and between students and employees who advise or evaluate them, such as athletic coaches or workplace supervisors. Such relationships necessarily involve issues of student vulnerability and have the potential for coercion. In addition, conflicts of interest or perceived conflicts of interest may arise when a faculty member or employee is required to evaluate the work or make personnel or academic decisions with respect to a student with whom they are having an intimate relationship.

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

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

B. Relationships Between Supervisors and Employees

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

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

XV. IMPLEMENTATION

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

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

The City University of New York
Students' Bill of Rights

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

All students have the right to

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

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

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

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

Questions about CUNY's Sexual Misconduct policy and procedures may be directed to **Jerima DeWese** at Jerima.Dewese@qc.cuny.edu

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

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

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

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

STOP CAMPUS HAZING ACT STATEMENT

Statement of CUNY Policy

The City University of New York (“CUNY”) is committed to ensuring a safe environment in which all students have the right to participate in organizations without undergoing hazing as a right of entry or membership. Hazing is strictly prohibited by CUNY, consistent with the Rules and Regulations for the Maintenance of Public Order Pursuant to Article 129-A of the Educational Law (the “Henderson Rules”). The Henderson Rules prohibit, among other things:

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.

Thus, no individual or organization affiliated with CUNY shall conduct or condone hazing activities. This prohibition on hazing applies to all members of the CUNY community including faculty, staff, students, organizations, alumni, volunteers, and any visitors or individuals invited to CUNY campuses. Additionally, the prohibition of hazing applies to conduct that occurs on or off a campus, between two or more people who are affiliated with CUNY or any student or other organization associated with CUNY.

Moreover, hazing may also violate the New York State Penal Law if, during another person’s initiation into or affiliation with any organization, an individual intentionally or recklessly engages in conduct which creates a substantial risk of physical injury and/or causes physical injury to another person.¹ Under the New York State Penal Law, hazing may be charged as a Class A misdemeanor or a violation.

Filing a Hazing Complaint

If there is an immediate threat to a student’s health and safety, call 911 and/or the respective campus Public Safety Department. Otherwise, to initiate a complaint of hazing, an Incident Report may be submitted to the campus Office of Student Conduct and/or the campus Public Safety Department. Complaints may also be submitted to CUNY’s Office of Student of Affairs at StudentAffairs@CUNY.edu. Anyone who is a victim of hazing is also encouraged to contact the campus Counseling Centers, which can provide counseling services.

Investigating Complaints of Hazing

Complaints of hazing will be investigated in accordance with applicable CUNY policies and regulations including, but not limited to, the Henderson Rules, the Policy on Sexual Misconduct, the Equal Opportunity and Non-Discrimination Policy, and the Policy Against Drugs and Alcohol. Complaints may be filed against students as well as CUNY faculty and staff. Further, pursuant to Article 15.2(2)(c) of the CUNY Bylaws, any person or organization affiliated with CUNY or any of its constituent colleges may file a complaint with the chief student affairs officer if there is reason to believe that a student organization has violated CUNY policies and/or regulations. It is against CUNY policy, moreover, to retaliate against anyone who files a complaint or otherwise participates in the investigation of a complaint.

¹ See New York State Penal Law sections 120.16 and 120.17.

During the investigation both the complainant and the accused will be given the opportunity to be interviewed and to provide evidence. Witnesses may also be interviewed, and other evidence gathered as well. At the conclusion of the investigation, a determination will be made as to whether the allegations are substantiated.

If allegations are substantiated, the matter may be referred for disciplinary action in accordance with the procedures in the CUNY Bylaws and any applicable collective bargaining agreement. Any student found to have engaged in hazing may be subject to a range of sanctions up to and including suspension and expulsion. 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. Moreover, as noted above, hazing may also violate the New York State Penal Law and, as such, acts of hazing may also result in arrest and prosecution by law enforcement authorities.

The Stop Campus Hazing Act

On December 23, 2024, Congress passed The Stop Campus Hazing Act, which amends section 485(f) of the Higher Education Act, also known as the Jeanne Clery Campus Safety Act (the “Act”). The Act requires institutions to define hazing, compile statistics on reported cases, and establish transparent policies for reporting and preventing hazing. Further, the Act requires colleges and universities to report hazing incidents in annual security reports (“ASR”). The Act also requires institutions to create a Campus Hazing Transparency Report that lists organizations found responsible for hazing in violation of campus policy. Accordingly, this statement outlines CUNY’s obligations under the Act.

The Act’s Hazing Definitions²

As amended, the Act requires incidents of hazing, as defined by the Act, to be reported in the ASR. For purposes of reporting incidents of hazing in the ASR, the Act defines *Hazing* as follows:

Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:

- (1) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- (2) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury.

In addition to defining hazing, the Act provides a non-exhaustive list of examples of hazing including, but not limited to, the following:

- (1) whipping, beating, striking, electronic shocking, placing harmful substances on someone's body, or similar activity;
- (2) causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;

² The Act’s terms are defined at 20 U.S.C. § 1092(f)(6)(A).

- (3) causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- (4) causing, coercing, or otherwise inducing another person to perform sexual acts;
- (5) any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- (6) any activity against another person that includes a criminal violation of local, state, or federal law; and
- (7) any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, state, or federal law.

Additionally for purposes of reporting in the ASR, *Student Organization* is defined by the Act as:

An organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized/registered by the institution.

Campus Hazing Transparency Report

The Act further requires institutions to create a Campus Hazing Transparency Report (the “CHTR”) that lists organizations found responsible for hazing, and the associated violations, sanctions, and investigation dates. The CHTR must disclose a summary of incidents in which student organizations established or recognized by the institution were found to have committed a hazing violation. If a student organization established or recognized by the institution is found to have committed a hazing violation, a summary of that finding must be included in the CHTR, regardless of where the misconduct occurred. In other words, for the purposes of the CHTR, the Act’s definition of “campus” does not apply and, as such, the Report should include substantiated incidents of hazing even if they did not occur on “campus” as defined by the Act. In other words, the CHTR must report hazing incidents that violate the Henderson Rules, irrespective of whether they meet the definition of hazing as defined by the Act.

The annual CHTR will be maintained by the campus and monitored by the CUNY Department of Public Safety. The Office of Student Affairs will further support the maintenance of CHTR data to ensure the accuracy and consistency of these reports. According to the Act, data summarizing findings associated with any student organization found to be in violation of the institution’s standards related to hazing will be compiled and published on the institution’s website. This report will be updated biannually and will include:

- The name of the student organization;
- A description of the violation that resulted in a finding of responsibility, including:
 - Whether the violation involved the abuse or illegal use of alcohol or drugs;
 - The findings of the institution;
 - The sanctions placed on the institution; and
- Related dates regarding the incident and investigation, including:
 - The date of the incident;

- The date the investigation began;
- The date the investigation ended with a finding that a hazing violation occurred; and
- The date the institution provided notice to the student organization that the incident resulted in a hazing violation.

Following the initial report date of December 23, 2025, each campus is required to provide all relevant information on its website and to submit such information to the CUNY Department of Public Safety by March 1 and September 1 to assure CUNY compliance with this policy.

Education and Training

Pursuant to the Act, institutions are also required to implement research-informed prevention programs and ensure compliance with local, state, and tribal laws enhancing student safety and accountability. CUNY's Office of Student Affairs will coordinate training sessions.

Other Relevant Legislation and Policies

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

[CUNY Drug/Alcohol Use Amnesty Policy](#)

[Policy-on-Sexual-Misconduct.pdf](#)