



**ANNUAL SECURITY REPORT
CALENDAR YEAR 2017
CRIME STATISTICS 2014-2016
HOSTOS COMMUNITY COLLEGE of
THE CITY UNIVERSITY OF NEW YORK
500 GRAND CONCOURSE BRONX NY 10451**

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PUBLIC SAFETY CHIEF
HOSTOS COMMUNITY COLLEGE
718-518-6888**

College Overview

Hostos Community College's Annual Security Report includes statistics for the previous three years (2014-2016) concerning reported crimes that occurred on campus, in certain off-campus buildings owned or controlled by Hostos Community College, and on public property within, or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault and emergency and evacuation procedures.

Statistical information and data gathered from records of the Public Safety Department, Campus Security Authorities and the NYPD are included in this report. As required, information regarding a notice of the availability of the Annual Security Report is distributed annually by October 1st. A notice of the availability of the report is also provided to prospective students and employees. Hard copies of this report are located in the Public Safety Administrative Offices room, C-030, Office of Human Resources room, B-215 and Student Development and Enrollment Management Division room, D-101C. This report is also posted on the college website at the following web link:
<http://www.hostos.cuny.edu/Hostos/media/Public-Safety/Annual-Security-Report-2014-2016.pdf>

The college, a component of The City University of New York, was created by an act of the Board of Education on April 22, 1968, in response to the demands of Puerto Rican and other Hispanic leaders who urged the establishment of a college to meet the needs of the South Bronx. In September of 1970, the College admitted a charter class of 623 students at the site of a former tire factory at 475 Grand Concourse. Enrollment grew rapidly to more than 2,000 students by June of 1974. In the same year, the State Legislature acted to ease an increasing space shortage by passing a special bill to acquire the "500 Building" across the Grand Concourse from the original site. In the same year, Hostos was granted full and unconditional accreditation following a highly favorable evaluation by the Middle States Association.

The fiscal crisis of the mid-1970's resulted in an effort to merge Hostos with another institution as a cost-saving measure. This effort was rebuffed by strong college and community opposition which led the State Legislature to include a guarantee of Hostos' existence in the Landes Higher Education Act, passed on June 9, 1976. Today, the college is situated on the Grand Concourse on a 15-acre site and is comprised of 5 buildings and 2 mobile office/classroom trailers which have been specifically designed to meet the institution's needs. The college also leases 4 additional properties that house the college's Continuing Education and Professional Workforce Development programs.

The college enrolls approximately seven thousand degree program students who attend day and evening classes. The student population is diverse with nearly all cultures represented, the majority identifying themselves as being of Dominican, Puerto Rican, or of Central or South American decent. In addition, the college, through the Continuing Education and Professional Studies Department serves in excess of twelve thousand individuals during the academic year.

The college employs approximately 550 full-time faculty/staff and 555 part-time/adjunct staff members.

The Continuing Education & Workforce Development Department at Hostos Community College

The Continuing Education & Workforce Development Department at Hostos Community College offers educational, career, and personal development opportunities designed to address the needs of the South Bronx and Upper Manhattan communities. Some class offerings are free; most are available at a reasonable cost. The program offers non-credit courses and certificate programs for adults, children and teens on weekdays, evenings, Saturday and Sunday. For more information, please contact The Continuing Education & Workforce Development Department: 560 Exterior Street (East 149th Street between Exterior Street and River Avenue), Bronx, New York 10451. Phone (718) 518-6656. Email: cedu@hostos.cuny.edu.

CUNY in the Heights-Branch Campus Continuing Education & Workforce Development at CUNY in the Heights

The Continuing Education & Workforce Development Department at CUNY in the Heights offers educational, career, and personal development opportunities designed to address the needs of the Upper Manhattan communities. CITH offerings are free; most are available at a reasonable cost. CITH offers non-credit courses and certificate programs for adults, children and teens on weekday evenings, Saturdays and Sunday. Students from the Borough of Manhattan Community College also take college credit bearing courses at this Branch Campus. For more information, please contact CUNY in the Heights: 5030 Broadway, New York, NY 10034. Phone: (212) 567-7132. Email: cunyintheheights@hostos.cuny.edu

Crime Reporting Procedure

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

1. Calling the Department of Public Safety's telephone line (718) 518-6888 or Emergency extension 6911 or 6888 which may be dialed within the college's telephone system.
2. Reporting the information to any member of the Department of Public Safety or in person at the Public Safety Office located in the East Academic Building, Room C-030.
3. All counselors are strongly encouraged when they deem it appropriate to inform the persons they are counseling of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
4. 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 victim or witness – to the Department of Public Safety for inclusion in the annual crime report. Names and numbers of campus Security Authorities are located in the next section of this report. The College recognizes the importance of confidentiality to victims and witnesses of crimes. For the purposes of providing crime statistics pursuant to the Clery Act in the College's annual crime report, victim and witness information will not be included. However, complete confidentiality cannot be guaranteed in all other contexts. The College reserves the right to notify the police when it believes that such reporting is necessary for the protection of the College community. In many cases, however, that notification will be done without divulging the victim's identity and will be done only for the purpose of providing a campus-wide safety alert.
5. In the event that the situation you observe or are involved in is of an extreme or life-threatening nature, call 911, the New York City Police Department's emergency phone number. If you make a 911 call, please also notify the Department of Public Safety. They will also respond to assist and direct the police and other emergency personnel to the reported emergency.

Hate Crime and Bias-Related Incidents

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

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

Examples of hate crimes may include, but are not limited to: threatening phone calls, hate mail (including electronic mail), physical assaults, vandalism, destruction of property, and fire bombings.

Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous conviction of the offender. Students, staff or faculty who commit bias crimes are also subject to University disciplinary procedures and a range of sanctions up to and including suspension, expulsion or termination of employment. In order to effectively handle incidents of bias related crimes and prevent future occurrences of such crimes, victims or witnesses of a hate crime are encouraged to immediately report incidents in the manner described above. Victims of bias crime can also avail themselves of counseling and support services through the Office of Student Services.

In order to effectively handle incidents of bias related crimes and prevent future occurrences of such crimes, victims or witnesses of a hate crime are encouraged to immediately report incidents in the manner described above. Please remember that any evidence such as graffiti, e-mails, written notes or voice mail messages should be preserved. Victims of bias crime can also avail themselves of counseling and support services through the Office of Student Services and / or the Carlos L. Gonzalez Counseling Center, located at 450 Grand Concourse Room C-330 (718) 518-4461.

Investigation of Violent Felony Offenses

In accordance with New York State Law, the College maintains a plan for the investigation of violent felonies, which includes coordination with appropriate law enforcement agencies. In addition, in compliance with New York State Law and subject to applicable federal law, including, but not limited to, the federal Campus Sexual Assault Victims' Bill of Rights under title 20 U.S. Code 1092 (f) which gives the victim of a sexual offense the right to decide whether or not to report. The College will notify the appropriate law enforcement agency within 24-hours of receiving a report of a violent felony.

Daily Crime Log

The Hostos Community College Department of Public Safety daily crime log is maintained by the Public Safety Department. All reportable criminal incidents, whether they are Clery classified or not, are logged- provided that they have occurred in the reportable geography (On campus and public property immediately adjacent to the campus). It includes the following information: 1) date crime was reported, 2) date and time of the incident, 3) the nature of the crime, 4) the general location of the crime, 5) the disposition, if known and 6) special notes. All crimes reported to the Department of Public Safety are recorded in the daily crime log 60 days from the date of the report. The crime log for the most recent 60-day period is open to public inspection, upon request, during normal business hours. Anyone may have access to the log, whether or not they are associated with the institution. This includes the media. The Department of Public Safety crime log is located at the Public Safety Dispatch Center. The Public Safety Dispatch Center is located in the 450 Grand Concourse building adjacent to the elevator bank on the cellar level. It is available for inspection during regular business hours (9:00 a.m. to 5:00 p.m.). The log is in hardcopy format. The log is updated within two business days of information being reported to the Public Safety Department.

Campus Security Authorities

Members of the college community may make reports of crimes and security incidents to Campus Security Assistants. Campus Security Assistants are considered "Officials" of the college who have a significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official of the college is also defined as any person who has the authority and duty to take action or respond to particular issues on behalf of the institution. Each year, the Public Safety Department requests data, via campus e-mail, from any of the persons designated as Campus Security Authorities by the very nature of their official capacity and role at the college. Any report or information received from the designated Campus Security Authorities is used for inclusion in the Annual Security Report.

The following persons are designated as Campus Security Authorities:

- Vice President of Student Development & Enrollment Management, Nathaniel Cruz
 - Assistant Dean of Student Life, Johanna Gomez
 - Vice President of Continuing Education & Workforce Training & Development, Carlos Molina
 - Director of Athletics, Krishnawattie Dass
 - Director of Student Activities, Jerry Rosa
 - Director of Human Resources, Shirley Shevach
 - Director of C.L.I.P, Laura Kleeman
 - Interim Program Coordinator of CUNY S.T.A.R.T Program, Jessica Mingus
 - Director of ASAP, Laura McGowan
 - Manager of Student Wellness, Fabian Wander
 - Director of Liberty Partnership Program, Alex Santana
 - Student Leadership Coordinator, Jason Libfeld
 - Director of College Now Program, Elizabeth Wilson
 - Director of Pipeline Program & Continuing Education, Dana Lennon
 - Associate Dean of Community Relations, Ana Garcia-Reyes
 - Director of Continuing Education, Seny Taveras
 - Director of Children's Center, Shavon Ford
 - Director of College Discovery, Maria Grieco
 - Director of Academic Learning Center/Student Success Coaching Unit, Jason Pelosi
- Savoy Building, Room D-102H, 718-518-4264
Savoy Building, Room D-101D, 718-518-6556
A-Building, Room A-335, 718-518-6580
D-Building, Room D-101J, 718-518-6551
C-Building, Room C-371, 718-518-6561
B-Building, Room B-211A, 718-518-6655
590 Exterior Street, Room E-101, 718-518-6657
A-Building, Room A-016C, 718-518-2604
C-Building, Room C-511R, 718-518-6625
Savoy Building, Room D-101D, 718-518-6567
C-Building, Room C-491, 718-518-4189
C-Building, Room C-392, 718-518-6541
C-Building, Room C-360, 718-518-6839
T-5 Trailer, Room T-511, 718-664-2532
A-Building, Room A-337, 718-518-4313
5030 Broadway, New York, NY, CITH, 212-567-7132
A-Building, Room A-109, 718-518-4175
D-Building, Room D-101W, 718-518-4475
B-Building, Room B-208, 718-518-2567

Reporting Incidents of Sexual Misconduct, including Sexual Harassment, Sexual Assault, Certain Forms of Stalking and Dating/Intimate Partner/Domestic Violence

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

Director of Public Safety/Chief Arnaldo Bernabe	Room C-030, 718-518-6880, abernabe@hostos.cuny.edu
Title IX Coordinator/Chief Diversity Officer Lauren Gretina	Room A-336, 718-518-4284, lgretina@hostos.cuny.edu
Chief Student Affairs Officer/Vice President Nathaniel Cruz	Room D-102H, 718-518-4264, ncruz@hostos.cuny.edu
Human Resources Director/Shirley Shevach	Room B-211A, 718-518-6655, sshevach@hostos.cuny.edu

For more information, please see section "Reporting and Prevention of Sexual Assault and Sexual Misconduct Offenses, Stalking and Dating/Intimate Partner/Domestic Violence" later in this document. For more detailed information on Title IX including community resources, please also see CUNY policies, Getting Help, Understanding and Preventing Sexual Assault and Sexual Harassment please go to <http://www1.cuny.edu/sites/title-ix/campus-websites/resources/campus/hostos-community-college> click "Title IX Campus Information."

Public Safety and Security Services

Hostos Community College's main campus grounds, the contiguous geographic perimeter of the main campus 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 Peace Officers Law. The Hostos Community College Department of Public Safety is responsible for investigating all crimes and incidents that occur on campus. Incidents of a criminal nature that are reported to a Campus Peace Officer are at times referred via the complainant to the NYPD. The department currently consists of a Chief / Director, 2 Lieutenants, 2 Specialists, 7 Sergeants, and 25 Patrol Officers. All are sworn NYS Peace Officers. Additionally, the college

employs 13 Campus Security Assistants. At any given time, contract security officers may be used to fill vacancies. Campus Security Assistants and contract security officers are licensed New York State Security Guards and do not have arrest powers (outside of the powers of a private citizen).

Public Safety Escort

The Department of Public Safety provides safety escorts to any member of the college community who requests such an escort. Escorts are provided within the geographical confines of the institution. Escorts provided outside the confines require approval from the Public Safety Director.

Closed Circuit Television

In order to enhance security The Department of Public Safety uses closed circuit television cameras to monitor public spaces on the inside of campus buildings and on the perimeter of the campus. These cameras are routinely monitored by members of the department and are set up to record 24 hours a day. The viewing camera patrol is primarily used to ensure that there are no criminal or unsafe activities occurring on the campus interior or exterior, to protect entrances and exits and to dispatch Public Safety personnel to possible emergency situations or unlawful activities. The college also has a fire alarm response system in each building which is monitored by an off-campus 24-hour monitoring service.

Public Address System

A Public Address System is available in the C-450, A-475, B -500, and D-120 buildings. Announcements can be made from each respective lobby as well as the public safety dispatch center.

Working Relationships with other Law Enforcement Agencies

The City University of New York which includes Hostos Community College maintains a cooperative relationship with local, state and federal law enforcement agencies. A written Memorandum of Understanding exists between all City University college and the New York City Police Department in compliance with New York State Law. In accordance with this MOU (Memorandum of Understanding) between the New York City Police Department and the City University of New York dated March 6, 1992, New York City Police officers are not to enter City University property in non-emergency responses unless it has been requested or approved by a College official authorized to make such a request. While the authority of police officers entering the campus on an emergency basis is recognized, the University recommends that police officers notify the designated college officials and/or their designees whenever they must enter university property.

Off Campus Organizations, Crimes and Safety Hazard Monitoring

Hostos Community College does not have any off campus officially recognized student organization(s) nor are there any residential or dormitory housing facilities on the campus.

Information about off-campus crimes, health hazards and other potential safety hazards that may impact upon the general welfare of the college community is often disseminated by the public safety department via college email and posted on the public safety website. This information is obtained from the local precincts that patrol the perimeter of the campus and Bronx Community Board # 1 as well as various other local governmental agencies and organizations. The local police precinct that is responsible for the compiling and analyzing of related crimes statistics is the 40th Police Precinct, located at 257 Alexander Avenue, Bronx, New York 10454. Bronx Community Board #1 is located at 3024 Third Avenue Bronx, New York 10455.

Emergency Notification & Response

CUNY ALERT SYSTEM

All students, as well as faculty and staff are strongly encouraged to participate in the CUNY Alert system. The CUNY Alert system is designed to give you immediate and up-to-date information regarding weather, utility and emergency situations. The system can contact you and family or friends, as you designate, via text message, cell phone, landline and/or e-mail. The system can offer all methods of notice, a single method or any combination. It is user friendly and can prove to be invaluable before, during and after an emergency. Simply log onto <http://www.cuny.edu/alert> and follow the instructions. Contact information for all registered students and employees is included in the CUNY Alert system, except for the contact information for those students who affirmatively choose to opt out of receiving CUNY Alert messages. If you have trouble accessing or modifying your contact information in CUNY Alert, please come to the IT help desk located in the B-500 Grand Concourse Building, room A-221. 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 operated by the New York State. CUNY makes every effort to inform affected CUNY Alert registered users of an emergency in a timely manner. However, please be aware that CUNY is not responsible for, outdated or incorrect subscriber information, technical limitations such as overtaxed communications systems, transmission errors, and cellular telephone roaming and out of range areas that may delay, block, or prevent, the communications of messages to certain users..., CUNY also is not responsible for any costs incurred by the user for any alert received or for any actions taken or not taken by the user or any third party in reliance of an alert.

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

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

TIMELY WARNINGS TO MEMBERS OF THE COMMUNITY

The Department of Public Safety in consultation with the Office of the President, Senior Vice President and other senior college officials will be responsible for issuing timely warning notices on campus which are triggered by Clery Crimes that have already occurred but represent an ongoing threat. The Department of Public Safety will issue a timely warning notice for any Clery Crime committed on the campus Clery geography that is reported to the public safety department or the local law enforcement agency and is considered by the college to represent a serious or continuing threat to students and employees. The Department of Public Safety maintains a working and professional relationship with the New York City Police Department and communicates both in person and via written communication during the normal course of business in cases of serious emergencies all public safety supervisors can contact the NYPD/911 system via two-way radios.

Operated under the auspices of the New York State Emergency Management Office, CUNY Alert allows subscribers to receive messages of import regarding safety via email, cell and landline, text message or in any combination thereof. Signing-up is as easy. These notifications are issued when the campus operations are adversely affected by man-made or natural incidents. Access the University website at www.cuny.edu/alert Members of the college and/or community at large requesting confirmation on the status of an emergency situation should call the Department of Public Safety at 718-518-6888 and/or the college Office of Communications and Public Relations at 718-518-6872.

Timely Warning Notices will be distributed as soon as practicable, with the goal of preventing a similar occurrence. The identities of victims and witnesses will not be included in the Timely Warning Notice.

Titles of person(s) and/or areas of the college responsible for emergency notifications are as follows:

Senior Vice President of Administration & Finance, Esther Rodriguez- Chardavoyne

Director of Public Safety, Chief Arnaldo Bernabe

Assistant VP of Information Technology, Varun Seghal
Department of Public Safety

Department of Information Technology

Department of Communications and College Relations Office

IMMEDIATE NOTIFICATIONS

Unless such notice and warning constitutes a compromise to contain an emergency, or result in an expansion or exacerbation of an emergency, immediate notification of an emergency will take place through one – or a combination of – the following methodologies: (1) CUNY-Alert, (2) Verbal announcement through the School's Emergency Public Address System if a fire or smoke issue is detected, (3) Campus-wide e-mail blast and / or (4) School web-site notice. The following personnel are authorized to make such announcements; Public Safety Director or his/her designee, V.P. of Information Technology or his/her designee, and Senior College Administrators. Again, please note that a circumstance may arise in which it would not be prudent or appropriate to issue an immediate notification if such release would compromise efforts to contain the emergency.

EMERGENCY RESPONSE EVACUATION FIRE DRILL TESTS

The college conducts evacuation and fire drills three (3) times per year in both academic and administrative buildings. During these drills, building occupants are familiarized with campus evacuation procedures. Each building has assigned fire/evacuation floor wardens who provide direction to the college community during drills and actual emergencies which also involve instructions by law enforcement campus personnel. In case of a campus wide evacuation and/or closure, the campus will be evacuated systematically by following standard mass evacuation procedures. Everyone must evacuate when ordered to do so.

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 on assisting Public Safety Officers on evacuating buildings. Their job is to facilitate evacuations and common space assembly of all kinds and to pass information to the Public Safety Department. Please heed 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 Public Address System. Treat all fire alarms as real unless otherwise directed by the floor wardens or members of the public safety staff. Below are general guidelines for dealing with a fire. But remember, **WHEN IN DOUBT CALL 911 OR ACTIVATE A PULL STATION.**

1. Become familiarized with the location of stairways, fire extinguishers, fire exits, and pull boxes in building.
2. If a minor fire appears controllable, immediately contact (personally or preferably have someone else call) the Department of Public Safety at 6911. 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. If an emergency exists, activate the building's fire alarm system by releasing a fire pull station.
4. In the case of large fires that do not appear controllable, immediately activate a fire pull station and, if time permits, call 6911 to report the exact location of the fire. If time permits, close the door of the room where the fire exists.
5. When the building evacuation alarm is sounded, always assume that an emergency exists. Touch closed doors; do not open them if they are hot. If the door is cool, brace yourself behind the door and open it slowly. Bracing yourself behind the door prevents the door from being blown open due to the pressure created by the fire. Walk quickly to the nearest exit and alert others to do the same. Do not use the elevators during a fire.

6. Smoke is the greatest danger in a fire, so stay near the floor where the air will be less toxic.
7. Once outside, move to a clear area at least 500 feet away from the affected building. Keep streets, fire lanes, hydrants and walkways clear for emergency vehicles and crews. These essential personnel must be allowed to do their jobs. Our public assembly location is on East 144th Street and the Grand Concourse.
8. Do not return to an evacuated building unless told to do so by a College official.
9. If you become trapped in a building during a fire and a window is available, place an article of clothing (shirt, coat, etc.) outside the window as a marker for rescue crews. Place a wet cloth at the base of doors to keep smoke from entering. Shout at regular intervals to alert emergency crews of your location. Dampen a cloth with water, place it over your nose, and breathe lightly through it. It is understood that these items may not be available to you-hence the importance of moving quickly and knowing your escape routes.
10. Should your clothing catch fire, stop, drop and roll. Rolling on the ground will help smother the fire-this is in fact very effective.

HOSTILE INTRUDER

Don't panic. Keep breathing and keep focused. When an intruder in a campus building is actively causing deadly harm or the threat of imminent deadly harm to people; you must immediately contact 911 and the Public Safety Department and run, hide, or fight if you are confronted by the intruder and cannot escape. If you are able to make a call, give as many details as possible relative to location, number of assailants, means of aggression and other pertinent information.

1. Do not sound the fire alarm to evacuate the building. People may be placed in harm's way when they are attempting to evacuate the building.
2. Be aware of alternate exits if it becomes necessary to flee.
3. Persons should lock themselves in classrooms and offices as a means of protection.
4. Persons should stay low, away from windows and barricade their door(s) if possible and use furniture or desks as cover.
5. If possible, cover any windows or openings that have a direct line of sight into the hallway.

When a hostile intruder is actively causing deadly harm or the threat of imminent deadly harm to people on the campus grounds, we recommend the following course of action:

1. Run away from the threat if you can, as fast as you can.
2. Do not run in a straight line. Run in a zig-zag fashion especially if you are being shot at. If inside, use desks, chairs bookcases to cover and conceal.
3. If outside of the building(s) use buildings, trees, shrubs, and cars as cover.
4. If you can get away from the immediate area of danger, summon help and warn others.
5. If you decide to hide, take into consideration the area in which you are hiding. Will I be found? Is this really a good spot to remain hidden? If you do hide, stay as quiet as possible and calm as possible.
6. If the person(s) is causing death or serious physical injury to others and you are unable to run or hide you may choose to play dead if other victims are around you.
7. Do not give your position away or stand-up until Public Safety or civil authorities give an all-clear signal. If you choose to confront the aggressor, use all manner of materials at hand as weapons-books, chairs, any object near hand.

BOMB INCIDENT PLAN

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

1. A suspicious looking box, package, object or container in or near your work area may be a bomb or explosive material. Do not handle or touch the object. Move to a safe area (far from the object) and call the Department of Public Safety immediately at ext. 6911. Do not operate any electronic devices, radios or light (power) switches.
2. If you receive a bomb threat, remain calm and try to obtain as much information as possible from the caller. Specifically try to ascertain the following:
 - a. The location of the device.
 - b. The time, if any, the device is scheduled to go off.
 - c. The appearance or type of container used for the device.
 - d. The reason for placing the device.
 - e. The size of the bomb.
 - f. The type of explosive used in the device.
 - g. The name of the caller or organization taking responsibility.
 - h. Any additional information that might be available.
3. The person receiving the call should note the following:
 - a. Male or female voice.
 - b. Time of call.
 - c. Mood of caller (excited, nervous, calm, and despondent).
 - d. Background noises that may be present at the location of the caller.
 - e. Approximate age of the caller.
 - f. Any other peculiarities that may be helpful in identifying the source of the call or its purpose.
4. The police will be called and the building may be subject to full or partial evacuated. When evacuating the building, only use stairs. Do not use elevators. Move well away from the building and follow the instructions of floor coordinators and emergency personnel at the scene.

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

1. All medical emergencies should be reported immediately to Public Safety ext. 6911.
2. If the medical emergency is life threatening, call 911 before dialing Public Safety.
3. If you call 911, be prepared to give your name; describe the nature and severity of the medical problem and the location of the victim. Try to answer all of the questions the dispatcher asks you and let him/her hang-up the phone first. Do not move the victim. If you are certified in CPR and First Aid and able to help, then try to assist the victim until help arrives.
4. Look for emergency medical ID's such as bracelets on injured persons and try to keep the victim as comfortable as possible until emergency personnel arrive.
5. If a medical problem is non-life threatening, call the Public Safety Department at ext. 6911. If the victim can be safely moved then he/she will be escorted to the office of the College Nurse, room A-334-C. If, Public Safety personnel believe that a victim should not be moved or that emergency medical care is required immediately, then they will call 911. Please remember that the decision to call or not call 911 is not based on financial situation or insurance status. The focus is on assisting the ill or injured party.
6. The school employs a nurse practitioner. The nurse's office is room A-334C and ext. 6542.
7. While it is common to want to assist the ill person, all persons should FOLLOW THE INSTRUCTIONS OF PUBLIC SAFETY OFFICERS AND ALL FIRST RESPONDERS.

MEDICAL EMERGENCIES-MENTAL HEALTH

The Office of the Dean of Students can be most helpful in assisting anyone who feels in need of counseling or mental health service. College can be stressful for many students. You are not alone and don't have to be alone. College counselors are available at 718-518-4461. Whenever an individual demonstrates or reports a risk for self-destructive or suicidal behavior, immediate assistance is needed. If the situation poses an imminent physical danger, call 6911 to reach the Public Safety office or summon the NYPD at 911. If imminent physical danger is not posed, then call the college Single Stop Office for assistance or referral at ext. 4319 or our counselor at ext. 4461. If a response from either of these two areas is unavailable contact Public Safety at ext. 6888.

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 ext. 6911.
2. Having a flashing attached to a key chain, belt clip or in a bag may be helpful even when power goes out. Never use candles.
3. During daylight, add as much natural lighting as possible by raising blinds.
4. Faculty with classes should remain where they are until notified otherwise.
5. During a power failure or possible power failure, never use an elevator. If you become trapped in an elevator during a power outage, use the emergency "Call for Help" button in the elevator to contact the main security desk. Wait for assistance. Don't panic. Help is on the way. Once power is restored, Public Safety will make an announcement using the school's public address system. Evacuation may not be necessary during a power failure.

Plumbing Problem/Flooding

Cease using all electrical equipment. Notify Public Safety immediately. If necessary, vacate the area and prevent anyone else from entering. If a toilet overflows or water is accumulating in a given area, contact Public Safety at ext. 6888.

Gas Leaks

Gas leaks are very rare but can be very serious. If you smell gas, contact security by coming down to the main Public Safety desk or utilize a phone away from the smell of gas. Do not use a mobile phone near a gas leak whether here or at home. Gas vapors can be ignited by static electricity.

BIOLOGICAL, CHEMICAL OR NUCLEAR ATTACKS

1. Upon receiving confirmed information of an imminent or ongoing biological, chemical or Nuclear Disaster/Attack that poses great risk to life at the School, the President or her designee shall declare a campus wide emergency.
2. This state of emergency may initiate a lockdown of the building and/or its total evacuation.
3. Notification will be made via college website, voicemail, emergency communication response system and CUNY-Alert if at all possible.
4. Building occupants will be kept abreast of changes as they develop by college officials. During an event at the building the following actions will be taken if possible.
 - a. building wide air-handlers will be turned off and intakes sealed if possible
 - b. building occupants will be directed to enclosed areas of the building unless otherwise directed by civil authorities to provide most insulation and
 - c. updates on emergency will be given, if practicable, by the same methodologies as indicated above

Publication of Emergency Procedures

Hostos Community College develops, reviews, and revises campus policies regarding emergency preparedness, emergency response and evacuation procedures, and campus community notifications. The policies are contained on the college's webpage and are also maintained in both the City University of New York's Public Safety Department and College's Public Safety Department Office.

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

Public Safety/Security Awareness and Crime Prevention Programs

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

All 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 on the third week of August each year. There is an additional training session held in September as Professional Development Time. This is a mandatory training/awareness session.

Along with the Office of the Vice President of Administration and Finance, Campus Facilities, and Physical Plant Services, the Director of Public Safety conducts on-going reviews of campus grounds and facilities. Special emphasis is placed on the need to ensure safe accessibility to building with special attention to landscape hazards as well as inadequate lighting.

All public safety personnel, while on patrol, report potential safety and security hazards as well as entry door problems and elevator malfunctions. Building engineers and cleaners report health and safety issues during the course of normal work assignments.

Access to College Facilities

CAMPUS FACILITIES

As Hostos Community College is a commuter school, there are no residences or dormitories on campus. To date, there are no off-campus student organizations. The College's normal hours of operation are 7:00 a.m. to 10:30 p.m. Monday through Saturday and 7:00 a.m. to 6:00 p.m. on Sundays. Currently enrolled students and employed staff are permitted to be on campus, for the purpose of school related work after these hours with permission of the respective divisional Vice President and Office of Public Safety. College issued identification cards must be on your person any time you are in the College-this is also a University regulation. A valid College ID card is required to get past the security access system in each lobby. Other CUNY students/employees are allowed access to the Library during regular business hours provided that a currently valid photo school ID is presented. Other CUNY students/employees will be signed in once they have presented their valid CUNY College ID card. The Library is closed to all non-CUNY visitors unless written permission has been obtained from the Chief Librarian. The School reserves the right to refuse entry or remove anyone regardless of status for rule infractions or safety reasons.

IDENTIFICATION CARDS

College and University policy require that you carry your validated School issued identification card on your person at all times while in our building or any City University controlled facility. It must be presented upon request by any public safety or administrative agent of the University. These cards are the property of the College. If your card has been lost or stolen, please go to the Bursar Office located at 120 Walton Avenue, Room, B-105 to pay a \$10.00 replacement fee. A defective ID card will be replaced free of charge. The receipt generated should be brought to the Public Safety office, room BC-042-A, where a replacement card will be issued. Please note that all currently enrolled students must have an active validation sticker affixed to their identification card. This sticker is available in the Public Safety office as well.

GUESTS

All visitors to the School are expected to comport themselves in a manner consistent with an academic environment. Guests must sign in at the front Public Safety desk and show identification to the officer on duty. Upon exiting the School, guests must sign out. Guests must generally be in the same area as the host student/employee and may not use School facilities such as copy machines or computers in furtherance of their own work without express permission of a College Official. Guests are subject to the lawful instructions of all members of the Public Safety Department, as well as other College Officials. Guests may not remain in the building after closing or on weekends and holidays

unless there is an official event open to the general community. If a guest seems to be intoxicated, refuses to follow procedures of producing identification or follow sign in and sign out procedures, entry to the building will be denied.

NIGHT, WEEKEND HOLIDAY ACCESS

Hostos Community College is generally closed after 10:30 p.m. Monday through Saturday and after 6:00 p.m. on Sundays. Events and/or any other college activity that goes beyond the official hours of operation must be approved in advance by the college's space-reservation committee. Individual requests from faculty, staff, and/or students for access after closing hours must be forwarded in writing to the office of Director of Public Safety, Chief Arnaldo Bernabe at abernabe@hostos.cuny.edu. These requests should also be sent to the individual's respective department head.

SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES

The College's Facilities Department & Public Safety Department utilize professional vendors/contractors who maintain the school's fire alarm/suppression system, access control and CCTV system, fire command and public address system. Interior and exterior lighting are maintained by the facilities department personnel. Any conditions, which appear unsafe, should be directly reported to any Public Safety Officer, as soon as possible or by calling the Public Safety Department at ext. 6888. Public Safety monitors all interior and exterior closed circuit cameras on a continuous basis. An automatic piped water-based fire suppression system is supplemented by numerous dry chemical portable fire extinguishers. Public Safety Officers and Campus Security Assistants patrol the building and grounds several times a tour, every tour, each day of the year. Tours are logged in via a computerized electronic log book. Hostos Community College utilizes a computerized card access system as a means of access to the A-475, B-500, C-450 and D-120 buildings. When activated, authorized College ID Cards are touched to turnstile mounted card readers to open turnstiles. College SMART Classrooms are also protected by electronic locks which must be opened by authorized College ID Cards. The School's locking devices are a restricted key-way type and the college owns the patent. All Public Safety staff carry mobile radios programmed through a repeater to enhance effectiveness. The aforementioned devices are checked during guard tour building rounds and building perimeter tours. Any and all deficiencies/hazards noted by the college community should be reported to Public Safety for repair/service and or referral. The Public Safety Director, Assistant Directors and Supervisors have direct access to the NYPD Police Dispatcher in the confines of the 40th precinct via NYPD police frequency which is programmed on the two-way radios which they carry.

Weapons Policy

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

College Regulations / Code of Conduct

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

HENDERSON RULES

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

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

PENALTIES

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

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

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

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

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

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

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

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

2. Any tenured or non-tenured faculty member, or other member of the instructional staff, or member of the classified staff engaging in any manner in conduct prohibited under the Bylaws, the applicable employment contract and/or substantive Rules 1-11 shall be subject to the following range of penalties: warning, censure, restitution, fine not exceeding those permitted by law or by the Bylaws of The City University of New York or suspension with/without pay pending a hearing before an appropriate college authority, dismissal after a hearing, ejection, and/or arrest by the civil authorities, and, for engaging in any manner in conduct prohibited under substantive rule 10, may, in the alternative, be required to participate satisfactorily in an appropriately licensed drug treatment or rehabilitation program. A tenured or non-tenured faculty member, or other member of the instructional staff, or member of the classified staff charged with engaging in any manner in conduct prohibited under substantive Rules 1-11 shall be entitled to be treated in accordance with applicable provisions of the Education Law, or the Civil Service Law, or the applicable collective bargaining agreement, or the Bylaws or written policies of The City University of New York.
3. Any visitor, licensee, or invitee, engaging in any manner in conduct prohibited under the Bylaws, including the Henderson Rules, shall be subject to ejection, and/or arrest by the civil authorities.
4. Any organization which authorized the conduct prohibited under the Bylaws, including the Henderson Rules 1-11 shall have its permission to operate on campus rescinded. Penalties 1-4 shall be in addition to any other penalty provided by law or The City University Trustees.

ADDITIONAL COLLEGE RULES

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

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

Disciplinary Procedure

The Colleges shall act promptly in response to information that a student has been sexually assaulted by another member of the CUNY community. Upon receipt of a complaint, the College shall undertake an appropriate investigation. If it appears that there is sufficient evidence to warrant disciplinary charges against a student, such charges shall be brought pursuant to Article 15 of the CUNY Board of Trustees Bylaws. If the matter is brought before a hearing, the complainant and alleged perpetrator are entitled to the same opportunities to have others present, including an advisor of their choice, at their own expense and to be informed, in writing of (1) the outcome of the proceedings at the same time; (2) the procedures for appealing the results; (3) any change in results that occurs prior to the time the results become final; and (4) when the results become final. If a student is found guilty of committing a sexual assault or other act of violence against another CUNY student or employee after a disciplinary hearing, the penalties may include suspension, expulsion from residence halls, or permanent dismissal from CUNY. The complainant and the accused are entitled to:

- a prompt, fair, and impartial investigation and resolution
- and investigation and disciplinary hearing that are conducted by officials who receive annual training on how to conduct fair investigations and hearings that protect the safety of victims and promote accountability and on issues related to domestic violence, dating violence, sexual assault, and stalking.

STUDENT DISCIPLINARY PROCEDURES.

Complaint Procedures:

- a. Any charge, accusation, or allegation which is to be presented against a student, and, which if proved, may subject a student to disciplinary action, must be submitted in writing in complete detail to the office of the chief student affairs officer promptly by the individual, organization or department making the charge.
- b. The chief student affairs officer of the college or his or her designee will conduct a preliminary investigation in order to determine whether disciplinary charges should be preferred. The chief student affairs officer or his or her designee will advise the student of the allegation against him or her and consult with other parties who may be involved or who have information regarding the incident, and review other relevant evidence. Following this preliminary investigation, which shall be concluded within thirty (30) calendar days of the filing of the complaint, the chief student affairs officer or designee shall take one of the following actions: (i) Dismiss the matter if there is no basis for the allegation(s) or the allegation(s) does not warrant disciplinary actions. The individuals involved shall be notified that the complaint has been dismissed; (ii) Refer the matter to mediation; or (iii) Prefer formal disciplinary charges.
- c. In the event that a student withdraws from the college after a charge, accusation or allegation against the student has been made, and the college prefers formal disciplinary charges, the withdrawn student is required to participate in the disciplinary hearing or otherwise to resolve the pending charges and will be barred from attending any other unit of the university until a decision on the charges is made or the charges are otherwise resolved. If the withdrawn student fails to so participate in the disciplinary process without good cause, the college may proceed with the disciplinary hearing in absentia and any decision and sanction will be binding.

Mediation Conference:

The mediation conference shall be conducted by a qualified staff or faculty member designated by the chief student affairs officer. The following procedures shall be in effect at this conference:

1. An effort will be made to resolve the matter by mutual agreement.
2. If an agreement is reached, the faculty or staff member conducting the conference shall report his/her recommendation to the chief student affairs officer for approval and, if approved, the complainant shall be notified, and a written memorandum shall be created memorializing the resolution and any consequences for noncompliance.
3. If no agreement is reached, or if the student fails to appear, the faculty or staff member conducting the conference shall refer the matter back to the chief student affairs officer who may prefer disciplinary charges.
4. The faculty or staff member conducting the mediation conference is precluded from testifying in a college hearing regarding information received during the mediation conference.

Notice of Hearing and Charges:

Notice of the charge(s) and of the time and place of the hearing shall be personally delivered or sent by the chief student affairs officer of the college to the student at the address appearing on the records of the college, by certified or overnight mail and by regular mail and e-mail to students who have a college email address. The chief student affairs officer is also encouraged to send the notice of charges to any other e-mail address that he or she may have for the student. The hearing shall be scheduled within a reasonable time following the filing of the charges or the mediation conference. Notice of at least five business days shall be given to the student in advance of the hearing unless the student consents to an earlier hearing.

The notice shall contain the following:

1. A complete and itemized statement of the charge(s) being brought against the student including the rule, bylaw or regulation he/she is charged with violating, and the possible penalties for such violation.
2. A statement that the student has the following rights:
 - a. to present his/her side of the story;
 - b. to present witnesses and evidence on his/her behalf;
 - c. to cross-examine witnesses presenting evidence against the student;
 - d. to remain silent without assumption of guilt; and
 - e. to be represented by legal counsel or an advisor at the student's expense.
3. A warning that anything the student says may be used against him/her at a non-college hearing

Faculty-Student Disciplinary Committee Procedures:

1. The following procedures shall apply at the hearing before the faculty-student disciplinary committee:
2. The chairperson shall preside at the hearing. The chairperson shall inform the student of the charges, the hearing procedures and his or her rights.
3. After informing the student of the charges, the hearing procedures, and his or her rights, the chairperson shall ask the student charged to respond. If the student admits the conduct charged, the student shall be given an opportunity to explain his/her actions before the committee and the college shall be given an opportunity to respond. If the student denies the conduct charged, the college shall present its case. At the conclusion of the college's case, the student may move to dismiss the charges. If the motion is denied by the committee the student shall be given an opportunity to present his or her defense.
4. Prior to accepting testimony at the hearing, the chairperson shall rule on any motions questioning the impartiality of any committee member or the adequacy of the notice of the charge(s). Subsequent thereto, the chairperson may only rule on the sufficiency of the evidence and may exclude irrelevant, immaterial or unduly repetitive evidence. However, if either party wishes to question the impartiality of a committee member on the basis of evidence which was not previously available at the inception of the hearing, the chairperson may rule on such a motion. The chairperson shall exclude all persons who are to appear as witnesses, except the accused student.
5. The college shall make a record of each fact-finding hearing by some means such as a stenographic transcript, a tape recording or the equivalent. A student who has been disciplined is entitled upon request to a copy of such a record without cost.
6. The student is entitled to a closed hearing but has the right to request an open public hearing. However, the chairperson has the right to hold a closed hearing when an open public hearing would adversely affect and be disruptive of the committee's normal operations.
7. The college bears the burden of proving the charge(s) by a preponderance of the evidence.
8. The role of the faculty-student disciplinary 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 render a determination as to guilt or innocence. In the event the student is found to have committed the conduct charged, the committee shall then determine the penalty to be imposed.
9. At the end of the presentations by both sides, the student may introduce additional records, such as character references. The college may introduce a copy of the student's previous disciplinary record, where applicable, provided the student was shown a copy of the record prior to the commencement of the hearing. The disciplinary record shall be submitted to the committee in a sealed envelope and shall not be opened until after the committee has made its findings of fact. In the event the student has been determined to have committed the conduct alleged in the charge or charges the records and documents introduced by the student and the college shall be opened and used by the committee for dispositional purposes, i.e., to determine an appropriate penalty if the charges are sustained.
10. The committee shall deliberate in closed session. The committee shall issue a written decision, which shall be based solely on the testimony and evidence presented at the hearing and the papers filed by the parties.
11. The student shall be sent a copy of the faculty-student disciplinary committee's decision within five days of the conclusion of the hearing, by regular mail and e-mail for students who have a college e-mail address. The chief student affairs officer is also encouraged to send the decision to any other e-mail address that he or she may have for the student. The decision shall be final subject to the student's right of appeal.
12. Where a student is represented by legal counsel the president of the college or his or her designee may request that a lawyer from the general counsel's office appear at the hearing to present the college's case.
13. When a disciplinary hearing results in a penalty of dismissal or suspension for one term or more, the decision is a university-wide penalty and the student will be barred from admission to any other unit of the university while the penalty is being served.
14. Disciplinary penalties shall be placed on a student's transcript and shall remain there unless the committee's decision, the decision on any appeal under section 15.4 below, or a mediation agreement expressly indicates otherwise.

Appeals:

An appeal from the decision of the faculty-student disciplinary committee may be made to the president who may confirm or decrease the penalty but not increase it. His/her decision shall be final except in the case of dismissals or suspension for one term or more. An appeal from a decision of dismissal or suspension for one term or more may be made to the board committee on student affairs and special programs. Any appeal under this section shall be made in writing within fifteen days after the delivery of the decision appealed from. This requirement may be waived in a particular case for good cause by the president or board committees as the case may be. If the president is a party to the dispute, his/her functions with respect to an appeal shall be discharged by an official of the university to be appointed by the chancellor or his or her designee.

Committee structure:

- a. Each faculty-student disciplinary committee shall consist of two faculty members and two student members and a chairperson, who shall be a faculty member. A quorum shall consist of the chair and any two members, one of whom must be a student. Hearings shall be scheduled promptly (including during the summers) at a convenient time and efforts shall be made to insure full student and faculty representation.
- b. The president shall select in consultation with the head of the appropriate campus governance body or where the president is the head of the governance body, its executive committee, and three (3) members of the instructional staff of that college to receive training and to serve in rotation as chair of the disciplinary committee. If none of the chairpersons appointed from the campus can serve, the president, at his/her discretion, may request that a chairperson be selected by lottery from the entire group of chairpersons appointed by other colleges. The chairperson shall preside at all meetings of the faculty-student disciplinary committee and decide and make all rulings for the committee. He/she shall not be a voting member of the committee but shall vote in the event of a tie.
- c. The faculty members shall be selected by lot from a panel of six elected biennially by the appropriate faculty body from among the persons having faculty rank or faculty status. The student members shall be selected by lot from a panel of six elected annually in an election in which all students registered at the college shall be eligible to vote. In the event that the student or faculty panel or both are not elected, or if more panel members are needed, the president shall have the duty to select the panel or panels which have not been elected. No individuals on the panel shall serve on the panel for more than two consecutive years.
- d. In the event that the chairperson cannot continue, the president shall appoint another chairperson. In the event that a student or faculty seat becomes vacant and it is necessary to fill the seat to continue the hearing, the seat shall be filled from the respective faculty or student panel by lottery.
- e. Persons who are to be participants in the hearings as witnesses or have been involved in preferring the charges or who may participate in the appeals procedures or any other person having a direct interest in the outcome of the hearing shall be disqualified from serving on the committee.

Suspension or Dismissal:

The board reserves full power to dismiss or suspend a student, or suspend a student organization for conduct which impedes, obstructs, or interferes with the orderly and continuous administration and operation of any college, school, or unit of the university in the use of its facilities or in the achievement of its purposes as an educational institution. The chancellor or his/her designee or a president or his/her designee may in emergency or extraordinary circumstances, temporarily suspend a student, or temporarily suspend the privileges of a student organization or group for cause, pending an early hearing as provided in bylaw section 15.3. to take place within not more than ten (10) business days. Prior to the commencement of a temporary suspension of a student, the college shall give such student oral or written notice of the charges against him/her and, if he/she denies them, the college shall forthwith give such student an informal oral explanation of the evidence supporting the charges and the student may present informally his/her explanation or theory of the matter. When a student's presence poses a continuing danger to person or property or an ongoing threat of disrupting the academic process, notice and opportunity for denial and explanation may follow suspension, but shall be given as soon as feasible thereafter

University Policy Relating to Drugs and Alcohol

THE CITY UNIVERSITY OF NEW YORK POLICY ON DRUGS AND ALCOHOL

The City University of New York ("CUNY") is an institution committed to promoting the physical, intellectual, and social development of all individuals. As such, CUNY seeks to prevent the abuse of drugs and alcohol, which can adversely impact performance and threaten the health and safety of students, employees, their families, and the general public. CUNY complies with all federal, state, and local laws concerning the unlawful possession, use, and distribution of drugs and alcohol. Federal law requires that CUNY adopt and implement a program to prevent the use of illicit drugs and abuse of alcohol by students and employees. As part of its program, CUNY has adopted this 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.

HOSTOS SCHOOL ALCOHOL POLICY

In order to ensure the continued enhancement of the positive image and reputation of all members of the college community and in the interest of promoting student and faculty welfare at the college, the following Code of Behavior is in effect at Hostos Community College. Use of alcoholic beverages is prohibited on campus except for the consumption of wine at special events approved by the Office of the President and in consultation with the Office of Public Safety.

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, are prohibited. In addition, CUNY employees are prohibited from illegally providing drugs or alcohol to CUNY students. Finally, no student may possess or consume alcoholic beverages in any CUNY residence hall, regardless of whether the student is of lawful age. For purposes of this policy, a CUNY residence hall means a residence hall owned and/or operated by CUNY, or operated by a private management company on CUNY's behalf. In order to make informed choices about the use of drugs and alcohol, CUNY students and employees are expected to familiarize themselves with the information provided by CUNY about the physiological, psychological, and social consequences of substance abuse.

CUNY SANCTIONS

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

STUDENTS

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

Drug/Alcohol Use AMNESTY POLICY

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

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

EMPLOYEES

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

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

BACKGROUND

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

LEGAL SANCTIONS

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

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

Further, pursuant to New York State law:

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

HEALTH RISKS

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

LSD (Acid)

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

Cocaine

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

MDMA (Ecstasy)

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

Heroin

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

Marijuana

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

Methamphetamine

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

PCP/Phencyclidine

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

Prescription Medications

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

Tobacco/Nicotine

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

Steroids

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

Alcohol

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

SUBSTANCE ABUSE

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

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

RESOURCES ON CAMPUS

For assistance and referrals, students should (1) consult the relevant college website; or (2) contact their Student Affairs Office and/or Counseling Center. Any Hostos C.C. student may contact our counselor at 718-518-4319, our nurse practitioner at 718-518-6542 or Disabilities Coordinator at 718-518-4454.

For assistance and referrals, **employees** should consult with the Human Resources office at 718-518-6650. Assistance is also available through union employee assistance programs or through the CUNY Work/Life Program.

CUNY Work/Life Program

(800) 833-8707

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

RESOURCES OFF-CAMPUS

12 Step Recovery Programs

Narcotics Anonymous

(212) 929-6262

<http://www.newyorkna.org/>

Cocaine Anonymous

(212) 262-2463

<http://www.canewyork.org/>

Marijuana Anonymous

(212) 459-4423

<http://www.ma-newyork.org/>

Alcoholics Anonymous

(212) 647-1680

<http://www.nyintergroup.org/>

Nicotine Anonymous

(631) 665-0527

<http://www.nymainica.org/>

Al-Anon/Alateen

(212) 941-0094

<http://www.nycalanon.org>

Detoxification and Outpatient/Inpatient Rehabilitation Facilities

New York County

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

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

Greenwich House, Inc.
50B Cooper Square

Kings County

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

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

Bridge Back to Life Center, Inc.
175 Remsen St., 10th Floor

New York, NY 10003
(212) 677-3400
Queens County

Flushing Hospital Medical Center
4500 Parsons Blvd.
Flushing, NY 11355
(718) 670-5078
Samaritan Village, Inc.
144-10 Jamaica Ave.
Jamaica, NY 11435
(718) 206-1990

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

Richmond County

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

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

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

Brooklyn, NY 11201
(718) 852-5552
Bronx County

St. Barnabas Hospital
4535 East 183rd St.
Bronx, NY 10457
(718) 960-6636
Montefiore Medical Center
3550 Jerome Ave., 1st Floor
Bronx, NY 10467
(718) 920-4067

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

Nassau County

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

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

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

New York State Office of Alcoholism and Substance Abuse Services
Tel: (877) 846-7369
<http://www.oasas.ny.gov/>
New York State Smokers' Quitline
Tel: (866) 697-8487
<http://www.nysmokefree.com/>

COUNSELING

A full-time counselor is available to students. The counselor also conducts workshops and facilitates support groups on a number of topics including test anxiety and stress management. The counselor's office phone number is 718-518-4461.

The appearance of this information does not imply endorsement by Hostos Community College, which has no control over the accuracy, content or availability of products, goods or services offered by outside entities.

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

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

<http://www.hostos.cuny.edu/Hostos/media/Office-of-Compliance-and-Diversity/CUNY-Sexual-Misconduct-Policy.pdf>

Reporting Incidents of Sexual Harassment, Including Sexual Assault and Sexual Misconduct, Stalking and Dating/Intimate Partner/Domestic Violence

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

Title IX Coordinator/Lauren Gretina	room A-336, 718-518-4284, lgretina@hostos.cuny.edu
Chief Student Affairs Officer/Vice President Nathaniel Cruz	room D-102H, 718-518-4264, ncruz@hostos.cuny.edu
Director of Public Safety/Arnaldo Bernabe	room C-030, 718-518-6880, abernabe@hostos.cuny.edu
Human Resources Director/Shirley Shevach	room B-211A, 718-518-6655, sshevach@hostos.cuny.edu

For more information, please see section "Reporting and Prevention of Sexual Assault and Sexual Misconduct Offenses, Stalking and Dating/Intimate Partner/Domestic Violence" later in this document. For more detailed information on Title IX including community resources, please also see CUNY policies, Getting Help, Understanding and Preventing Sexual Assault and Sexual Harassment please go to <http://www1.cuny.edu/sites/title-ix/campus-websites/resources/campus/hostos-community-college/>

You may also:

- Call the Department of Public Safety's emergency telephone line (718) 518-6888 or Emergency extension 6911 or 6888 which may be dialed within the college's telephone.
- Report the information to any member of the Department of Public Safety or in person at the Public Safety Office located in the East Academic Building, Room C-030.
- Victims or witnesses may report crimes to persons designated as Campus Security Authorities, who will report the incident to the Title IX Coordinator and forward the report of the crime to the Department of Public Safety for statistical inclusion in the Annual Crime Report. Names and numbers of campus Security Authorities are located in the next section of this report. The College recognizes the importance of confidentiality to victims and witnesses of crimes. For the purposes of providing crime statistics pursuant to the Campus Security Act in the College's annual crime report, victim and witness information will remain anonymous. However, complete confidentiality cannot be guaranteed in all other contexts. Victims of sexual violence will be encouraged, but not required to report the incident to law enforcement authorities. The College reserves the right to notify the police when it believes that such reporting is necessary for the protection of the College community. In many cases, however, that notification will be done without divulging the victim's identity and will be done only for the purpose of providing a campus-wide safety alert.
- In the event that the situation you observe or are involved in is of an extreme or life-threatening nature, call 911, the New York City Police Department's emergency phone number. If you make a 911 call, please also notify the Department of Public Safety. They will also respond to assist and direct the police and other emergency personnel to the reported emergency.

Bystander Intervention

The College encourages all community members, including faculty, students and visitors to take reasonable and prudent actions to prevent and stop an act of sexual harassment, gender-based harassment or sexual violence that she/he may witness. Although these actions will depend on circumstances they may include direct intervention, calling law enforcement, or seeking assistance from a person in authority. In addition, the College encourages all community members to report any incident of sexual misconduct that they observe or become aware of (to) the Title IX Coordinator, and/or the Office of Public Safety and Student Affairs. Community members who chose to exercise this positive option will be supported by the College and protected from retaliation. In compliance with the New York Education Law, the College provides the following information about sexual assault, encourages the reporting of any incident of sexual assault and other sexual offenses, and sets forth measures to facilitate its prevention. Possible sanctions for sex offenses (forcible or non-forcible) follow an on campus disciplinary procedure (if the accused is found guilty by the Faculty Student Disciplinary Committee); can range from admonition, warning, censure, disciplinary probation, restitution, suspension, ejection and complaint to civil authorities.

CUNY has adopted Policies and Procedures concerning sexual assault, stalking and domestic and intimate partner violence against students, which addresses the prevention of sexual assaults and other forms of violence against CUNY students, on and off CUNY campuses. Specifically, the goal of the Policy is to: 1) provide the most informed and up-to-date sexual assault, domestic/intimate partner violence and stalking prevention education information to CUNY students; 2) create a comprehensive plan for CUNY colleges to follow in the event that a student is the victim of a sexual assault or other act of violence; 3) provide clear and concise guidelines for students to follow in the event that they or someone they know has been the victim of a sexual assault or other act of violence; 4) ensure that all appropriate CUNY personnel receive education and training to assist victims of sexual assaults and other acts of violence; and 5) ensure that disciplinary procedures are followed in the event that the perpetrator is a CUNY student or employee.

Prevention and Risk Reduction

- Convey strongly that you expect your rights to be respected.
- Meet new acquaintances in public places. Always have your own transportation or travel with good friends.
- Keep money in your pocket or purse for phone calls or pay for transportation if you must leave a situation abruptly.
- 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.
- Do not accept a drink from someone you do not know or trust. Do not drink from bowls or large common open containers.

- Do not continue to drink from a beverage you left unattended.
- Clearly define your sexual limit. If someone starts to offend you, be direct. Say no clearly when you mean no. If you feel that you are being pressured into unwanted sex, say something as soon as you can, before the behavior goes any further.
- 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.
- Watch out for your friends and fellow students/employees. If you can do so safely, ask if they need help.
- Speak up if you hear someone discuss plans to take sexual advantage of another person.
- Offer to help a friend or fellow/student or employee make a report and seek assistance and support.
- Avoid isolated areas.
- Attend parties with friends, Arrange to leave with your friends.

What to Do if You Are Attacked

- After an attack, try to be as calm as possible in order to think clearly. Get to a safe place and call for help immediately. If you are in the building, contact security immediately; anywhere else call 911, call a relative or a friend or a rape crisis center. The NYC Police Department Sex Crimes Report Line is always open at 212-COP-RAPE.
- Remain in the same condition as when the attacker left. Do not change, wash, or destroy any clothing or any article that may be evidence.
- Do not wash, douche or comb your hair.
- Have a medical/gynecological exam at the nearest hospital emergency room as soon as possible. The doctor should note and treat any injury and take measures to combat the possibility of sexually transmitted diseases or pregnancy. If you report being raped, the doctor may be able to collect semen smears or other physical specimens as evidence.
- Show police any bruises or injuries, however minor, resulting from the attack. Also show injuries, 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 Department of Public Safety will assist with notification of other law enforcement authorities and/or medical professionals if the student so chooses.

1. New York State Department of Health has designated sexual assault forensic examiner ("SAFE") programs in hospitals that are designated as 24-hour centers of excellence. SAFE hospitals ensure the quality of collections, documentation, preservation, and custody of physical evidence by a trained examiner and provide medical care that includes, but is not limited to, treatment, referral, and follow-up at no cost to the victim.
2. As time passes, evidence may dissipate or become lost or unavailable, making investigations, possible prosecution or disciplinary proceedings or obtaining orders of protection more difficult. Even if a victim of sexual assault chooses not to file a complaint with law enforcement, the victim should consider having a sexual assault forensic exam, which will preserve the evidence in case the victim decides to file a report later.

Who is a perpetrator?

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

Who is a victim?

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

When is there lack of consent?

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

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

CUNY's Sexual Misconduct Policy requires affirmative consent to sexual activity. Affirmative consent as defined in CUNY's Sexual Misconduct Policy is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.

Consent may be initially given but withdrawn at any time. Consent to any sexual act or prior consensual activity between or with any party does not necessarily constitute consent to any other sexual act.

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

Who is responsible for a sexual attack?

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

College and Community Counseling and Support Services for Sex Offense Victims

On-Campus Assistance

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

In addition, the victim of a sexual assault will be provided with on-campus support in the form of an advocate from the Women's/Men's Center (if there is one on campus) or an appropriately trained counselor to assist the victim in handling the various aspects of his/her ordeal, such as: 1) explaining to the victim her/his options of whether to report the incident to campus or law enforcement authorities or not; 2) providing guidance if she/he requires medical attention; 3) providing guidance in obtaining crisis intervention and/or ongoing counseling services (or a referral to obtain the necessary services if such services are not available on campus); and 4) assisting the student throughout the College's disciplinary process if she/he chooses to file a complaint against the perpetrator.

College Support Services

On Campus: Hostos College Students can contact a counselor at 718-518-4661 or the office of the Dean of Students at 718-518-6656.

- Department of Public Safety
- Counseling Center
- Health Services
- Student Wellness Center

East Academic Building, Room C-030 (718)-518-6888
East Academic Building, Room C-330 (718)-518-4319
Allied Health Building, Room A-334C (718)-518-6542
Savoy Building, Room D-101D (718)-518-6567

Contacting Outside Agencies

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

Off-Campus Resources

- Manhattan District Attorney Sex Crimes Unit (212) 335-9373
- Queens District Attorney Sex Crimes Unit (718) 286-6505
- Bronx District Attorney Crime Victims Assistance Unit (718) 590-2115; Domestic Violence Services (718) 590-2323
- Brooklyn District Attorney Sex Crimes Unit (718) 250-3170
- Staten Island District Attorney Sex Crimes Unit (718) 556-7130
- 212 COP-RAPE:
The New York City Police Department Sex Crimes Report Line, open 24 hours, is answered by a female detective at all times. It takes telephone reports of sex crimes, refers victims to counseling and other community services, provides information on police procedures, etc. NYC /
This service is open Monday-Friday, 9:00 a.m. through 5:00 p.m. and provides free literature and referrals to counseling and holds network meetings for professionals in the field.
- NYC Victims Services Agency (212) 577-7777
This service is open 24 hours, seven days a week and provides crisis intervention for crime victims.
- The Gay and Lesbian Anti-Violence Project (212) 714-1141
This service is open 10:00 a.m. through 8:00 p.m. Monday through Thursday, and 10:00 a.m. through 6:00 p.m. on Friday. It provides short term crisis counseling, advocacy services, and referrals for long term counseling.
- The following New York State Department of Criminal Justice website offers links to many additional resources at www.criminaljustice.ny.gov/pio/crimevictims.html
- New York State Office of Victim's Services, <https://ovs.ny.gov/>
- NYC Mayor's Office to Combat Domestic Violence/Family Justice Centers, <http://www.nyc.gov/html/ocdv/html/help/fjc.shtml>
- The U.S. Department of Justice's Office on Violence Against Women <http://www.changingourcampus.org>

Prevention Education Programs

Each CUNY College is required to develop materials and programs to educate its students, faculty and staff on the nature, dynamics, common circumstances and effects of sexual assault, domestic/intimate partner violence and stalking, and the means to reduce their occurrence and prevent them. These programs should seek to provide the most recent and relevant information, such as education pertaining to bystander intervention, the importance of peer networks and the significance of fostering a community of responsibility. All students during the beginning of each semester receives information about sexual assault prevention and reporting procedures. This information is published annually in this document and is also available on the school's website under Legal Notices, Annual Security Report. In addition, the College has institutionalize programming of workshops held each semester open to the College Community about the prevention and reporting of Sexual Harassment and Sexual Assault, workshops on Campus Civility, Public Service Announcements both via college wide e-mail and College Social Media Webpages, as well as the on-going distribution of flyers, brochures and reminder cards pertaining to the Prevention & Reporting of Sexual Harassment and Sexual Assault.

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

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

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

Sexual Assault

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

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

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

Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
Statutory rape is sexual intercourse with a person who is under the statutory age of consent

Domestic Violence

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

Dating Violence

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

For the purposes of this definition

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

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

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

Stalking

According to federal statute, stalking is “engaging in a course of conduct directed at a specific person that would cause a reasonable person to--
(A) fear for his or her safety or the safety of others; or
(B) suffer substantial emotional distress.” 42 U.S.C. § 13925(a).

For the purposes of this definition

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

CUNY’s Sexual Misconduct Policy further defines Stalking as:

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

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

Definitions of Sex Offenses under New York State Law

Sexual assault is a crime. Under Article 130 of the New York State Penal Law, it is a sex offense to engage in sexual contact or to engage in sexual intercourse, sodomy or sexual abuse by contact without the consent of the victim or where the victim is incapable of giving consent. Criminal sex offenses are classified in degree according to the seriousness of sexual activity, the degree of force used, the age of the victim and the physical and mental capacity of the offender and victim. Under New York State Penal and Criminal Procedure Laws Sexual Assault is a crime of power, aggression and violence. Terms such as “date rape” and “acquaintance rape” tend to minimize the fact that the act of rape, or any sexual assault, is a serious crime. There is never an excuse or a reason for a person to rape, assault or even touch another person’s private parts without consent. The impact on survivors of such an attack can cause severe and lasting physical, mental and emotional damage.

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

Under New York State Penal and Criminal Procedure Laws

Crime	Illegal Conduct	Criminal Sanctions
Rape in the first degree (PL § 130.35)	A person is guilty when being 18 years old or more, he or she engages in sexual intercourse with another person less than 15, or with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. Is a class D felony, with penalties up to 7 years in prison.	Is a class B felony, with penalties up to 25 years in prison.
Rape in the second degree (PL § 130.30)	A person is guilty when being 18 years old or more, he or she engages in sexual intercourse with another person less than 15, or with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.	Is a class D felony, with penalties up to 7 years in prison.
Criminal sexual act in the first degree (PL § 130.50)	A person is guilty when he or she engages in oral sexual contact or anal sexual contact with another person by forcible compulsion, or with someone who is incapable of consent by reason of being physically helpless, or with someone less than 11 or with someone less than 13 and the actor is 18 or older.	Is a class B felony, with penalties up to 25 years in prison.
Forcible touching (PL § 130.52)	A person is guilty when he or she intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire	Is a class A misdemeanor, with penalties up to 1 year in jail.
Sexual abuse in the first degree (PL § 130.65)	A person is guilty when he or she subjects another person to sexual contact: by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the person is less than 11 years old.	Is a class D felony, with penalties up 7 years in prison.
Aggravated sexual abuse in the first degree (PL § 130.70)	A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11.	Is a class B felony, with penalties up to 25 years in prison.
Aggravated sexual abuse in the third degree (PL § 130.66)	A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11.	Is a class D felony, with penalties up to 7 years in prison.
Facilitating a sex offense with a controlled substance (PL § 130.90)	A person is guilty when he or she knowingly and unlawfully possesses a controlled substance or any substance that requires a prescription to obtain to another person, without such person's consent and with intent to commit against such person conduct constituting a felony, and commits or attempts to commit such conduct constituting a felony defined in Article 30.	Is a class D felony, with penalties up to 7 years in prison.

Missing Persons

In accordance with state and federal law, the College maintains procedures for the investigation of reports of missing persons. In addition, in compliance with state and federal law, the College will notify the appropriate law enforcement agency within 24 hours of receiving a report of a missing student who resides in campus housing. The City University of New York Missing Persons Policy is available at: http://policy.cuny.edu/manual_of_general_policy/article_v/policy_5.27/pdf/#Navigation_Location.

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 child care center, a public school or public school students on the campus.

Campus Sex Crimes Prevention Act

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

- Contact the police department in the jurisdiction in which the offender resides and/or in which the college is located.
- Contact Chief Arnaldo Bernabe, Director of Public Safety, at 718-518-6888
- Call the Division's sex offender registry at 800-262-3257

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

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

The City University of New York Policy on Sexual Misconduct

OTHER LINKS TO UNIVERSITY POLICIES AND PROCEDURES

Sexual Misconduct Policy:

http://policy.cuny.edu/manual_of_general_policy/article_vii/policy_7.142/pdf/#Navigation_Location

Equal Opportunity, Non-Discrimination Policy:

<http://www1.cuny.edu/sites/title-ix/wp-content/uploads/sites/2/2014/01/PEONon-Discrimination12.4.2014.pdf>

Student Sexual Misconduct Complainants' Bill of Rights:

<http://www1.cuny.edu/sites/title-ix/student-sexual-misconduct-complaints-bill-of-rights/campus/hostos-community-college/>

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

Workplace Violence Prevention Policy:

[http://www.hostos.cuny.edu/hostos/media/public-safety/campus-and-workplace-violence-policy-\(revised\).pdf](http://www.hostos.cuny.edu/hostos/media/public-safety/campus-and-workplace-violence-policy-(revised).pdf)

http://policy.cuny.edu/manual_of_general_policy/article_vi/policy_6.09/pdf/#Navigation_Location

Domestic Violence in the Workplace:

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

Procedures Implementing the City University of New York Hostos Community College Policy on Sexual Misconduct:

<http://issuu.com/hostoscollege/docs/policy-on-sexual-misconduct?e=4241348/12482289>

THE CITY UNIVERSITY OF NEW YORK POLICIES AND PROCEDURES CONCERNING SEXUAL ASSAULT, STALKING AND DOMESTIC AND INTIMATE PARTNER VIOLENCE AGAINST STUDENTS

<http://www.hostos.cuny.edu/Hostos/media/Office-of-Compliance-and-Diversity/CUNY-Sexual-Misconduct-Policy.pdf>

Hardcopies of these policies, contained within the Student Handbook 2016-2017, are available at the Public Safety Office, Room C-030 and in the Reference Section of the Library, Room A-303.

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

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

THE CITY UNIVERSITY OF NEW YORK
POLICY ON SEXUAL MISCONDUCT

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I. Policy Statement

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

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

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

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

- [The CUNY Workplace Violence Policy](#) addresses workplace violence and the [CUNY Domestic Violence in the Workplace Policy](#) addresses domestic violence in or affecting employees in the workplace.

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

II. Prohibited Conduct

- A. Sexual Harassment, Gender-Based Harassment and Sexual Violence.** This policy prohibits sexual harassment, gender-based harassment and sexual violence against any CUNY student, employee or visitor.

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

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

Sexual violence is an umbrella term that includes sexual assault, such as rape/attempted rape, criminal sexual act, forcible touching, and sexual abuse. If of a sexual nature, stalking/cyberstalking (hereinafter "stalking") and dating, domestic and intimate partner violence may also constitute sexual harassment, gender-based harassment or sexual violence.

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

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

III. Title IX Coordinator

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

IV. Immediate Assistance in Cases of Sexual Violence

A. Reporting to Law Enforcement

Students or employees who experience any form of sexual violence on or off-campus (including CUNY-sponsored trips and events) and visitors who experience sexual violence on a CUNY campus are strongly encouraged to immediately report the incident by calling 911, contacting their local police precinct, or contacting their college public safety office, which is available 24 hours a day, 7 days a week. Campus public safety officers can also assist the complainant with filing a complaint both on and off-campus, and in obtaining immediate medical attention, counseling and other services.

B. Obtaining Immediate Medical Attention and Emotional Support

CUNY is committed to assisting anyone who experiences sexual violence to seek comprehensive medical attention as soon as possible to treat injuries, obtain preventative treatment for sexually transmitted diseases, and preserve evidence, among other things. For rapes in particular, immediate treatment and the preservation of evidence of the attack are important for many reasons, including facilitating a criminal investigation. In addition, individuals who have experienced or witnessed sexual violence are encouraged to seek emotional support as soon as possible, either on or off-campus.

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

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

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

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

A. Filing a Complaint with Campus Authorities

- (i) **Students.** Students who experience sexual harassment, gender-based harassment or sexual violence should bring their complaint to one of the following campus officials/offices:
- Title IX Coordinator;
 - Office of Public Safety;
 - Office of the Vice President for Student Affairs and/or Dean of Students;
 - Residence Life staff in CUNY owned or operated housing, including Resident Assistants.
- (ii) **Employees.** Employees who experience sexual harassment, gender-based harassment or sexual violence should bring their complaint to one of the following campus officials/offices:
- Title IX Coordinator;
 - Director of Human Resources;
 - Office of Public Safety.
- (iii) **Visitors.** Visitors who experience sexual harassment, gender-based harassment or sexual violence should bring their complaint to one of the following campus officials/offices:
- Title IX Coordinator;
 - Office of Public Safety;
 - Residence Life staff in CUNY owned or operated housing, including Resident Assistants.

Once any of the individuals or offices above is notified of an incident of sexual harassment, gender-based harassment or sexual violence, she/he will coordinate with the appropriate college offices to address the matter in accordance with this policy, including

taking appropriate interim and supportive measures. All information in connection with the complaint, including the identities of the complainant and the respondent, will be kept as confidential as possible and will only be shared with those who have a legitimate need for the information.

B. Support Assistance for Complainants

When a Title IX Coordinator receives a complaint of sexual or gender-based violence, she/he will work with the Chief Student Affairs Officer to identify a trained staff member to assist the complainant with support services and accommodations.

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

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

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

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

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

If the Title IX Coordinator determines that the college must report the incident to outside

law enforcement, the college will cooperate with any criminal investigation, which may include providing the outside law enforcement agency with any evidence in its possession relating to the incident.

D. Action by Bystanders and Other Community Members

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

In addition, CUNY encourages all community members to report an incident of sexual harassment, gender-based harassment or sexual violence that they observe or become aware of to the Title IX Coordinator, and/or the offices of Public Safety and the Vice President of Students Affairs and/or Dean of Students at their college. Community members who take action in accordance with this paragraph will be supported by the college, and anyone who retaliates against them will be subject to disciplinary charges.

E. Amnesty for Drug and Alcohol Use

CUNY strongly encourages students to report instances of sexual harassment, gender-based harassment or sexual violence as soon as possible, even if those reporting or the alleged victim may have engaged in the inappropriate or unlawful use of alcohol or drugs. Therefore, a student who reports or experiences sexual harassment, gender-based harassment or sexual violence will not be disciplined by the college for any violation of [CUNY’s Policy Against Drugs and Alcohol](#) in connection with the reported incident, subject to the conditions in [CUNY’s Medical Amnesty/Good Samaritan policy](#).

F. Reporting Suspected Child Abuse

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

G. Reporting Retaliation

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

VI. Reporting/Confidentiality Obligations of College and University Employees

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

A. Confidential Employees

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

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

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

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

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

<http://newyorkcity.ny.networkofcare.org/mh/services/subcategory.aspx?tax=RP-1400.8000-800>
<http://nownyc.org/service-fund/get-help/rape-sexual-assault/medical-help-counseling-for-sexual-assault/>

B. “Responsible” Employees

“Responsible” employees have a duty to report incidents of sexual harassment, gender-based harassment or sexual violence, including all relevant details, to the Title IX Coordinator. Such employees are not permitted under any circumstances to maintain a complainant’s confidentiality. To the extent possible, information reported to responsible employees will be shared only with the Title IX Coordinator, the “responsible” employee’s supervisor, and other people responsible for handling the college’s response to the report.

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

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

- (i) Title IX Coordinator and her/his staff
- (ii) Office of Public Safety employees (all)
- (iii) Vice President for Student Affairs and Dean of Students and all staff housed in those offices
- (iv) Residence Life staff in CUNY owned or operated housing, including Resident Assistants (all)
- (v) College President, Vice Presidents and Deans
- (vi) Athletics Staff (all)
- (vii) Department Chairpersons/Executive Officers
- (viii) Human Resources staff (all)
- (ix) University Office of the General Counsel employees (all)
- (x) College/unit attorney and her/his staff
- (xi) College/unit labor designee and her/his staff
- (xii) Faculty members at times when they are leading off-campus trips

- Faculty or staff advisors to student groups
- Employees who are Managers (all)
- SEEK/College Discovery staff (all)

C. All Other Employees

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

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

VII. Interim and Supportive Measures

The college will take immediate steps to protect the complainant and other affected parties, as well as the college community at large, following an allegation of sexual harassment, gender-based harassment or sexual violence. In general, when taking such interim and supportive measures, the college will seek to minimize the burden on the complainant.

Interim and supportive measures may include, among other things:

- (i) Making necessary changes to academic programs, including a change in class schedule, making appropriate accommodations to permit the complainant to take an incomplete or drop a course or courses without penalty, permitting the complainant to attend a class via skype or other alternative means where appropriate, providing an academic tutor, or extending deadlines for assignments;
- (ii) Making necessary changes to residential housing situations or providing assistance in finding alternate housing;
- (iii) Changing an employee’s work assignment or schedule;
- (iv) Providing the complainant with an escort to and from class or campus work location;
- (v) Arranging appropriate transportation services to ensure safety;
- (vi) Prohibiting contact between the complainant and the respondent (“no contact” orders);
- (vii) Offering counseling services to the complainant, to the respondent, and, where appropriate, to witnesses, through the college Counseling Center or other appropriate college office, or a referral to an off-campus agency;
- (viii) Providing the complainant assistance in obtaining medical and other services, including access to rape crisis centers;
- (ix) Providing the complainant assistance with filing a criminal complaint and seeking an order of protection;

- (x) Enforcing an order of protection;
- (xi) Addressing situations in which it appears that a complainant's academic progress is affected by the alleged incident;
- (xii) In exceptional circumstances, seeking an emergency suspension of a student or an employee under applicable CUNY Bylaws, rules, policies and collective bargaining agreements.

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

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

A. The Investigation

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

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

B. Conflicts

If any administrator designated by this policy to participate in the investigation or resolution of a complaint (including but not limited to the Title IX Coordinator) is the respondent, the College President will appoint another college administrator to perform

such person's duties under this policy. If the President is the respondent, the investigation will be handled by the University Title IX Coordinator or her/his designee.

C. Mediation

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

D. Timing

The college shall make every reasonable effort to ensure that the investigation and resolution of a complaint are carried out as timely and efficiently as possible. However, the college may need to delay the fact-finding portion of its investigation during the evidence-gathering phase of a law enforcement investigation. While some complaints may require extensive investigation, whenever possible, the investigation of complaints should be completed within sixty (60) calendar days of the receipt of the complaint. If there is a delay in completing the investigation, the Title IX Coordinator shall notify the complainant and the respondent in writing.

E. Report of Findings

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

F. Disciplinary Action

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

- (i) Discipline against students.** In cases where a student is accused of a violation of this policy, including retaliation, the matter shall be referred to the college's Office of Student Affairs and action shall be taken in accordance with [Article XV of the CUNY Bylaws](#), which contains the

student disciplinary process at CUNY. Under the student disciplinary process, complainants have the same right as respondents to receive notice of the charges, to attend and participate fully in a disciplinary hearing, to appear through a representative of their choice, including an attorney, to receive notice of the decision of the faculty-student disciplinary committee, and to appeal. Penalties for students instituted after a hearing before the faculty-student disciplinary committee range from a warning to suspension or expulsion from the University.

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

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

(iv) **No disciplinary action.** In cases where a determination is made not to bring disciplinary action, the Title IX Coordinator shall inform the complainant and the respondent of that decision contemporaneously, in writing, and shall offer counseling or other support services to both the complainant and the respondent.

G. False and Malicious Allegations

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

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

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

I. Filing External Complaints

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

IX. College Obligations under this Policy

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

A. Dissemination of Policies, Procedures and Notices

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

B. Training and Educational Programming

The college Title IX Coordinator, in coordination with other applicable offices, is responsible for training all employees who are required to report incidents of sexual harassment, gender-based harassment or sexual violence under this policy, for ensuring that designated offices are offering and administering the appropriate educational programming to all incoming and transfer students, residence hall students, athletes, fraternity/sorority groups, student leaders, and/or any other student groups which the college determines could benefit from education in the area of sexual harassment, gender-based harassment and sexual violence, and ensuring that designated offices promote

awareness and prevention of sexual harassment, gender-based harassment and sexual violence among all students and employees.

C. Assessing Campus Attitudes

The college's Vice President for Student Affairs, Vice President responsible for human resources, Title IX Coordinator and/or such employees designated by the college President, in coordination with other applicable offices, are responsible for obtaining current information regarding student experiences with sexual harassment, gender-based harassment and sexual violence. Any survey or assessment instrument shall be structured to be in compliance with any requirements set forth in applicable law and shall be reviewed and approved in advance by the University Title IX Coordinator.

D. Dating, Domestic and Intimate Partner Violence

As noted above, CUNY's Domestic Violence in the Workplace policy provides that colleges shall assist employees who are victims of dating, domestic or intimate partner violence that affects their employment. Similarly, colleges shall assist students who are the victims of dating, domestic or intimate partner violence, including referring them to resources and taking other appropriate supportive measures.

In addition, if a student or employee makes a complaint of dating, domestic or intimate partner violence and the alleged perpetrator is a CUNY student or employee, the college shall investigate the matter if the alleged conduct may constitute a violation of this policy, and take appropriate action based on such investigation, which may include disciplinary action.

X. Rules Regarding Intimate Relationships

A. Relationships between Faculty or Employees and Students

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

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

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

B. Relationships between Supervisors and Employees

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

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

XI. Definitions of Terms in this Policy

A. Sexual harassment is unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic and electronic communications or physical conduct of a sexual nature when:

- (i) submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (quid pro quo);

or

- (ii) such conduct is sufficiently serious that it alters the conditions of, or has the effect of substantially interfering with, an individual's educational or work experience by creating an intimidating, hostile, or offensive

environment (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of a complainant.

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

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

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

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

- (i) Recording images (e.g. video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness without that person’s consent;
- (ii) Disseminating images (e.g. video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure;
- (iii) Viewing another person’s sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent.

B. Gender-based harassment is unwelcome conduct of a nonsexual nature based on an individual’s actual or perceived sex, including conduct based on gender identity,

gender expression, and nonconformity with gender stereotypes that is sufficiently serious that it alters the conditions of, or has the effect of substantially interfering with an individual's educational or work experience by creating an intimidating, hostile, or offensive environment (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of the complainant. An example of gender-based harassment would be persistent mocking or disparagement of a person based on a perceived lack of stereotypical masculinity or femininity.

C. **Sexual violence** is an umbrella term that includes: sexual assault, such as rape/attempted rape, criminal sexual act, forcible touching and sexual abuse, as well as dating, domestic and intimate partner violence. Stalking, while not necessarily sexual in nature, can be a form of sexual violence depending upon the circumstances.

- (i) **Sexual assault** is any form of sexual contact (i.e., any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party) that occurs without consent and/or through the use of force, threat of force, intimidation, or coercion. Examples of sexual assault include:
 - (a) **Rape and attempted rape** is engaging or attempting to engage in sexual intercourse with another person: (a) without such person's consent; (b) where such person is incapable of giving consent by reason of being mentally disabled, mentally incapacitated or physically helpless; or (c) where such person is less than seventeen years old. Sexual intercourse includes vaginal or anal penetration, however slight.
 - (b) **Criminal sexual act** is engaging in oral or anal sexual conduct with another person without such person's consent.
 - (c) **Forcible touching** is intentionally touching the sexual or other intimate parts of another person without the latter's consent for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire.
 - (d) **Sexual abuse** is subjecting another person to sexual contact without the latter's consent.
- (ii) **Stalking** is intentionally engaging in a course of conduct directed at a specific person that:
 - (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or

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

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

D. Consent is a knowing, informed, voluntary and mutual decision to engage in agreed upon 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 failure to resist does not, in and of itself, demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.

Consent can be withdrawn at any time. Past consent to sexual activity between individuals does not constitute consent to subsequent sexual activity between those individuals, and consent to one form of sexual activity does not necessarily imply consent to other forms of sexual activity. Whether one party to sexual activity is in a position of authority or influence over the other party is a relevant factor in determining consent.

In order to give consent, one must be of legal age (17 years or older) and not mentally or physically incapacitated, or physically helpless, unconscious or asleep. 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. Consent is not valid if it is the result of coercion, intimidation, force or threat of harm.

E. Complainant refers to the individual who alleges that she/he has been the subject of sexual harassment, gender-based harassment or sexual violence, and can be a CUNY student, employee (including all full-time and part-time faculty and staff), or

visitor. Under this policy, the alleged incident(s) may have been brought to the college's attention by someone other than the complainant

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

G. Respondent refers to the individual who is alleged to have committed sexual harassment, gender-based harassment or sexual violence against a CUNY student, employee, or visitor.

H. Complaint is an allegation of sexual harassment, gender-based harassment or sexual violence made under this policy.

I. Retaliation is adverse treatment of an individual as a result of that individual's reporting sexual harassment, gender-based harassment or sexual violence, assisting someone with a report of sexual harassment, gender-based harassment or sexual violence, or participating in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence report. Adverse treatment includes threats, intimidation and reprisals by either a complainant or respondent or by others such as friends or relatives of either a complainant or respondent.

J. Managers are employees who have the authority to either (a) make tangible employment decisions with regard to other employees, including the authority to hire, fire, promote, compensate or assign significantly different responsibilities; or (b) make recommendations on tangible employment decisions that are given particular weight.

Managers include vice presidents, deans, directors, or other persons with managerial responsibility, including, for purposes of this policy, department chairpersons and executive officers.