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*The Baruch College Residence Guide is also available for download on the Residence Life website at www.Baruch.cuny.edu/studentaffairs/residencelife. Please check our website for the latest version of this document.*
Welcome

Welcome to the Baruch College 1760 Residence Hall. The Residence Life Staff Team is excited to be a part of your college journey and is looking forward to getting to know you in the coming months. The Baruch College Residence Life program works in partnership with Educational Housing Services (EHS) to make your residence life experience an unforgettable living and learning experience. The information found in this Residence Guide is meant to serve as a source of information for any policy and regulation questions you may have. Please read through this information carefully, as you are responsible for abiding by these policies. The information contained in this book will also serve as a resource as you transition into living in your new home. Take the time to get to know your fellow floor mates and make sure you say hello to your Resident Assistant. The Residence Life team has planned a number of exciting and engaging programs over the course of the next few months and we are available and on site to provide you with the help and support you may need.

Good luck to a great year ahead. We are looking forward to meeting you.
GENERAL INFORMATION
The Residence Life Team

The Baruch College Residence Life team is made up of professional Student Affairs staff and trained Resident Assistants who are available as support and guides during your stay in the Residence Hall. Residence Life at Baruch College is administered through the Dean of Students Office located at the Baruch College Newman Vertical Campus. We work in partnership with Educational Housing Services to make your residence life experience an unforgettable living and learning experience.

Residence Life Coordinator (RLC)
Amanda Pryor, M.S.

Resident Assistants (RAs)
Brendan Biliski
Charles Casares
Karina Chiqui Narvaez
Pragya Mathur
Yashu Kumar
Laura Guzman
Shemontee Chowdhury

Senior Resident Assistants (SRAs)
Georgiana Kaloudis

Location at 1760 Residence Hall
Baruch College Residence Life Office - Rear of Main Floor
Email: Residence.life@baruch.cuny.edu
Phone: 212-600-5003

Location at Baruch College
Dean of Students Office
Newman Vertical Campus (NVC), Room 3-175
Email: Residence.life@baruch.cuny.edu
Phone: 646.312.4570
Fax: 646.312.4571

Housing Office
Edward Pena
Assistant Director of Housing Services
Vice President of Enrollment Management & Strategic Academic Initiatives
Newman Vertical Campus (NVC), Room 2-255
Email: Housing@baruch.cuny.edu
Phone: 646.312.4576
Fax: 646.312.4589
Residence Life Hours of Operation
Baruch College Residence Life Office is open Monday-Sunday 7pm-11pm. Daytime hours are determined per semester. Please view signage on office door for daytime hours. There is staff available after hours for emergency purposes throughout the academic year. The security desk at 97th Street can be reached 24 hours a day.

About your Resident Assistant
Each resident on a floor has a Resident Assistant (RA) or Senior Resident Assistant (SRA) that is assigned to him or her. All RAs are live-in student staff members who are also attending Baruch College. RAs are trained peer mentors who live on your floor and are available to provide support and assistance during your stay. They have been trained on how to handle the most delicate situations and are able to help you when you are in need. The RAs also organize programs and events for you throughout the year and are open to your suggestions about what types of events you would like to participate in. The RA will be the one who greets you when you check-in and the last one you see when you checkout. The RAs hold evening office hours and serve on an on-call duty rotation throughout the academic year.

About the Residence Life Coordinator
In addition to the RAs, there is also a Residence Life Coordinator (RLC) who is a live in professional staff member. The RLC supervises the RAs within the residence hall and is available as a first responder for emergency situations or any other concerns that may arise. Furthermore, the RLC will initiate and hear any conduct proceedings.

Baruch College Residence Life Office
The Baruch College Residence Life office located at 97th Street is staffed during the day, evenings and on weekends. Hours of operation as well as details on how to contact the RA on duty are posted on the office door.
Students’ Rights & Responsibilities

It is expected that all resident students of Baruch College adhere to the Baruch College Code of Student Conduct. Residence Hall policies and procedures are outlined in this guide. A comprehensive outline of the Baruch College Code of Student Conduct can be found in the Baruch College Bulletin available for download on the Baruch College website (www.baruch.cuny.edu).

Stated below are the “Students’ Rights and Responsibilities” promoted by the Association of College and University Housing Officers-International (ACUHO-I). These statements define the minimal expectations regarding your rights and responsibilities. Each resident possesses specific, individual, and group rights and responsibilities, which serve to guide residence staff in making decisions concerning student welfare and behavior.

These rights carry with them reciprocal responsibilities on the part of the individual to ensure these same rights and responsibilities that are associated with community living.

**Students Have the Right**

1. To have free access to their living accommodations.
2. To live in a clean and secure environment.
3. To written copies of housing rules and regulations, or individual building policies, which govern individual and group behaviors.
4. To the respect and safety of personal property.
5. To study without interruption or interference.
6. To be free of intimidation or harassment.
7. To express enforcement of housing agreement/contract.
8. To direct access to staff, which provides assistance, guidance and support as needed.
9. To equitable treatment when behavior is in question.
10. To host guests, within established guidelines.
11. To individual and group educational and developmental opportunities in their living community.

**Students Have the Responsibility**

1. To adhere to rules and regulations.
2. To comply with reasonable requests made by Baruch College staff and EHS officials.
3. To meet expected room payments.
4. To monitor and accept responsibility for behavior of guests.
5. To respect the rights of others, as stated above.
6. To report violations of rules and regulations to appropriate staff.
7. To express themselves individually or by association with groups.
8. To participate in judicial proceedings to determine appropriate standards of behavior.
9. To contribute positively to the community by participating in educational and developmental activities.
10. To abide by all applicable city, state, and federal laws.
Identification Cards & Keys

Each Baruch College resident will be issued a photo ID card to enter the building and their room. All students are required to carry their ID at all times and must present it at the security gates before they can be admitted to the residence. Replacement cost for the photo ID is $20. Make sure that your ID card is not placed next to magnetic objects such as cards with a magnetic strip in your wallet. Additionally, do not place your card key on top of your TV, computer, DVD player, stereo, or any other appliances. Doing so will invalidate your card. Should you experience difficulty with your ID card, please visit the EHS office on the ground floor of the residence hall so that they may assist you.

All ID/keys must be returned when you finish your stay with us. Lost or stolen ID/keys should be reported immediately to your RA. You are not permitted to install any additional lock(s) on your room.

Your RA will issue you a mailbox key. Cost to replace a lost or missing mailbox key is $20 (rates subject to change). Failure to turn in either your ID card or mail key upon checkout will result in a $20 deduction from your security deposit for each.

A QR code with your name and EMPLID will be added to the back of your keycard for program tracking purposes.

Mail

To receive mail, use the following address and instructions:
Name
1760 3rd Avenue, Room #
New York, NY 10029

The mail center is located in the lobby level just past the elevators. We recommend that you do not have cash or valuables mailed to you.

There is a package room next to the mailboxes on the lobby level. If you have already checked into your room an automated system will send you an email confirmation every time we receive a package for you. Residents can pick up the packages during the first fifteen minutes of every hour 9am – 9pm, Monday through Friday and 10am – 6pm Saturday and Sunday. We are not responsible for items lost that cannot be tracked to the building.

When you checkout, you must fill out a change of address form at www.changeofaddress.com or pass by the closest U.S. Post Office located at 153 East 110th Street, New York, NY 10029 (phone: 800-ASK-USPS). Only first-class mail will be forwarded.
Parking

For Residents and/or guests with cars please note some of the closest parking garages:

These parking garages are merely suggestions for your convenience and Baruch College does not assume responsibility for any vehicle or contents left inside a vehicle that is parked in any parking establishment. Furthermore, Baruch College does not assume responsibility for any damages to vehicles that are parked, abandoned, immobilized by booting, or towed.

- Imperial Parking Systems Inc. | 1501 Lexington Avenue | New York, NY | (646) 672-0608
- Manhattan Parking | 215 East 96th Street | New York, NY | (212) 410-5270
- Icon Parking Systems | 215 East 95th Street | New York, NY | (212) 735-6767
- Rapid Park Industries | 302 East 96th Street | New York, NY | (212) 534-9640
- Garage Management Company | 231 East 94th Street | New York, NY | (212) 838-1951
- 99 pm LLC | 1559 Lexington Avenue | New York, NY | (212) 828-5282

Computer & Network Information

Wireless connectivity (Wi-Fi) is available throughout the building. In order to connect, you will need a wireless enabled laptop or device. Wi-Fi passcode will be available at check-in. In addition, all rooms are equipped with Ethernet jacks that will allow you to connect to the Internet via a provide modem. In order to connect, make sure your computer has a 10Base-T Ethernet card and an Ethernet cable.

For additional information an Internet guide can be accessed at:
Television

Cable television service is available in your room. Each room is equipped with a television and a remote control. The televisions are mounted on the wall to give you more space. Each television has access to RCN’s 100% digital cable TV lineup. Pay-Per-View (PPV) events can be ordered with a credit card by calling 877.RCN.7000 (877.726.7000). If you need assistance navigating the on-screen guide or setting up your voicemail, please call 877.726.700.

For additional information a cable television guide can be accessed via the web at: https://s3.amazonaws.com/ehs-website-production/guides/uploads/original/1760-RCNcable.pdf
Health and Safety Procedures
Emergency Procedures

In case of any medical or police-related emergency, call 911. After calling 911, if you can, contact security/front desk in the lobby at 212.600.5555 so they are aware of the situation. The security staff will locate the appropriate staff members to assist you in your emergency.

During RA duty hours please go directly to the Baruch College RA office. Office hours are 7pm to 11pm daily. However, hours may vary during holidays and final exams period, so please check the signs posted in front of the RA office door.

When the Residence Life office is closed please contact security at 212.600.5555. Please note that Security will not give out internal emergency contact phone numbers, however they will contact the appropriate Baruch College staff in the event of an emergency. The security staff is not in a position to respond to any housing requests or inquiries you may have. For answers to those questions, please contact the RA on duty.

Fire Safety Procedures

The residence has a state-of-the-art computerized fire warning system and trained fire/security personnel on the premises. During the course of the year, the fire department will test all fire-warning systems in accordance with New York City regulations. In the event of a fire drill, all residents must follow all instructions given by the emergency staff through the announcement system.

Floor plans and diagrams for emergency staircases and exits are posted in public areas on all floors as well as the back of every room door. Residents should familiarize themselves with these maps to be able to exit promptly during fire drills or actual emergencies.

In the event of a fire or other emergency, notify security immediately. Act promptly for the safety of all residents. Do not try to fight a fire, but take action to get residents out of the building. If a fire alarm sounds, please follow this standard procedure:

If The Fire Is In Your Room:

All persons are to vacate the room immediately. Before leaving your room and only if you can, make sure you do the following:

• Call 911.
• Alert other people by knocking on their doors or yelling on your way out.
• Use the nearest stairway to exit, never use the elevator.
• Assemble across the street and maintain absolute silence so instructions can be heard.
• Wait until the appropriate officials indicate that you can re-enter the building.

If The Fire Is Not In Your Room:

If you cannot safely exit your room or building, call 911 and then provide them with appropriate information (name, address, etc.).

• Stay inside your room and listen for instructions from firefighters unless conditions become dangerous.
• If you must exit your room, first feel your room door and doorknob for heat. If they are not hot, open the door slightly and check the hallway for smoke, heat or fire.
• If you can exit your apartment safely, follow the instructions above for a fire in a room.
• If you are unable to safely leave your apartment, seal the floor in your room with wet towels or sheets and seal air ducts or other openings where smoke may enter.
• Open windows a few inches unless flames and smoke are coming from below.
• Do not break any windows.
• If condition in the room appears life threatening, open a window and wave a towel or sheet to attract the attention of firefighters.
• If smoke conditions worsen before help arrives, get down on the floor and take short breathes through your nose.

If you see fire or smoke, or smell smoke, do not hesitate to pull the fire alarm nearest to your room. It is extremely important that you are aware of all applicable fire safety procedures. Causing a false fire alarm is against the law. Residents will be evicted and are subject to punishment to the fullest extent of the law. As a resident you are strongly advised to maintain fire/theft insurance. You may be able to add your possessions to your parents’ homeowner’s or tenant homeowner’s insurance policy through a rider.

**Tips to Avoid False Alarms:**

• Use lower time intervals and continue to reheat your food until it is ready, as opposed to leaving something in for long periods of time, which may cause a fire or excessive smoke.
• If you are making popcorn, please make sure that you are watching it very carefully.
• Never leave the food warming area unattended while you are cooking food.
• The entire residence hall is a smoke-free environment; you must smoke outside the building.
• Remove all prohibited items (toasters, hot plates, grills, etc.) from your room.
Maintenance Procedures

If your room or the provided equipment and furnishings in your room require any repair or maintenance, do not repair it yourself. Report a maintenance repair request by visiting www.studenthousing.org/repair.

General maintenance and routine repairs (such as a clogged toilet, leaky faucet, blown fuse, water leak, or furniture/appliance maintenance, etc.) are performed without charge to students. We encourage you to report damage immediately upon discovery. Neglecting to report a problem (leaky faucet, water damage, etc.), could lead to further, more complicated problems later.

Emergency repairs include major leaks and flooding, inoperative door locks and any problem that endangers property or safety. In case of an emergency contact your RA or Security immediately.

Students are not permitted to paint or make any alterations to their rooms. If you damage anything, you will have to repay the building for the cost of repairs (or replacements). Baruch College cannot service or repair any furnishings or equipment provided by students.

Do not put any nails, screws, hooks or any sticky substances in/on the wall. You will be responsible for any damage caused to the room. For safety reasons, do not try to clean the outside surface of your windows. Do not remove or tamper with your room’s cable hookup, window treatment or window air conditioner. Do not sit on ledges or lean out windows, this is for your own safety! Do not put anything on top of radiators or on windowsills. Never attempt to exit through windows.

Tips When Entering a Room Repair Request Online:

- Be sure to fill in all fields.
- For the “Room #” field enter “TA-” then your room number. Example: TA-1198
- After inputting your room number, must click or tab away from the “Room #” field, failure to do so may delay your service request.
- Create a separate Repair Request for each maintenance issue in your room. Do NOT put multiple problems in one Repair Request.
Health and Safety Inspections

Residents are responsible for maintaining a reasonable level of cleanliness in their room and in the building. Keeping food in appropriate storage containers, regularly cleaning the bedroom, bathroom, and all dishes, promptly disposing trash (trash must be disposed of in designated areas) and keeping laundry clean will help keep the room clean and free of pests.

In the event that adequate health and safety standards are not maintained or that the condition of the room discourages roommates, Residential Life will take disciplinary action. An inability to maintain a clean room will result in cleaning fees assessed to the student in addition to sanctions.

Residence Life reserves the right to enter student rooms to inspect and assess health and safety conditions. Health and safety inspections will be conducted in accordance with Residential Life regulations each semester and additionally when there is a reasonable cause to believe that a violation has occurred or is taking place. During the inspection, the staff will check for compliance with health codes, fire safety regulations, maintenance problems, prohibited items (outlined in the next section) and potential physical hazards.

If it is found that a resident’s room is not up to health and safety standards (i.e. cleanliness, hazardous wiring, etc.) the resident will be given 24 hours to correct the situation. If, upon re-inspection, the room still does not pass, the resident may be fined, face sanctions and/or be evicted.
Extermination Procedures

Please keep your room free of debris and all food in sealed containers to help prevent a bug problem. There is an exterminator who will perform his weekly maintenance program. If you find that you need to utilize his services, please submit a repair request at www.studenthousing.org/repair.

General Area:
- Microwaves should be wiped clean after each use.
- Sink/shower must be cleaned and the drain must be kept clear.
- Floors must be properly swept and kept free of debris.
- Garbage must be removed nightly and taken to the receptacle room by the elevators.
- Refrigerator should be defrosted as needed and do not leave rotted food in the fridge.
- Food items must be properly stored. Please do not leave unsealed food out.

Bathroom:
- Floors must be mopped.
- Sink/shower must be cleaned and the drain must be kept clear.
- Toilet must be kept clean accordingly.

Kitchen/Lounge Areas:
- Floors must be swept and throw away all food items after cooking and eating.
- Stovetops must be kept clean, including the removal of all grease and food items.
- Sink should be free of dirty dishes.
- Counter should be wiped clean.
- Garbage must be removed after cooking and eating and disposed of properly.
- Cooking utensils/supplies must be removed or the cleaning staff will dispose it of.

Note:
The exterminator recommends that all unused boxes and plastic bags be properly disposed of. Do not leave them on the floor as this creates a breeding ground for unwanted insects and pests. The exterminator has been instructed to document and submit rooms where conditions violate these guidelines. You will be given 24 hours to correct all noted violations and an inspection will follow.
Prohibited Items

The following items are prohibited and will be confiscated if found in your room and disciplinary action will be taken:

- Halogen lighting equipment
- Electric or gas-powered heaters
- Hot plates, toasters, drip coffee makers, or any cooking appliances of any nature
- Candles, incense, smoking and/or drug paraphernalia of any kind
- Flammable decorations such as Christmas lights etc.
- Furniture, television or microwave
- Illegal substances or artifacts of any nature
- Explosives, fireworks, weapons of any kind, smoke laden materials and/or instruments
- Pipes, bongs, hookahs, and other such smoking devices
- Devices that facilitate rapid consumption (funnel bongs, etc.) are also prohibited

During the health and safety inspections, if these items are found in the room they will be confiscated and turned over to law enforcement if necessary.
Common Areas
Fitness Center

Located in the concourse level of the residence is a 24-hour, fully equipped gym facility free of charge. Please keep this area clean at all times and be considerate about the time spent on each machine. You are responsible for any damages made to this area throughout your time of use.

The fitness center is equipped with Precor® cardio and strength line equipment. All cardio equipment has individual screens for TV viewing. In order to access the fitness center all residents must sign a gym waiver with their RA upon check-in.

Equipment:
- Elliptical machines
- Rower
- Treadmills
- Recumbent bikes
- Cable pulley
- Multi-press
- Inner/outer thigh press
- Leg/calf press
- Lat/row machine
- Upright bikes
- Leg extension/curling machine
- Declining abs bench
- Stretching/yoga mats
Kitchen

There is a kitchen on the ground floor of the Residence Hall with five (5) stoves, two (2) microwaves, and several sinks. The kitchen area is open and available for your use from 6am – 12am. Please help to maintain this space by cleaning the area when you have finished cooking.

Do not leave the kitchen while your food is cooking. Under no circumstances are you allowed to have or store any cooking appliances in your room (George Foreman grills, toasters, hot plates, coffee makers, etc.). There is a central kitchen for your cooking needs. **If you are found with an appliance it will be confiscated and not returned.**

Tips While Using the Food Warming Areas:

- Keep track of the time when heating things in microwaves.
- Use lower time intervals and continue to reheat your food until it is ready, rather than leaving something in for long periods of time, which may cause a fire or excessive smoke.
- If you are making popcorn, please make sure that you are watching it very carefully.
- Never leave the food warming area unattended while you are cooking food.

If you use the kitchen space improperly, you will be charged for any damage that results.
Laundry Room

The laundry room is located in the concourse level of the residence. There are 40 washers and 40 dryers. In order to use the machines, you must first purchase a $5 card which will give you $3 towards your laundry, it is important to keep this card throughout your stay. Please note that you need a $5 bill to purchase a card and to add value to it, you can only use $5, $10 and $20 bills. Each load of laundry costs $2 to wash and $2 for a dry cycle.

The laundry room is equipped with a state-of-the-art alert system that will let you know via email or text message when your load is done. Please remember your machine number. Once your laundry is done please pick it up as soon as possible. To get an email confirmation for your load visit www.studenthousing.org/1760laundry.

Cameras monitor all laundry rooms. Baruch College is not responsible for items damaged, stolen or removed. Do not leave machines and laundry unattended. Any items left unattended will be discarded. Therefore, as a courtesy to others, do not leave your laundry alone for any unspecified time.

Using Your Laundry Card

1. Insert your unique laundry card into the card slot with the chip facing upward and forward. Insert all the way. Leave the card in the reader.
2. Select your desired cycle. The reader will automatically deduct the price of the cycle and display your new balance.
3. Remove the card only when prompted.

If your balance is less than the cost of a wash or dry, locate the closest Add-Value machine. Email uniquelaundryservice@gmail.com with any questions or concerns.
**Student Lounges & Computers**

There are two flat screen televisions and two quiet rooms for those wanting to study or read. For your convenience there is a conference room that holds up to eight (8) people, please be sure to reserve the room at the EHS office.

There is a game room located in the concourse level with a pool table, air hockey, various video games, poker table and a flat screen television. Access to some game equipment requires you visit the EHS Office during office hours or security desk and check the equipment out. There is a multipurpose room located on the concourse level with a television and surround sound. You may reserve the multipurpose through the EHS office. Folding tables and chairs will be provided if needed.

Please respect all common spaces. Clean up after yourself and observe all signage and hours of operations.
Policies
Residence Policies

As a Baruch College student and a resident in the Residence Hall it is imperative that you are aware of the Baruch College Code of Student Conduct. Attending college is an exciting opportunity, but it is also a serious responsibility. The rights and responsibilities of students have been codified by the Board of Trustees of The City University of New York and are posted as Articles XV and XVI of the bylaws on our website at www.baruch.cuny.edu. Outlined below are excerpts of the Baruch College Code of Student Conduct as it relates to residence hall living.

BARUCH COLLEGE CODE OF STUDENT CONDUCT

Regulations Governing Student Conduct

Baruch College is dedicated not only to learning and the advancement of knowledge but also to the development of ethical and responsible persons. It seeks to achieve these goals through a sound educational program and policies that encourage independence and maturity. Regulations governing student conduct have been formulated with these objectives in view.

The regulations described below have been promulgated by the duly established college authorities pursuant to Article XV, Section 15.1, of the Bylaws of the Board of Higher Education of The City of New York (see page 240). Procedures for the enforcement of campus codes are detailed in other sections of Article XV (see pages 240–42). Nothing contained herein shall conflict with the rights of The City University of New York as stated in the Rules and Regulations for the Maintenance of Campus Order pursuant to Article 129A of the Educational Law of New York State (see pages 244–45).

Members of the Baruch College community are bounded by federal, state, and municipal laws as well as by the regulations enacted by the Board of Trustees of The City University of New York and by the duly established college authorities designated by the president and dean of students. Institutional discipline is aimed at conduct that directly and significantly impairs the opportunities of members of the college community to attain their educational objectives. The rules are intended to protect the health and safety of persons in the college community and to maintain and protect property. There are, also, guidelines for the keeping of records and the sponsoring of non-classroom activities, such as lectures, concerts, athletic events, and social functions.
**Offenses**
Sanctions can result from the commission of any of the following offenses:

1. Academic cheating or plagiarism.
2. Knowingly furnishing false information to the college, forgery, or alteration or use of college documents or instruments of identification with intent to deceive.
3. Lending a Baruch College identification card to anyone or failure to present it when requested by a duly authorized and identified college official.
4. Misrepresenting oneself as a Baruch College or City University of New York representative.
5. Violation of regulations relating to the entry and use of institutional facilities, including closing hour restrictions.
6. Physical or verbal abuse or harassment of any person on college premises or at college-sponsored or supervised functions.
7. Theft, willful destruction, damage, or misuse of college property, including library materials.
8. Theft, willful destruction, or damage of property belonging to a member of the college community on college premises.
9. Advertising, soliciting, or selling any merchandise or service or soliciting of information on campus without permission of the Office of the Dean of Students.
10. Use or sale of unlawful drugs on campus.
11. Use of alcohol on campus at other than duly authorized social functions. (The sponsoring organization must obtain prior permission from the Dean of Students or his/her authorized representative in compliance with all applicable civil laws pertaining to the consumption of alcoholic beverages and provide for adequate supervision.)
12. Gambling. The Penal Law of New York State prohibits loitering in a public place for the purpose of gambling with cards, dice, or other gambling paraphernalia.
13. Intentional disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other institutional activities.
14. Failure to comply with directions of duly authorized and identified college officials acting in performance of their official duties.
15. Failure to comply with the rules and regulations pertaining to students living in, or being a guest in, any Baruch College Residence Hall.

**Sanctions**
The commission of any of the above offenses shall be subject to the following sanctions: admonition, warning, censure, disciplinary probation, restitution, suspension, expulsion, ejection, or complaint to civil authorities. The definition of these sanctions can be found in the Baruch College Undergraduate Bulletin. The procedures for the administration of these penalties are detailed in the section on disciplinary procedures in the Baruch College Undergraduate Bulletin.
**Smoking Regulation**
Smoking is prohibited in all Baruch facilities.

IN ADDITION TO THE POLICIES APPLICABLE TO ALL BARUCH STUDENTS, THE FOLLOWING ADDITIONAL POLICIES APPLY TO ALL STUDENTS RESIDING IN THE RESIDENCE HALL. YOUR LICENSE AGREEMENT OUTLINES THE FOLLOWING EXPECTATIONS:

**RESIDENCE HALL VIOLATIONS**

Residents will be held responsible for any policies violated by his/herself and/or his/her guests. Any resident or guest who was present when a violation occurred may be subject to disciplinary action even though he or she did not actively participate in the offense. Prohibited items described in this section will be confiscated and may be disposed of without notice. Residents are prohibited from the following:

**Alcohol, Smoking, and Other Drugs**
- Possession, use, distribution, or being in the presence of an alcoholic beverage or its consumption.
- Games involving drinking and rapid consumption techniques, including unauthorized games and techniques not involving alcohol, and the use of devices (e.g. funnels, shot glasses, beer pong tables, etc.) that, by their very nature, promote abusive alcohol consumption.
- Possession of bars, bar signs, and empty alcohol containers, even for decorative purposes.
- Possession, use or distribution of an illegal or controlled substance and/or related paraphernalia.
- Improper use or distribution of prescription medication.
- Smoking in the residence halls, or possession of smoking devices such as bongs and hookahs.

**Cleanliness**
- Failure to maintain acceptable standards of personal hygiene or room cleanliness to the extent that such failure interferes with the general comfort, safety, security, health or welfare of a member of the Residence Hall community.
- Keeping pets or animals in the Residence Hall.
Disruptive Conduct

- Disorderly, disruptive, or aggressive behavior that interferes with the general comfort, safety, security, health or welfare of a member of the Residence Hall community or the regular operations of the Residence Hall.
- Throwing or allowing any objects or substances to fall from Residence Hall windows, doors, terraces, ledges, roof or other areas.
- Any harassment or abusive behavior toward another individual.
- Physical violence, actual or threatened, against any individual or group of persons.
- Engaging in or threatening to engage in any behavior that endangers the health or safety of another person, property, or oneself.
- Unauthorized access to or use of restricted areas in or about the Residence Hall, including but not limited to roofs, ledges, terraces, basements, storage areas or emergency exits.
- Participation in or contributing to the unauthorized entry of another individual including fraudulent misrepresentation, using false identification, etc., into any part of the Residence Hall.
- Theft, vandalism or damage to another Resident’s property or CSE or Baruch College property.
- Excessive noise as defined by any New York City ordinance or the Residence Hall policy on noise.
- Unauthorized solicitation or recruitment of any kind.

Entry and Use

- Failure to present a valid ID card or properly identify oneself when entering the Residence Hall or when requested to do so by any authorized CSE or Baruch College staff member.
- Unauthorized possession, use, or duplication of a Residence Hall room key.
- Unauthorized Residence Hall room change.
- Installing an unauthorized lock on a room, bedroom, bathroom or suite door.
- Failure to lock Room doors.
- Exhibiting or affixing any unauthorized sign, advertisement, notice or other lettering, flags or banners, that are inscribed, painted or affixed to any part of the inside or outside of the Residence Hall or building (other than items affixed entirely inside a Resident's room in a non-damaging manner).
- Failure to comply with an administrative request from a CSE or Baruch staff member.
- Failure to comply with a request of a Baruch College Resident Assistant or CSE Resident Assistant.
- Failure to comply with or successfully complete the terms of a judicial, administrative or Baruch College sanction.
Fire Safety

• Tampering with fire extinguishers, alarms, sprinkler systems, smoke detectors, emergency exits or other safety equipment.
• Possession and/or use of extension cords to power multiple appliances as opposed to power strips, which are permitted.
• Possession and/or use of flammable decorations, appliances or other property that may be deemed a fire hazard, including but not limited to candles, incense and evergreens.
• Possession and/or use of cooking and other household appliances in the Residence Hall other than existing units are prohibited.
• Possession of unauthorized furniture.
• Possession or storage of a gas engine or any form of combustible fuel in the Residence Hall.

Guests

• Failure to follow the guest policies outlined in this agreement.

Weapons

• Possession of weapons including but not limited to knives, mace, explosives, fireworks, firearms or ammunition.
NOTIFICATION UNDER FERPA OF STUDENT RIGHTS CONCERNING EDUCATION RECORDS AND DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. See paragraph 6 below on students’ right to prevent the disclosure of directory information.

*The FERPA rights of students are as follows:*

1. **Students have the right to inspect and review their education records.** Students should submit to the registrar, dean, head of the academic department, or other appropriate official written requests that identify the record(s) they wish to inspect. If the records are not maintained by the college official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

   All requests shall be granted or denied in writing within 45 days of receipt. If the request is granted, the student will be notified of the time and place where the records may be inspected. If the request is denied or not responded to within 45 days, the student may appeal to the college’s FERPA appeals officer. Additional information regarding the appeal procedures will be provided if a request is denied.

2. **Students have the right to request an amendment of their education records that they believe are inaccurate or misleading.** Students may ask the college to amend a record that they believe is inaccurate or misleading. Students should write to the college official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the college decides not to amend the record as requested by the student, the college will notify the student of the decision and advise the student of his/her right to a hearing before the college’s FERPA appeals officer regarding the request for amendment. Additional information regarding the hearing procedures will be provided when the student is notified of his/her right to a hearing.

3. **Students have the right to consent to disclosure of personally identifiable information contained in their education records, except to the extent that FERPA authorizes disclosure without consent.** One exception that permits disclosure without consent is disclosure to college officials with legitimate educational interests. A college official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position; a person or company with whom the University has contracted; a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another college official in performing his or her tasks.
A college official has a legitimate educational interest if access is reasonably necessary in order to perform his/her instructional, research, administrative, or other duties and responsibilities. Upon request, the college discloses education records without consent to officials of another college or school in which a student seeks or intends to enroll.

4. Students may appeal the alleged denial of FERPA rights to:
   General Counsel and Vice Chancellor for Legal Affairs
   The City University of New York
   535 East 80th Street
   New York, NY 10021

5. Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the college to comply with the requirements of FERPA. The name and address of the office that administers FERPA are:
   Family Policy Compliance Office
   U.S. Department of Education
   600 Independence Avenue, SW
   Washington, D.C. 20202-4605

6. The college will make the following “directory information” concerning current and former students available to those parties having a legitimate interest in the information: name, attendance dates (periods of enrollment), address, telephone number, date and place of birth, photograph, e-mail address, full- or part-time status, enrollment status (undergraduate, graduate, etc.), level of education (credits) completed, major field of study, degree enrolled for, participation in officially recognized activities and sports, height and weight of athletic team members, previous schools attended, and degrees, honors, and awards received. By filing a form with the Registrar’s Office, students may request that any or all of this directory information not be released without their prior written consent. This form is available in the Registrar’s Office and may be filed, withdrawn, or modified at any time.
CAMPUS SAFETY AND SECURITY POLICIES

A safe and secure campus depends on the cooperation and assistance of everyone—Baruch students and staff—to be aware of possible safety hazards and of the potential for crime on campus. Crime prevention and prompt reporting of unsafe conditions should be the objectives of every member of the Baruch community.

Campus peace officers make Newman Vertical patrols in all Baruch buildings, and an officer is stationed in the lobby of each building. The officers carry portable radios to communicate with other officers and to summon aid if necessary.

Baruch’s policy is that students and employees must report safety hazards, crimes, loss of property, illness, or injury. Proper reporting facilitates apprehension of criminals and assists in making Baruch safe. Incidents can be reported to any uniformed peace or security officer by calling or visiting the Office of Campus Security and Public Safety. A member of this office is in constant touch with the local precinct to monitor and record off-campus crime.

A daily crime log is maintained in the public safety office that records by date any crime that occurred on or off campus within the patrol jurisdiction of the campus Public Safety Department and was reported to the department or the 13th Precinct of the New York City Police Department. Entries into the crime log must include the nature, date, time, and general location of each crime and the disposition of the complaint, if known. The College is further required to issue a timely warning to the College community when a crime that the institution considers to be a threat to students and employees is reported to a campus security authority or a local police agency. This warning and entry into the log must be made within two (2) business days unless disclosing this information is prohibited by law or would jeopardize the confidentiality of the victim. The 1998 amendments to the Clery Act also permit an institution to withhold this information if release of the information would jeopardize an ongoing criminal investigation or jeopardize the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence. However, once the adverse effect of disclosing the crime information is no longer likely to occur, the institution must disclose the information.
Public Safety and Security Services

The Office of Campus Security and Public Safety consists of the director of security, an associate director for operations, and three assistant directors who oversee training and procedures, fire safety/fire drills, special events, scheduling, records, officer discipline and supervision, alarm systems, technical equipment, investigations and crime prevention, key control and supervision of locksmiths, lost and found, assignment and maintenance of College vehicles, and the supervision of the CUNY Card ID and Access Control Center. The security unit also includes 62 campus peace officers (6 sergeants and 56 patrol officers), augmented by contract security. Deployment to Baruch College of campus peace officers is part of The City University of New York’s security initiative. Campus peace officers are sworn and have arrest powers.

Campus security operates 24 hours a day, seven days a week. An assistant director is always present on campus while classes are in session, including Saturdays.

The office is located at 17 Lexington Avenue, Suite 102, phone: 646.660.6000. To report an emergency, call Baruch ext. 3333. However, in the event of immediate danger, dial 911, New York City’s emergency assistance phone number.

Personal Safety and Security On Campus

Baruch College’s security and public safety office believes that the best methods for reducing crime are vigilance and education. Vigilance includes limiting access to campus facilities to only those people who have proper Baruch identification.

Students, faculty, and staff must display identification cards while on campus. Invalid ID cards are subject to confiscation. If a visitor does not have a valid Baruch identification card, he/she must show the officer on duty other valid photo identification and sign a roster. When the College is not in session, advance notice must be given to the Office of Campus Security and Public Safety before access can be granted to any Baruch building. The Office of Campus Security and Public Safety is in continuous contact with the Office of Campus Facilities on security considerations related to campus projects.

Members of the security office provide guidance and assistance to crime victims in reporting incidents to the police. If a serious incident occurs on campus, the Baruch security office and the local police should be called. The security office’s primary concern is the safety and well-being of the victim. Apprehension of the assailant and preservation of evidence of the crime are secondary albeit important considerations.
When an officer arrives, the initial information needed is a brief account of what happened, a physical description of the assailant, and the assailant’s direction of flight. The sooner a crime is reported, the better the chance that the criminal will be caught. Even if a victim does not want to file an official police report, he/she can still provide the police with information that could help in an arrest and the possible prevention of another crime. If necessary, a member of the Baruch security office will guide a victim through the criminal justice system.

Prevention

**General Security On Campus**

- Lock office doors while offices are unoccupied.
- Do not bring unnecessary valuable items on campus.
- Do not leave purses, briefcases, or books unattended.
- Call College security (ext. 3333) to report crimes or suspicious activities.
- Call the police (911) or security (emergency ext. 3333) if immediate danger is suspected or if you are threatened.

**In Elevators**

If you are alone and someone suspicious enters, stand near the controls. If necessary, press the alarm button. Security officers will respond.

**Sexual Assault**

This information serves to increase awareness and knowledge about sexual assault and to help you to cope with sexual assault if it does happen (further detailed information is found in the Sexual Encounters booklet).

**Friendly Stranger and “Acquaintance Rape”**

Many attacks start with casual conversation. If your gut-level response to a stranger or friend is uneasiness, try to get out of the situation as quickly as possible, even if it means being rude or making a scene. Acquaintance rape occurs more frequently than reports seem to indicate. The keys to prevention are awareness, trusting your intuition, and assertive behavior. People have deterred assailants in a variety of ways. Talking and thinking about what you might do if attacked increases your chance of defending yourself.
**Who Is The Victim?**
Everyone is a potential victim of sexual assault. The most vulnerable target is a woman alone. While a large number of reported victims are in the 13 to 25 age bracket, indications are that this is due to an increase in reporting in this age group. Studies do not indicate a preference for the young by sexual assailants, nor do they support the myth that assault is provoked by a woman’s dress or mannerisms. Opportunity and vulnerability are key factors.

**Who Is The Sexual Assault?**
A sexual assailant is generally a person who is emotionally unstable, yet conducts his or her day-to-day life in a reasonably normal and competent manner. He or she often has difficulty in relating to others on a permanent or lasting basis. He or she is often a friend, date, relative, co-worker, or casual acquaintance of the victim.

**Where Can Sexual Assault Occur?**
Sexual assault can happen virtually anywhere, but most reported incidents occur in the home of the victim or the home of the offender. It is important to be aware that many areas of daily activity are potentially dangerous. Sexual assault often occurs in conjunction with other crimes, such as burglary, so the more commonsense precautions one takes, the less the chance of becoming a victim. Remember: a locked door can give a potential victim adequate time to call the police (911). Remember, too: the victim does not provoke the attack. Sexual assault is a crime of violence and not of sex.

**Survival Is The Goal**
Preventive measures can reduce the risk of attack, but they are not 100 percent effective. Recent studies show that, if you are attacked, an immediate aggressive response will be twice as likely to increase the possibility of escape but can also aggravate the situation. However, submitting does not guarantee that violence will not occur. Look for ways of escape. If one method does not work, try another.

**Checklist for Victims of Assault**
- Report the crime immediately to the police by dialing 911 and to the Baruch College Office of Campus Security and Public Safety at 646.660.3333.
- Do not disturb any evidence.
- Do not bathe or shower.
- Have a medical examination as soon as possible.
- Report every detail of the attack to the police officer.
- When calm, make notes of the attack, including any unusual details and description of the attacker.
Procedures For Survivors
If you are assaulted at Baruch, call security’s emergency number: 646.660.3333. Security personnel understand that sexual assault victims experience emotional trauma and will follow a procedure designed to help the victim. This will include finding out details about the assault, taking action toward detaining the assailant, and informing the victim of services available at Baruch and elsewhere.

Students should report all incidents of sexual assault to the Office of Campus Security and Public Safety at 646.660.3333 and to the Dean of Students at 646.312.4570. A professional staff member will meet with you confidentially and will pursue formal disciplinary action only with your consent. After a complaint is lodged, the vice president for student development will arrange an investigation and hearing to determine culpability and the appropriate sanctions, if any. Both the accused and the accuser are entitled to the same opportunities to have others present during such proceedings, and both the accused and the accuser are informed of the outcome of such proceedings. Anyone may initiate such an action against a Baruch student. A Baruch student who is found to have committed rape, sexual assault, or any other sexual offense, either forcible or non-forcible, is subject to arrest and disciplinary action that can include admonition, deprivation of certain privileges, probation, suspension, or expulsion. The sexual assault survivor will have the option and all available assistance to change classes.

New York State Sex Offender Registry
The Division of Criminal Justice Services maintains the Sex Offender Registry. Inquiries may be made at www.criminaljustice.state.ny.us/nsor/.
ALCOHOL AND DRUG USE POLICIES

Baruch College is dedicated not only to teaching and to the advancement of knowledge but also to the development of ethical and responsible individuals. The College seeks to achieve these goals through a sound educational program and policies that encourage maturity and independence. The regulations that govern student and employee conduct have been formulated with those objectives in view.

The U.S. Department of Education has issued regulations implementing the provisions of the Drug-Free Schools and Communities Act Amendments of 1989. These regulations require that a college distribute information annually about the possession, use, and distribution of alcohol and illicit drugs at that college.

Members of the Baruch College community are bound by federal, state, and municipal laws as well as by the regulations of the Board of Trustees of The City University of New York.

The unlawful manufacture, distribution, possession, or use of illegal drugs or other controlled substances and the unauthorized use of alcohol by students on campus and by College employees at work is prohibited. Student clubs and organizations may petition the Office of Student Life or the Office of the Vice President for Student Development in advance of a planned event for the use of beer or wine at “duly authorized functions.” Organizations must adhere to stringent guidelines that comply with the New York State Alcoholic Beverage Control Law prohibiting the sale, delivery, or providing of alcoholic beverages to people under the age of 21. In addition, organizations granted permission to serve alcoholic beverages must provide adequate supervision for distribution and consumption. Specific details pertaining to the “Permit for the Use of Alcoholic Beverages at an Authorized Student Program” may be found in the student organization handbook, The Informer, available in the Office of Student Life, Newman Vertical Campus, Room 2-210.

Any person found to have violated the College policy on alcohol and drug use is subject to discipline by City University officials.

The legal age for drinking alcohol in New York State is 21, and state laws deal harshly with underage drinking. As stated earlier, it is also against the law in New York State to sell or give away alcohol to anyone under the age of 21.

The possession or use of illegal drugs is a crime in the State of New York. Anyone found in possession of or using such drugs on College property will be dealt with severely and may be suspended from the College, in addition to facing criminal charges and arrest.

WEAPONS POLICY

No one within the University community, except peace officers pursuant to authorization of the college presidents, shall have in their 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 a campus.
INSTITUTIONAL SANCTIONS

Students are expected to comply with the Rules of Conduct printed in the Undergraduate Bulletin and Graduate Bulletin. A student found to be in violation of these rules could be subject to disciplinary action. Sanctions may include admonition, warning, censure, disciplinary probation, restitution, suspension, expulsion, and/or complaint to civil authorities, as stated in full in Baruch College’s bulletins.

A student who is experiencing difficulty with alcohol or chemical dependency may seek direct assistance or be referred by members of the institutional staff to the Office of the Vice President for Student Affairs & Enrollment Management or to the appropriate counseling center. The vice president for student development may take disciplinary action or recommend that the student meet with a counselor for assistance through self-help organizations or other outside agencies.

BARUCH SMOKING POLICY

Baruch College has taken on the challenge of making the air that its students, faculty, and staff breathe cleaner. Baruch College is a non-smoking institution. Smoking is not allowed inside any building on campus, including entry canopies.

DIFFERENCES BETWEEN COLLEGE PROCEDURES AND CIVIL AND CRIMINAL PROCEDURES

A safe and secure campus depends on the cooperation and assistance of everyone—Baruch students and staff—to be aware of possible safety hazards and of the potential for crime on campus. Crime prevention and prompt reporting of unsafe conditions should be the objectives of every member of the Baruch community. Campus peace officers make Newman Vertical patrols in all Baruch buildings, and an officer is stationed in the lobby of each building. The officers carry portable radios to communicate with other officers and to summon aid if necessary.

Baruch’s policy is that students and employees must report safety hazards, crimes, loss of property, illness, or injury. Proper reporting facilitates apprehension of criminals and assists in making Baruch safe. Incidents can be reported to any uniformed peace or security officer by calling or visiting the Office of Campus Security and Public Safety. A member of this office is in constant touch with the local precinct to monitor and record off-campus crime. A daily crime log is maintained in the public safety office that records by date any crime that occurred on or off campus within the patrol jurisdiction of the campus Public Safety Department and was reported to the department or the 13th Precinct of the New York City Police Department. Entries into the crime log must include the nature, date, time, and general location of each crime and the disposition of the complaint, if known. The College is further required to issue a timely warning to the College community when a crime that the institution considers to be a threat to students and employees is reported to a campus security authority or a local police agency. This warning and entry into the log must be made within two business days unless disclosing this information is prohibited by law or would jeopardize the confidentiality of the victim. The 1998 amendments to the Clery Act also permit an institution
to withhold this information if release of the information would jeopardize an ongoing criminal investigation or jeopardize the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence. However, once the adverse effect of disclosing the crime information is no longer likely to occur, the institution must disclose the information.

THE CITY UNIVERSITY OF NEW YORK DRUG/ALCOHOL USE AMNESTY POLICY

The City University of New York’s (“CUNY’s”) Drug/Alcohol Use Amnesty Policy has two principal purposes. First, it is intended to encourage students to seek medical assistance related to drug and/or alcohol use without fear of being disciplined for such use. Because the use of drugs or alcohol may be life-threatening, CUNY wishes to reduce barriers to seeking and receiving medical help in those situations. Second, CUNY wishes to encourage students under the influence of drugs and/or alcohol who may be the victims of, witnesses to, or otherwise become aware of violence (including but not limited to domestic violence, dating violence, stalking, or sexual assault) or sexual harassment or gender-based harassment to report that violence or harassment. Toward that end, CUNY’s Policy is that students who seek medical assistance either for themselves or others and/or are reporting violence or harassment will not be subject to discipline under the circumstances described below.

I. 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 (either if underage or if consumed in a CUNY-owned or operated residence hall or facility where alcohol consumption is prohibited) or drugs as long as there are no other violations that ordinarily would subject the student to disciplinary action. Similarly, students who may be the victims of, witnesses to, or otherwise become aware of violence or sexual harassment or gender-based harassment and who report such violence or harassment will not be disciplined for the consumption of alcohol or drugs in the absence of other violations that ordinarily would subject the student to disciplinary action. Other violations that would invoke discipline include but are not limited to (i) unlawful distribution of alcohol or drugs; (ii) sexual misconduct, as defined in CUNY’s Policy on Sexual Misconduct; (iii) causing or threatening physical harm; (iv) causing damage to property; (v) hazing.

II. The students involved will be encouraged to complete alcohol and/or drug education activities, assessment, and/or treatment, to be determined by the individual campuses or units of CUNY with which the students are affiliated. If repeated incidents of alcohol or drug use are involved, there may be issues of medical concern, which may result in parental notification, medical withdrawal, and/or other non-disciplinary responses.

III. CUNY’s Policy is intended both to implement Article 129-B of the Education Law (which mandates drug and alcohol amnesty for reporters of violence) and to complement New York State’s Good Samaritan Law, which is designed to encourage individuals to call 911 in the event of an alcohol or drug-related emergency. Generally, the Good Samaritan Law protects persons who witness or suffer from a medical emergency involving drugs or
alcohol from being arrested or prosecuted for drug or underage alcohol possession after they call 911. It does not protect against arrest or prosecution for other offenses, such as the sale of drugs.
Campus Intervention Team (CIT)
EMPOWERING COMMUNITY MEMBERS TO ACTION
www.baruch.cuny.edu/cit

The Baruch College Campus Intervention Team (CIT) works together as a support system to provide assistance to students in crisis. Any member of the college community (faculty, students, staff) can reach out to the CIT to report a concern about a student.

The CIT is constituted to assist in providing support for students in crisis. Faculty or staff concerns should be reported to the Office of the Provost or to Human Resources, respectively.

Concerned faculty, staff or students may fill out an Incident Communication Form if they have noticed student behavior that is perceived to be harmful to the student him/herself or to others. This behavior may include:

- Unusual or erratic behavior in class
- Extended absence from class by a typically engaged student
- Written work with troubling themes or references
- Verbal or written threats made by a student toward another student
- Written or verbal expressions of suicidal ideation
- Other actions that cause an alarm or call into question the safety of the student or his/her peers.

All reports are confidential and will be handled by members of the CIT.

To alert the CIT to a concern, complete and submit the Incident Communication Form. A member of the team will receive and review your submission. Please note that you may be contacted for follow-up information.

Members of the CIT may be emailed at cit@baruch.cuny.edu or call us at 646.312.4576.
Quiet Hours

Courtesy hours are in effect at all times in the residence halls. It is expected that each resident will extend courtesy and consideration to other residents at all times. Quiet hours are defined times when noise will be kept to a minimum. Quiet hours are in effect each night from 11pm to 9am. This is also the time frame outlined by New York City ordinances regarding quiet hours. Radios, stereos, and televisions must be played at lower volume levels that will not disturb other residents.

You live in a community where it is essential that you respect your neighbors. Please keep sound levels low within your room and comply with requests to reduce intrusive noise levels. Repeated violations of the noise policies will subject you to disciplinary action. 24-hour quiet hours will be in affect during finals. We want to provide students with an atmosphere where they can relax and study. Please adhere to all signage concerning noise and quiet hours.

Residents are not permitted to play amplified musical instruments or high-watt stereo equipment. Students who wish to play or practice should wear headphones or muffle their instruments.

Room Condition Reports

The digital room condition reports (RCRs) are filled out by Resident Assistants and Residence Life staff. A resident is responsible for viewing and verifying all this information is correct. Residence Life Staff will provide residents with the Room Condition Report Agreement for 2019-2020. This document verifies that all information in a room is accurate. Reporting any pre-existing damage in the residence hall room and/or common area is the only way to avoid being held financially accountable for damage found at the end of occupancy.

*Please note that failure to submit the Room Condition Report Agreement for 2019-2020 at the beginning of occupancy results in students not being able to contest damages at the end of the academic year*

Students will be able to view their RCRs through a link provided via email from the Baruch College Housing Office on move-in day. Resident Assistants will be available in case you have any questions regarding your RCR, the confirmation, or the form itself.

Damage Billing

If your room has sustained damage beyond the usual wear and tear, the cost of the repairs will be charged directly to you and/or deducted from your security deposit. Below is a list of charges for items within your room. Since some room types differ from others, items listed here may not necessarily be found in your room. You are, however, responsible for all items that are applicable to your room and residence.
### EXTERIOR ENTRANCE DOOR
- Room sign: $75
- Electronic key lockset: $400
- Door defacement (inside/outside): $150
- Door: $500

### INTERIOR ENTRANCE DOOR
- Fire evacuation sign: $50
- Fire safety notice: $40

### GENERAL ROOM
- Smoke detector device: $75
- Overhead lighting fixtures: $100
- Painting (full room): $350
- One wall and/or plaster: $100
- Floor tiles (per tile): $150
- Ceiling plastering and painting: $250
- Base molding: $150
- Television: $400
- Television mount: $100
- Remote control: $75

### GENERAL ROOM (cont.)
- Cable / fittings (per fitting, plus repair): $10
- Data modem: $150
- Cable box: $150
- Telephone/internet jack: $100

### BEDROOM
- Drawers for Beds / Desks / Nightstands: $75
- Desk: $300
- Key Board Tray: $30
- Bed: $600
- Mattress: $200
- Chair: $125
- Wall Mounted Lamp: $200
- Blinds (per blind): $125
- Window Unit: $350
- Air Conditioner Unit (8,000 BTU): $500
- Air Conditioner Knob: $10
- Air Conditioner Filter: $10
- Refrigerator: $350
- Refrigerator Shelving: $75
- Window Stoppers: $15
- Floor Tiles (per tile): $150
- Phone: $25
- Base Molding: TBD
- Microwave: $150
- Remote Control: $75
- Ethernet Cable: $10

- Modem AC Adaptor: $25
BATHROOM
Bathroom door ........................................... $500
Bathroom door saddle .................................. $85
Bathroom lockset ........................................ $150
Bathroom door knob .................................... $100
Floor tiles (per tile) ..................................... $50
Shower rod .................................................. $50
Shower fixtures ........................................... $350
Basin ......................................................... $225
Medicine cabinet ......................................... $250
Medicine cabinet mirror ............................... $100
Medicine cabinet shelves (per shelf) ............... $25
Mirror ........................................................ $100
Light fixtures .............................................. $100
Sink / faucets / knobs / fixtures ....................... $150
Toilet tank .................................................. $150
Toilet seat cover ......................................... $25
Toilet ........................................................ $250
Toilet paper roll dispenser ............................ $25
Towel rod .................................................... $50
Tub reglazing .............................................. $350

ARMOIRE
Door .......................................................... $150
Door knob .................................................. $50
Rod ............................................................ $25
Shelves (per shelf) ....................................... $25

OTHER CHARGES
Mailbox Key ............................................... $20
Photo ID ..................................................... $20
Improper Checkout Fee ................................ $150
Unauthorized Appliance ............................... $100
Cleaning Fee ............................................... $100
Bulk Item Removal ..................................... $100
Furniture Disassembly ................................. $150
Alcohol Policy (no alcohol) ........................... TBD

Please note that prices are subject to change and labor and materials may be added as an additional charge for any of the damaged property.
Disciplinary Proceedings

There are consequences to violating policy; below are the potential sanctions that may occur for such violations. Sanctions may include, but are not limited to:

- Written warning
- Disciplinary fines
- Educational projects
- Community service
- Restitution for damages
- Disciplinary probation
- Imposed room or building reassignment
- Loss of guest privileges
- Suspension from the residence
- Expulsion from the residence
- Referral to public law enforcement agencies

If A Complaint Is Filed

A complaint may be submitted by anyone, including RAs, residence hall staff, or other students in the residence hall. The complaint must be in writing. The complaint should be submitted to the RA on duty or the RLC. The RLC will assess the incident and identify any alleged policy violations. If a policy may have been violated, the appropriate University official will handle the case.

The accused student will be asked to meet with the appropriate University official to discuss the charges. After an investigation has been completed, Baruch College will determine if residence hall, CUNY and/or Baruch College policy was violated. In cases involving minor infractions, a policy clarification notice letter may be sent in lieu of a formal meeting. Should the student wish to contest the policy clarification letter and have a meeting instead, the student must send a written request for a meeting to the Residence Life Coordinator within five (5) business days from receipt of the policy clarification letter.
There are three potential outcomes to a meeting regarding a policy violation. First, the case may be resolved by mutual agreement, which may include the imposition of sanctions for violations of policy (if a student admits responsibility for such violations). Second, if no agreement is reached, the matter may proceed to a formal disciplinary hearing. Third, if the student effectively demonstrates that the investigation’s findings are incorrect, the allegations may be dismissed as unfounded.

Guest Policies

The policies and procedures related to guests exist to allow residents to have visitors while not infringing upon the comfort and rights of other residents. A guest is expected to abide by all Baruch College and building procedures, regulations and standards to ensure the safety and security of the residents in the building. The host is responsible for the actions of his/her guests at all times. Any guest who violates Baruch College or EHS policy while in student housing or other areas will be asked to leave the residence hall. All guests must be 18 years or older to be signed-in as a guest.

It is the responsibility of the host to meet his/her guest in the lobby and to remain with that person at all times when the guest is in the residence hall. All guests must register at the security desk and leaving a valid form of current identification (this must be an unexpired photo ID). When the guest leaves the hall they must be escorted to the lobby by the host and must sign out with security. The ID will be returned as the guest leaves the building.

Short-term Guests

Provided that there is no unreasonable interference with the rights of a roommate, a resident may have a maximum of two (2) short-term guests (one who stays for a few hours, but not overnight) at any time between the hours of 8am and 11pm. Short-term guests must leave the building by 11pm, or they will be considered an unapproved overnight guest.

Overnight Guests

An overnight guest is defined as someone who stays after 11pm regardless of how long they stay. In consideration to the rights of roommates and other hall residents, limits are placed on the duration and frequency of such visits. A resident may have only one (1) overnight guest at any time. Residents are not allowed to have overnight guests during the first two weeks and last two weeks of the semester. This allows new residents to socialize with their roommates and become better acquainted with the residence hall community and focus during finals. Residence Life also reserves the right to suspend guest privileges during midterms, finals, or any other event deemed necessary.
Residents Must Adhere To The Following Procedures and Conditions:
All residents must submit an Overnight Guest Form electronically. For a same day overnight guest, the Overnight Guest Form and roommate(s)' approval must be received by 10:30pm. An overnight guest may stay for more than one (1) night, but no more than three (3) consecutive nights. The Overnight Guest Forms can be found on the Baruch Residence Life official website or at www.tinyurl.com/baruchovernightguest.

- All residents must fill out an electronic Overnight Guest Form for guest, regardless of guest’s length of stay. All overnight guests must be approved by the RA-on-duty and roommate (if applicable).
- Failure to complete and submit the form along with roommate approval by the 10:30pm deadline will result in an automatic denial of guest.
- Resident may receive guest confirmation emails from residence life staff; if not, it is on the resident to confirm approval of guest BEFORE the office closes at 11pm.
- A resident may not have an overnight guest without approval by Residence Life staff and roommate(s).
- No guest may stay longer than seven (7) nights per month.
- A resident may only be allowed to have up to seven (7) overnight guests per calendar month.
- A non-resident may not be an overnight guest in the residence halls for more than seven (7) nights per calendar month, whether the same host or different hosts each night.
- A valid Photo ID must be left with security during the duration of the visitor's stay; it is the visitor’s responsibility to retrieve their ID upon departure.
- Hosts must escort and sign out their guest at the end of their stay.
- No single room can have more than one (1) overnight guest on any given night.
- No double room can have more than two (2) overnight guests on any given night.
- No triple room can have more than three (3) overnight guests on any given night.
- All residents are legally and financially responsible for the conduct of their guests.
- While in the building, guests must be accompanied by their host at all times.
Additional Policies

Interference
No student shall intentionally or recklessly interfere with a Baruch Staff member or other officials exercising her/his assigned duties.

Alcohol and Drug Prevention
All Baruch residents must complete the mandatory alcohol and drug prevention training mandated by Baruch Residence Life. Residents will be notified when the training has opened and the due date. If you need information to access the training, please see a residence life staff member for assistance. **Failure to complete within the designated time will affect your ability to have guests in the residence hall.**

Intoxication
As outlined in the Baruch College Code of Student Conduct, alcohol is not permitted in the residence hall. When a staff member is alerted of a resident who becomes incapacitated as a result of drinking or drug use, 911 will be called. Residents will be financially responsible for the costs of the medical care including ambulance and/or hospitalization. Additionally, the resident will face disciplinary action. Loud or disruptive behavior, interference or drinking habits that are disruptive or injurious to the health of individuals will not be tolerated and disciplinary action will be taken which could lead to removal from the building and forfeitures of all monies paid.

Drugs
Students are required to abide by all federal, state and city laws and regulations in addition to the policies of the Educational Housing Services, regarding the use, sale, and distribution of controlled substances. Marijuana is an illegal substance and is strictly prohibited in the residence hall. If any student or guest in the residence hall is found in possession of, using, selling or distributing marijuana or other controlled substances, (or in the case of prescription drugs, without a valid prescription) the New York City Police Department will be contacted. Your license agreement will be immediately terminated, all monies paid forfeited and you will be required to vacate the premises. Additionally, students will face disciplinary charges from the institution, which could result in expulsion from the college.

Pets
No animals of any kind are permitted in your room or in the building at any time.

Room Changes
Due to limited space available, room changes are not guaranteed and may not be granted. Once a room change has been granted a cleaning fee of $55 will be charged to resident for cleaning of room.
Floor Meeting
Every resident must attend the mandatory floor meeting scheduled during the first semester living in the residence hall. Failure to attend meeting or any makeup meetings will result in lost of guest privileges.

Lock-outs
Understand that it is your responsibility to carry your ID/key with you at all times. We will be keeping track of every lockout and expect you to adhere to the policies listed below if you are locked out of your room:

- All students should go to the EHS Office located in the lobby of the residence hall on Monday-Saturday between the hours of 10am and 10pm and Sunday 12pm-7pm.
- A temporary room key will be issued (proof of valid identification will be required), and residents will be required to return this key within 20 minutes of issue, or a fine of $20 will be charged.
- For lockouts outside EHS office hours, students must go to the Security desk.
- Key replacement: Should any student lose their key, there will be a $20 replacement fee to be paid through the EHS office.
- Lock change: Should any student damage their lock they will be billed a $400 replacement fee.

If you lose your key, you will be expected to pay for a replacement key in the EHS office located in the lobby of the Residence Hall.

Fire Equipment
Tampering with fire equipment such as fire alarms, fire extinguishers, sprinkler systems, exit signs, and common area smoke detectors is prohibited. Violations include, but are not limited to:

- Removing smoke alarm from rooms (this includes removing batteries or from hard wire)
- Removing a fire extinguisher from its prescribed location
- Discharging a fire extinguisher for any purpose other than putting out a fire
- Setting false alarms
- Tampering with the covers on fire alarm pull stations
- Tampering with common area and room sprinkler systems

Any action by a resident that places other residents at risk will result in the violator being held financially responsible to all costs associated. Additionally, the violator will be subject to disciplinary action including possible termination of Housing License Agreement.
Burning substances
Burning any substance in student housing is not permitted. This includes, but is not limited to burning candles and incense, which are both prohibited items in the residence hall. These items will be confiscated and disposed of by staff.

Firearms and explosives
Firearms, paintball guns, bow and arrows, ammunition, fireworks, gasoline and other combustible or explosive items are prohibited in the residence hall. If any of the above items or similar items are discovered the New York Police Department will be contacted.

Security
The management maintains 24-hour security in the lobby as well as surveillance cameras in all hallways, elevators and common areas. Security guards are posted at the entrance of the building and will often do rounds. Do not congregate at the security station. Please be mindful of your behavior at all times.

Smoking
Smoking is not permitted in your rooms or anywhere else in the building. If you need to smoke, please do so outside the building. Do not loiter directly in front the building or block the entrance.

Threats and violence
Do not engage in, or threaten to engage in, any behavior that endangers the health or safety of another person or oneself.

Vandalism
Any student who defaces public property or any area in any residence will be subject to disciplinary action, appropriate fines, and for cleaning and repairing the defaced area.

Windows
Even a small item that falls or is thrown out of your window can seriously injure or even kill a pedestrian. Your windows are designed to open no more than a few inches. Do not try to remove these safety devices, and never throw anything out your window. Any violation of this policy will be reported to the New York Police Department.

Bicycles and rollerblades
You are permitted to have a bicycle and rollerblades; however, these items must be stored in your room. You are not allowed to ride them inside the building. Leaving items in the hallway is a safety hazard and will be promptly confiscated by the staff.

**Consolidation**

Please remember that the double/triple occupancy rooms are intended for two/three residents. When a vacancy becomes available in a shared space, another roommate or roommates will be found immediately. **Please do not allow guest(s) to sleep or settle into the unoccupied space.** The space must be ready for a new arrival to check-in. Every effort will be made to give you at least 24 hours’ notice prior to a new roommate's arrival.

**Equal opportunity housing availability**

Baruch College is an equal opportunity organization and offers living accommodations without regard to race, age, color, national origin, or disability as provided for in Title IV and Title IX and sanctions 503 and 504 of the Rehabilitation Act of 1973 and the American Disabilities Act of 1990.

**Filming**

In order to protect residents’ rights to privacy and undue disruption of their community you are not permitted to film in any area of the building.

**Gambling**

Gambling in your room or anywhere within the residence halls is not permitted.

**Rooftops**

Residents are strictly forbidden to be on the roof at any time for any reason (except by the request of a New York fire official). Any violation of this policy will lead to disciplinary action.

**Restricted areas**

Residents are strictly prohibited from going into certain areas including but not limited to: electrical or storage closets and areas in the basement level. Residents cannot use emergency exits unless there is an emergency.

**Signage**

Exhibiting or affixing any sign, advertisement, notice or other lettering, flags or banners on any part of the outside of your room, door or the building (including signage inside your room if it
can be viewed from the outside) is prohibited. Additionally, residents are not permitted to attach or hang any projections (radio or television antennas, awnings, flags, banners, etc.) on the outside walls or windows of the building.

**Solicitation and/or business**

It is prohibited to conduct any business or commercial enterprise from the building. You are prohibited from unauthorized solicitation, membership recruitment, subscription, polling, posting, placing materials underneath doors, canvassing, and commercial sale of products, services, or tickets in any residence. Under no circumstances is prostitution or escort services permitted in the residences at any time.

**Sports**

Playing any sports in the hallways or lounges is strictly prohibited. Please take all frisbees, footballs, etc. outdoors.

**Storage**

There is no extra storage space available. Please do not bring more personal property than you can keep within your room. Summer storage is also not available and anything left behind will be considered abandoned and you will incur appropriate charges. You may use local storage spaces such as City Closets or Manhattan Mini Storage for your storage needs.

**Please Note:** Any violation of these rules, or of other policies, whether included in this Residence Guide or not, may result in the appropriate disciplinary action by Baruch College (including termination of the lease agreement), and possibly legal authorities.
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I. POLICY STATEMENT

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

1) Defining conduct that constitutes prohibited Sexual Misconduct;
2) Providing clear guidelines for students, employees and visitors on how to report incidents of Sexual Misconduct and a commitment that any complaints will be handled respectfully;
3) Promptly responding to and investigating allegations of Sexual Misconduct, 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 Misconduct;
5) Providing awareness and prevention information on Sexual Misconduct, including widely disseminating this policy, as well as a “students’ bill of rights” and implementing training and educational programs on Sexual Misconduct to college constituencies; 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 Misconduct and is applicable at all college and units at the University. It will be interpreted in accordance with the principles of academic freedom adopted by CUNY’s Board of Trustees.

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

- 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 Misconduct covered by this policy.

- The CUNY Campus and Workplace Violence Prevention Policy addresses workplace violence.

- The CUNY Domestic Violence and the Workplace Policy addresses domestic violence in or affecting employees in the workplace.

- The CUNY Procedures for Implementing Reasonable Accommodations and Academic Adjustments addresses the procedures CUNY will follow when there is a request for a reasonable accommodation and or academic adjustment.

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

This policy governs the conduct of (i) all the members of CUNY’s community, including employees and students, and (ii) non-members of CUNY’s community who interact with members of the CUNY community (hereinafter “visitors”). Visitors are both protected by and subject to this policy. A non-member may make a complaint of or report a violation of this policy committed by a member of CUNY’s community. A non-member may also be subject to restrictions for failing to comply with this policy. This policy applies to conduct that occurs on and off CUNY property.

III. **DEFINITIONS**

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

Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.

In order to give consent, one must be of legal age (17 years or older).

Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by lack of consciousness or being asleep, being involuntarily restrained, or if the individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

Consent may be initially given but withdrawn at any time. When consent is withdrawn or no can longer be given, sexual activity must stop.

b. **Complainant** refers to the individual who alleges that she/he has been the subject of Sexual Misconduct, and can be a CUNY student, employee (including all full-time and part-time faculty and staff), or visitor. Under this policy, the alleged incident(s) may have been brought to the college’s attention by someone other than the complainant.

c. **Complaint** is an allegation of Sexual Misconduct made under this policy.
d. **Confidentiality** is the commitment not to share any identifying information with others, except as required by law in emergency circumstances (such as risk of death or serious bodily harm). Confidentiality may only be offered by individuals who are not legally required to report known incidents of Sexual Misconduct to college officials. Licensed mental health counselors, medical providers & pastoral counselors may offer confidentiality.

e. **Dating Violence** is violence or sexual assault committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined based on the reporting party’s statement and with consideration of the length of the relationship and the frequency of the interaction between the persons involved in the relationship. Dating violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct. A relationship may be romantic or intimate regardless of whether the relationship was sexual in nature. Dating violence includes the threat of sexual or physical abuse.

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

g. **Forcible Touching/Fondling** is intentionally touching the sexual or other intimate parts of another person without the latter’s consent for the purpose of degrading or abusing such person, or for the purpose of gratifying the actor’s sexual desire.

h. **Gender-Based Harassment** is unwelcome conduct of a nonsexual nature based on an individual’s actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is sufficiently serious to adversely affect an individual’s participation in employment, education or other CUNY activities. The effect will be evaluated based on the perspective of a reasonable person in the position of the complainant. An example of gender-based harassment would be persistent mocking or disparagement of a person based on a perceived lack of stereotypical masculinity or femininity.

i. **Intimate Partner Violence (“IPV”)** includes both Domestic Violence and Dating Violence.

j. **Managers** are employees who have authority to make tangible employment decisions with regard to other employees, including the authority to hire, fire, promote, compensate or assign significantly different responsibilities.
k. **Pastoral counselor**: A person who is associated with a religious order or denomination, recognized by that order or denomination as someone who provides confidential counseling, and functioning within the scope of that recognition.

l. **Privacy** is the assurance that the college will only reveal information about a report of Sexual Misconduct to those who need to know the information in order to carry out their duties or responsibilities or as otherwise required by law. Individuals who are unable to offer the higher standard of confidentiality under law, but who are still committed to not disclose information more than necessary, may offer privacy.

m. **Rape and Attempted Rape** is the penetration or attempted penetration, no matter how slight, of any body part by a sex organ of another person, without the consent of that person.

n. **Respondent** refers to the individual who is alleged to have committed Sexual Misconduct against a CUNY student, employee, or visitor.

o. **Retaliation** is adverse treatment of an individual as a result of that individual’s reporting Sexual Misconduct, assisting someone with a report of Sexual Misconduct, opposing in a reasonable manner an act or policy believed to constitute Sexual Misconduct, or participating in any manner in an investigation or resolution of a Sexual Misconduct 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.

p. **Sexual Activity** is:

- contact between the penis and the vulva or the penis and the anus;
- contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
- penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

q. **Sexual Assault** is any form of sexual activity that occurs without consent.

r. **Sex Discrimination** is treating an individual differently or less favorably because of sex, including sexual orientation, gender or gender identity (including transgender status), as well as pregnancy, childbirth and related medical conditions. Examples of sex discrimination include giving a student a lower grade, or failing to hire or promote an employee, based on their sex.
s. **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.

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

u. **Sexual Violence** includes: (1) sexual activity without affirmative consent, such as sexual assault rape/attempted rape, and forcible touching/fondling; (2) dating, domestic and intimate partner violence; (3) stalking as defined below; and (4) voyeurism, as defined below.

v. **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 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
2. 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.

Where stalking is directed at an individual with whom the perpetrator has, had, or sought some form of sexual or romantic relationship, it will be addressed under this Policy. Stalking that lacks a sexual or gender-based nexus may be addressed under the Code of Conduct.

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

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

y. **Voyeurism** is unlawful surveillance and includes acts that violate an individual’s right to privacy in connection with her/his body and/or sexual activity such as:

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

   ii. Recording images (e.g. video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness without that person’s consent;

   iii. Disseminating images (e.g. video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness, 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;

   iv. Using or installing, or permitting the use or installation of a device for the purpose of recording another person’s sexual activity, intimate body parts or nakedness in a place where the person would have a reasonable expectation of privacy without that person’s consent.

z. **Writing.** Whenever this policy requires in “writing,” electronic mail satisfies the writing requirement.

### IV. PROHIBITED CONDUCT

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

This policy prohibits sexual harassment, gender-based harassment and sexual violence (together “Sexual Misconduct”) against any CUNY student, employee or visitor.
Sexual harassment includes unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic and electronic communications or physical conduct that is sufficiently serious to adversely affect an individual’s participation in employment, education or other CUNY activities.

Sexual harassment is considered a form of employee misconduct and an employee who engages in such conduct, or, managerial and supervisory personnel who knowingly allow such behavior to continue, shall be subject to discipline in accordance with applicable rules, policies and collective bargaining agreements.

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

Sexual violence is an umbrella term that includes: (1) sexual activity without affirmative consent, sexual assault, rape/attempted rape, and forcible touching/fondling; (2) dating, domestic and intimate partner violence; (3) stalking/cyberstalking (“stalking”), and (4) voyeurism.

The complete definitions of these terms, as well as other key terms used in this policy, are in Section III above.

B. Retaliation

This policy prohibits retaliation against any person who reports Sexual Misconduct, assists someone making such a report, participates in any manner in an investigation or resolution of a Sexual Misconduct complaint, including testifying or assisting in a legal proceeding, or opposes in a reasonable manner an act or policy believed to constitute Sexual Misconduct. Federal, state, and local laws also prohibit retaliation.

C. Certain Intimate Relationships

This policy also prohibits certain intimate relationships when they occur between a faculty member or employee and any student for whom he or she has a professional responsibility as set forth in Section XIII below.

V. 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 Misconduct, in education programs, and with New York State Law Article 129B, commonly referred to as Enough is Enough, Combating Sexual Assault and Domestic Violence on College Campuses (hereafter “Enough is Enough”). The Title IX Coordinator has overall responsibility for implementing this policy, including overseeing the investigation of complaints at her/his college or unit and carrying out the other functions of that position set forth in this policy. All Title IX Coordinators shall receive annual training on Sexual Misconduct as required by Title IX, the Clery Act, Enough is Enough.
Enough, and other civil rights law. The name and contact information for all Title IX Coordinators at CUNY can be found on the university’s dedicated Title IX website.

VI. ASSISTANCE IN CASES OF SEXUAL VIOLENCE

A. Reporting to Law Enforcement

Students, employees and other community members 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 may, but are not required to, report to local law enforcement, and/or state police. CUNY does not require a complainant to report sexual misconduct to law enforcement; however, if a student, employee, or other community member does wish to report to law enforcement, CUNY will provide assistance. Each college public safety office shall have an appropriately trained employee available at all times to provide the complainant with information regarding options to proceed, including information regarding the criminal justice process and the preservation of evidence. Campus public safety officers can also assist the complainant with filing a complaint both on and off-campus, and in obtaining immediate medical attention and other services.

Additional information is available on the university’s Title IX website.

B. Relationship of CUNY’s Investigation to the Action of Outside Law Enforcement

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

Students, employees and other community members should be aware that CUNY procedures and standards differ from those of criminal procedures. When CUNY investigates allegations of sexual misconduct or brings disciplinary proceedings for violations of this policy, the issue is whether the respondent violated CUNY policy. The standard applied in making this determination is whether the preponderance of the evidence substantiates the complaint, or, stated another way, whether it is more likely than not that the alleged conduct occurred. An individual found to have violated this policy may be sanctioned by the college and CUNY. In the criminal justice system, on the other hand, the issue is whether the accused violated state criminal law. The standard applied is proof beyond a reasonable doubt and an individual found guilty of a crime is subject to criminal penalties, such as incarceration, probation and fines. More information about relevant criminal laws is available in ‘A Plain Language Explanation of Distinction Between the New York Penal Law and the College Disciplinary Processes’.
C. Obtaining Immediate Medical Attention and Emotional Support

CUNY encourages anyone who has experienced sexual assault or domestic, dating or intimate partner violence to seek medical attention as soon as possible. Medical resources can provide treatment for injuries, preventative treatment for sexually transmitted diseases, emergency contraception, and other health services. They can also assist in preserving evidence or documenting any injuries. Taking these steps promptly after an incident can be very helpful if an individual later decides to seek criminal proceedings or a protective order.

Individuals who have experienced or witnessed sexual violence are also encouraged to seek emotional support, either on or off-campus.

D. On-campus resources

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.

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

VII. IMPORTANT INFORMATION ABOUT CONFIDENTIALITY, PRIVACY and REQUIRED REFERRALS

CUNY values the privacy of its students, employees, and visitors. They should be able to seek the assistance they need without fear that the information they provide will be shared more broadly. Some individuals who serve as resources on campus are confidential resources and will not share any identifying information with others, except as required by law in emergency circumstances. Other individuals are not permitted to maintain confidentiality but will protect privacy to the greatest extent possible and share information with other staff only on a need-to-know basis.

Confidential resources. Individuals considered confidential resources include counselors and health care providers at the college counseling centers and health offices, pastoral counselors, and designated staff members at women’s or men’s centers, if they exist on campus. Students may use these resources even if they decide not to make a report or participate in University disciplinary proceedings or the criminal justice process.

Private but non-confidential resources. Many college employees are required by federal and state law to provide information about possible sexual misconduct to the Title IX Coordinator. Individuals designated as non-confidential but private resources will protect privacy to the greatest extent possible, but must share relevant information about sexual misconduct with the Title IX Coordinator.

More information about confidential and private but non-confidential resources is provided in Section IX, below.
Under the Clery Act, the College is required to maintain records, advise the government about reports of certain crimes, and issue timely warnings when there is a serious, continuing threat to the community. Such reports and warnings do not disclose the names of reporting individuals.

VIII. REPORTING SEXUAL MISCONDUCT TO THE COLLEGE

In order for the University to address allegations of sexual misconduct, it has to learn about them. Accordingly, CUNY strongly encourages individuals who have experienced sexual misconduct to file a complaint with a designated campus official, as outlined below. The designated officials are trained to accept complaints, to ensure they are investigated in accordance with this policy, and to help complainants get necessary assistance.

Students, faculty, staff and visitors are encouraged to report incidents of sexual misconduct to campus officials, even if they have reported the incident to outside law enforcement authorities, and regardless of whether the incident took place on or off-campus (including “study abroad” programs). Such reporting will enable complainants to get the support they need and provide the college with the information it needs to take appropriate action.

A. Complainant’s Rights

Individuals who have experienced sexual misconduct have the right to file a complaint with the college or to decide not to do so. (The decision on whether to bring disciplinary charges, however, rests with the campus.) Students who report sexual misconduct have all of the rights contained in the Students Bill of Rights (copy attached).

Complainants also have these rights:

- To notify campus public safety, local law enforcement, and/or the state police; or to choose not to report.
- To have emergency access to a college official trained to interview victims of sexual assault and able to provide certain information, including reporting options and information about confidentiality and privacy. The official will, where appropriate, advise the reporting individual about the importance of preserving evidence and obtaining a sexual assault forensic examination (“SAFE”) as soon as possible. The official will also explain that the criminal process uses different standards of proof, evidence, and that any questions about whether an incident violated criminal law should be addressed to a law enforcement official or a district attorney’s office.
- To disclose the incident to a college representative who can offer confidentiality or privacy and assist in obtaining services for reporting individuals. See Section IX, below.
- To describe the incident only to those campus officials who need the information in order to properly respond and to repeat the description as few times as practicable.
- To have complaints investigated in accordance with CUNY policy.
- To have privacy preserved to the extent possible.
- To receive assistance and resources on campus, including confidential and free on-campus counseling, and to be notified of other services available on- and off-campus, including the New York State Office of Victim Services.
• To disclose the incident to the college’s Human Resources Director or designee (if the accused is a college employee) or request that a confidential or private resource assist in doing so.
• To disclose the incident confidentially and obtain services from state and local governments.
• To receive assistance from the campus or others in filing a criminal complaint, initiating legal proceedings in family court or civil court, and /or seeking an Order of Protection or the equivalent. In New York City, this assistance is provided by Family Justice Centers located in each borough: [http://www1.nyc.gov/site/ocdv/programs/family-justice-centers.page](http://www1.nyc.gov/site/ocdv/programs/family-justice-centers.page).
• To receive assistance with effecting an arrest when an individual violates an Order of Protection, which may be provided by assisting local law enforcement in effecting such an arrest.
• To withdraw a complaint or involvement from the process at any time.

Students can speak with confidential resources on a strictly confidential basis before determining whether to make a report to college authorities. See Section IX, below. Students also have the right to consult confidentially with state, local and private resources who can provide other assistance.

B. Where to File a Complaint on Campus

Students, employees and visitors who experience sexual misconduct should bring their complaints to one of these campus officials/offices:

• Title IX Coordinator;
• Office of Public Safety;
• Office of Vice President for Student Affairs or Dean of Students (students only);
• Residence Life staff in CUNY owned or operated housing (students and residence visitors only); and
• Human Resources Director (employees only).

Contact information for these officials can be found at [https://www1.cuny.edu/sites/title-ix/campus-websites/](https://www1.cuny.edu/sites/title-ix/campus-websites/).

There is no prescribed method for filing a complaint of sexual misconduct and the college will respond to complaints whether they are oral or written. Complainants may, but are not required to, fill out the CUNY Sexual Misconduct Complaint form (see page 38). After the form is filled out, it should be brought to one of the offices listed above.

Once any of the officials or offices above is notified of an incident of sexual misconduct, she/he will provide a copy of this Policy to the Complainant and coordinate with appropriate college offices to address the matter in accordance with this policy, including taking appropriate interim and supportive measures. These officials and offices will maintain a complainant’s privacy to the greatest extent possible, and all information in connection with the complaint, including the identities of the complainant and the respondent, will be shared only with those who have a legitimate need for the information.
Visitors: CUNY strongly encourages visitors to report all incidents of sexual misconduct that they observe or experience while on a CUNY campus or at a CUNY sponsored event to the Office of Public Safety, Residence Life staff, or other appropriate college officials listed above. In certain instances, CUNY may be able to offer those visitors who have experienced sexual misconduct with resources and assistance. For more information on such assistance, please visit [http://www1.cuny.edu/sites/title-ix/](http://www1.cuny.edu/sites/title-ix/).

C. Request that the College Maintain a Complainant’s Confidentiality or Not Conduct an Investigation

After a report of an alleged incident of sexual misconduct is made to the Title IX Coordinator, a complainant may request (a) that the matter be investigated only to the extent possible without further revealing her/his identity or any details regarding the incident being divulged further (b) that no investigation into a particular incident be conducted, or (c) that an incident not be reported to outside law enforcement.

In all such cases, the Title IX Coordinator will weigh the complainant’s request against the college’s obligation to provide a safe, non-discriminatory environment for all students, employees and visitors, including the complainant. Factors used to determine whether to honor such a request include, but are not limited to: (a) whether the respondent has a history of violent behavior or is a repeat offender; (b) whether the incident represents escalation of unlawful conduct by the accused from previously noted behavior; (c) any increased risk that the accused will commit additional acts of violence, (d) whether the accused used a weapon or force; (e) whether the complainant is a minor; (f) whether the college possesses other means to obtain evidence such as security footage; and (g) whether available information reveals pattern of misconduct at a given location or by particular group.

A decision to maintain confidentiality does not mean that confidentiality can be absolutely guaranteed in all circumstances, but that reasonable efforts will be made 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 X of this policy.

If the Title IX Coordinator determines that the college may maintain confidentiality as requested by the complainant, the college will, if possible, take 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 for confidentiality.

D. Filing External Complaints

Complainants who feel that they have been subjected to unlawful sexual harassment and/or violence have the right to avail themselves of any and all of their rights under law, including but not limited to filing complaints with one or more of the outside agencies listed below.

- U.S. Department of Education, Office for Civil Rights
  [http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html](http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html)
E. Action by Bystanders and Other Community Members

While only employees designated as “responsible” employees are required reporters as set forth in Section IX 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 misconduct that they may witness. Although these actions will depend on the circumstances, they may include direct intervention, calling law enforcement, or seeking assistance from a person in authority.

In addition, CUNY encourages all community members to report any incident of sexual misconduct that they observe or become aware of to the Title IX Coordinator, or the offices of Public Safety, Vice President of Students Affairs (students), Dean of Students (students) or Human Resources (employees) 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.

F. Amnesty for Drug and Alcohol Use

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

This policy does not provide amnesty for drug dealers or those who use drugs or alcohol as a weapon or to facilitate assault. Under CUNY’s Amnesty for Drug and Alcohol Policy, personal drug use and possession, whether it is intentional or accidental, will not form the basis of faculty student disciplinary charges.

G. 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.

H. Reporting Retaliation

An individual may file a complaint with the Title IX Coordinator if the individual has been retaliated against for reporting sexual misconduct, opposing in a reasonable manner an act or policy believed to constitute sexual misconduct, assisting someone making such a report, or participating in any manner in an investigation or resolution of a sexual misconduct complaint. All retaliation complaints will be investigated in accordance with the investigation procedures set forth in Section XI of this policy, and individuals who are found to have engaged in retaliation will be subject to disciplinary action.

IX. REPORTING/CONFIDENTIALITY OBLIGATIONS OF COLLEGE AND UNIVERSITY EMPLOYEES

An individual who speaks to a college or CUNY employee about sexual misconduct should be aware that employees fall into three categories:

- “confidential” employees, who have an obligation to maintain a complainant’s confidentiality regarding the incident(s);
- “responsible” employees, who are required to report the incident(s) to the Title IX Coordinator;
- 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 confidential should speak to one of the following:
   - Counselor or other staff member at their college counseling center;
   - Nurse, nurse practitioner or other college health office staff member;
   - Pastoral counselor, if available at the college; or
   - Designated staff member in a women’s or men’s center, if one exists at their college.

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

If a student speaks solely to a “confidential” employee, the college will rarely be able to conduct an investigation into the particular incident or pursue disciplinary action against
the alleged perpetrator. Confidential employees will assist students in obtaining other necessary support. A student who first requests confidentiality may later decide to file a complaint with the college or with local law enforcement.

ii. **For Employees.** Although CUNY does not directly employ individuals to whom CUNY employees can speak on a confidential basis regarding sexual misconduct, free confidential support services are available through [CUNY’s Work/Life Program](#), which is administered by an outside company. Confidential community counseling resources are also available [throughout New York City](#).

B. **“Responsible” Employees – Private, but not confidential.**

“Responsible” employees have a duty to report incidents of sexual misconduct, including all relevant details, to the Title IX Coordinator. Such employees are not permitted to maintain a complainant’s confidentiality, except that the Title IX Coordinator may honor a request for confidentiality under the circumstances described in Section VII above. However, these employees will maintain a complainant’s privacy to the greatest extent possible, and information reported to them will be shared only with the Title IX Coordinator and other people responsible for handling the college’s response to the report.

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

CUNY has designated the following individuals as “responsible” employees. Complainants who wish to report sexual violence are encouraged to speak with one of the responsible employees marked: *

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

C. All Other Employees

Employees other than those identified in subsections “A” and “B” above are strongly encouraged but not required to report any possible sexual misconduct to the Title IX Coordinator. They are also strongly encouraged to maintain individual privacy to the greatest extent possible by sharing information, including the identities of the complainant and the respondent, only with the Title IX coordinator.

It is important to emphasize that faculty members other than those specifically identified in sub-Section “B” above have not been designated as “responsible” employees and do not have an obligation to report the matter to the Title IX Coordinator, although they are strongly encouraged to do so. An individual who wishes to ensure that the Title IX Coordinator is notified of an incident is strongly encouraged to speak with the Title IX Coordinator or one of the other individuals identified above.

D. Special Rules Concerning Public Awareness and Advocacy Events

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

X. NO CONTACT ORDERS AND OTHER INTERIM AND SUPPORTIVE MEASURES

When a college becomes aware of an allegation of sexual misconduct and the complainant or other affected parties request interim or supportive measures, the college will take appropriate interim and supportive measures to protect the complainant and other affected parties, to assist the parties, and to protect against retaliation. Appropriate interim and supportive measures may also be available to respondents. The college may also take interim measures to protect the college community at large.
The college’s Title IX Coordinator is responsible for coordinating interim and supportive measures, which are available even if the complainant chooses not to file or continue to pursue a complaint. Requests for interim and supportive measures should be made to the Title IX Coordinator.

The Title IX Coordinator will work with the Chief Student Affairs Officer to identify a trained staff member to assist students to obtain interim and supporting measures. The Title IX Coordinator will work with the Human Resources Director to assist employee complainants to obtain interim and supporting measures.

A. No Contact Orders

When respondent is a student, the complainant has the right to a college-issued "no contact order" under which continued intentional contact with the complainant would violate this policy. No contact orders may be issued for both the complainant and the respondent, as well as other individuals as appropriate.

B. Types of Interim and Supportive Measures

Possible interim and supportive measures include:

1. Making appropriate changes to academic programs, including changes in class schedule, accommodations to permit the complainant to take an incomplete or drop a course or courses without penalty, permitting complainant or respondent to attend a class via skype or other alternative means, providing an academic tutor, or extending deadlines for assignments;
2. Making appropriate changes to residential housing situations or providing assistance in finding alternate housing;
3. Changing an employee’s work assignment or schedule;
4. Providing the complainant with an escort to and from class or campus work location;
5. Arranging appropriate transportation services to ensure safety;
6. Offering counseling services through the college Counseling Center or other appropriate office, or referral to an off-campus agency;
7. Assisting the complainant in obtaining medical and other services, including access to rape crisis centers;
8. Assisting the complainant with filing a criminal complaint and/or seeking an order of protection;
9. Enforcing an order of protection;
10. Obtaining a copy and/or explaining the terms of an order of protection and the consequences of violating it;
11. Addressing situations in which it appears that a complainant’s academic progress is affected by the alleged incident;
12. In exceptional circumstances, where a respondent is determined to present a continuing threat to the health and safety of the community, the college may seek an emergency interim suspension of a student or take similar emergency measures against an employee, consistent with applicable CUNY Bylaws, rules, policies and collective bargaining agreements. The Office of Public Safety will, in cooperation with the Title IX Coordinator.
and appropriate other campus officials, determine whether a respondent presents a continuing threat to the health and safety of the campus, including (a) whether the respondent has a history of violent behavior or is a repeat offender; (b) whether the incident represents escalation in unlawful conduct by the accused; and (c) any increased risk that the accused will commit additional acts of violence.

C. **Interim Emergency Student Suspensions**

The president or her/his designee may in emergency or extraordinary circumstances, temporarily suspend a student pending an early hearing for not more than twelve (12) calendar days, unless the student requests an adjournment. See Section B above.

Prior to the commencement of a temporary suspension of a student, the college shall give the student respondent oral notice (which shall be confirmed via email to the address appearing on the records of the college) or written notice of the charges. If the respondent denies them, the college shall forthwith give the respondent an informal oral explanation of the evidence supporting the charges and the student may present informally her/his explanation or theory of the matter.

Both complainant and the respondent will be notified of the suspension and if or when it the suspension is lifted at the same time and in the same manner.

D. **Process for Review of Interim Measures, including “No Contact” Orders and Interim Suspensions.**

Upon request, the complainant and the respondent shall each be afforded a prompt review of the need for and terms of restrictive interim measures, including “no contact” orders and interim suspensions. Issues that may be raised include possible modification or discontinuance of a “no contact” order. Complainants and respondents shall be allowed to submit evidence to support their request. The request shall be made to the college’s Chief Student Affairs Officer, if either the complainant or the respondent is a student, or to the college’s Human Resources Director, if neither the complainant nor the respondent are students. If a request is made in a case involving both a student and an employee, the Chief Student Affairs Officer shall consult with the Human Resources Director. The Chief Student Affairs Officer or Human Resources Director may consult with the Title IX Coordinator and other relevant officials regarding the request. If appropriate and possible, the college may establish an appropriate schedule for the complainant and the respondent to access college facilities when they are not being used by the other party to enable both parties to use college facilities to the maximum extent feasible, without violation of the “no contact” order.

Requests for accommodations that were made under CUNY’s Procedures for Implementing Reasonable Accommodations and Academic Adjustments and do not directly affect the other party are governed by the appeals provisions set forth in those Procedures.
XI. INVESTIGATING COMPLAINTS OF SEXUAL MISCONDUCT

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 misconduct may have been committed against a student, employee or visitor, unless the information provided is insufficient to permit an investigation or the complainant has requested that the college refrain from such an investigation and the college has determined that refraining from an investigation will not result in a continuing threat to the college community. See Section VIII, above.

A. Rights of the Complainant and Respondent.

Whenever an investigation takes place, the complainant and respondent shall have these rights:

- to an investigation and process that is fair, impartial, timely and thorough and provides a meaningful opportunity to be heard;

- to have the complaint investigated and/or adjudicated by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, and the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until any finding of responsibility;

- to have the college’s judicial or conduct process run concurrently with any criminal justice investigation and proceeding, except for temporary delays requested by external municipal entities while law enforcement gathers evidence;

- to receive reasonable advance written or electronic notice of any meeting they are required to or eligible to attend, of the specific rule or law alleged to have been violated and in what manner;

- to exclude their own prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis and/or treatment from admittance in the stage that determines responsibility. (Past findings of sexual misconduct may be admissible in the stage that determines sanction.)

- to offer evidence during the investigation;

- to review documents and tangible evidence, consistent with FERPA and other law;

- to be accompanied by an attorney or other advisor of their choice, who may assist and advise the complainant or respondent throughout the process including during all related meetings and hearings. Such attorneys or advisors must comply with the CUNY policies and procedures; and

- to simultaneous notice of the outcome of proceedings.
B. The Investigation

The college Title IX Coordinator is responsible for conducting any investigation in a prompt, thorough, and impartial manner and may designate another appropriately trained administrator to conduct all or part of the investigation. Whenever an investigation is conducted, the Title IX Coordinator shall:

- coordinate investigative efforts with other appropriate offices;
- inform the complainant that an investigation is being commenced and that the respondent will receive a written summary of the allegations;
- inform the respondent that an investigation is being commenced and provide the respondent with a written summary of the allegations of the complaint. A respondent employee who is covered by a collective bargaining agreement may consult with and have a union representative present at any interview of that employee conducted as part of such investigation;
- interview witnesses who might reasonably be expected to provide information relevant to the allegations, and review relevant documents and evidence. Both the complainant and respondent shall be informed that they have the right to provide relevant documents and to propose for interview witnesses whom they reasonably believe can provide relevant information.

Neither the complainant nor the respondent is restricted from discussing and sharing information related to the complaint with others who may support or assist them. This does not, however, permit unreasonable sharing of private information in a manner intended to harm or embarrass another, or in a manner that would recklessly do so regardless of intention. Such unreasonable sharing may constitute retaliation under this Policy.

The college Title IX Coordinator shall maintain all documents of the investigation in accordance with the CUNY Records Retention and Disposition Policy.

The college shall make reasonable efforts to ensure that the investigation and resolution of a complaint are carried out as timely and efficiently as possible. However, the college may need to temporarily delay the fact-finding portion of its investigation during the evidence-gathering phase of a law enforcement investigation. Temporary delays will generally not last more than ten days except when law enforcement specifically requests and justifies a longer delay. While some complaints may require more extensive investigation, when 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.

i. Role of the Advisor

In cases involving this Policy, both the complainant and respondent may be accompanied by an advisor of their choice (including an attorney) who may advise throughout the entire process, including all meetings and hearings. While advisors may represent a party and fully participate at a hearing, they may not speak during the meetings that proceed the hearing nor give testimony as a witness at the hearing.
C. Conflicts

If a complainant or respondent believes that any individual involved in the investigatory or adjudication process has a conflict of interest, he or she may make a request to the Chief Student Affairs Officer (or, if no students are involved, to the Legal or Labor Designee) to have that conflicted individual removed from the process. The request for removal must be in writing within five days of the complaint or respondent’s notification that the individual is to be involved and include a detailed description of the conflict. If the Chief Student Affairs Officer (or Legal or Labor Designee) determines that a conflict does exist, he or she will take immediate steps to address the conflict in order to ensure an impartial and fair process.

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.

D. Informal Resolution

Except in instances involving sexual assault, the Title IX Coordinator, in his or her discretion, may offer the respondent and the complainant the opportunity to participate in the informal resolution process. Informal resolution may take place after the Title IX Coordinator has completed the investigation, but before the Title IX report has been completed, in an effort to resolve the matter by mutual agreement. The informal resolution process shall be conducted by the Title IX Coordinator, or by a qualified staff or faculty member designated by Title IX Coordinator, in coordination with the Chief Student Affairs Officer.

Both the complainant and the respondent have the right to end the informal resolution process at any time. Any informal resolution must be acceptable to the complainant, the respondent, and the Title IX Coordinator. Even if both the respondent and complainant agree to a resolution, the Title IX Coordinator must also agree with the resolution for it to be final.

If a resolution is reached, the complainant and the respondent shall be notified in writing, and the Title IX Coordinator will confer with the Chief Student Affairs Officer when creating a written memorandum memorializing the agreed upon resolution and consequences for non-compliance. This memorandum will be included in the respondent’s student record.

If no agreement is reached within a reasonable time, the Title IX Coordinator shall complete the Title IX report and take action in accordance with subsection E below. Information learned during and directly from the informal resolution process will not be documented in the Title IX report.

E. Action Following the Investigation or Closure of a Complaint

i. Within 30 days following the completion of an investigation, the Title IX Coordinator shall report her/his findings to the College President in writing (“Report of 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.

ii. In making findings regarding the allegations, the Title IX Coordinator shall use the “preponderance of the evidence” standard.

iii. Following receipt of the Report of Findings, the College President shall, when warranted by the facts, authorize such action as she/he deems necessary to address the issues raised in the Report of Findings, including action to correct the effects of the conduct investigated or prevent further harm to an affected party or others similarly situated. This may include a recommendation that disciplinary action be commenced against a respondent, as set forth in Section XII below.

iv. Within 30 calendar days following the termination of an investigation that has not been completed (for example, because it was resolved by informal resolution or the complainant withdrew cooperation); the Title IX Coordinator will summarize for the file the actions taken in response to the complaint and the basis on which the investigation was closed.

F. Malicious Allegations

Members of the CUNY community who make false and malicious complaints of violations of this policy of as opposed to complaints which, even if erroneous, are made in good faith, may be subject to disciplinary action.

XII. DISCIPLINARY PROCESS AND PROCEDURES

A. Disciplinary Action

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

Discipline Against Students:

a. In cases where a College President recommends discipline against a student for violations of this Policy, the matter shall be referred to the college’s Office of Student Affairs and action shall be taken in accordance with Section 11.A-C of this Policy, below. This Section provides for, among other things, a Faculty-Student Disciplinary Committee consisting of faculty members, students and in some cases staff members specially trained to hear and decide charges of violation of this Policy.

b. As described in Sections XI above, complainants have the same rights as respondents:
   • to receive notice of the charges, including the date, time, location and factual allegations, concerning alleged violation of this Policy;
   • to receive notice of the specific provisions alleged to have been violated and possible sanctions;
   • to present evidence and testimony at any hearing, where appropriate;
   • to be represented by an attorney or advisor of their choice;
• to receive access to a full and fair record of any hearing;

• to receive written notice of the decision of the faculty-student disciplinary committee, specifically whether the allegations were substantiated and what, if any, penalty was imposed;

• to make an impact statement at the point when the decision maker is deliberating on appropriate sanctions;

• To written notice of findings of fact, decisions and sanctions if any, as well as the rationale for the decision and any sanction;

• to choose whether to or discuss the outcome of a conduct or judicial process;

• to appeal to a decision maker that is fair and impartial and does not include individuals with conflicts of interest;

• to have all information obtained during the conduct process protected from public release until a decision maker on appeal makes a final determination, unless otherwise required by law.

c. Penalties for students instituted after a hearing before the faculty-student disciplinary committee range from a warning to suspension or expulsion from the University. Students accused of crimes of violence are also subject to the university’s policy on transcript notations which is discussed in this Section below.

Discipline Against Employees

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

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

Action Against Visitors

In cases where the person accused of sexual misconduct is not a CUNY student or employee, the college’s ability to take action against the accused is usually extremely limited. However, the college shall take all appropriate actions within its control, such as restricting the visitor’s access to campus. In addition, subject to Section VI, above, the matter may be referred to local law enforcement for legal action, including seeking Orders of Protection and/or reporting to local law enforcement.
enforcement, where appropriate. College Public Safety will assist both students and employees in enforcing Orders of Protection on the campus.

No Disciplinary Action

In cases where a determination is made not to bring disciplinary action, the Title IX Coordinator shall inform the complainant and respondent of that decision at the same time, in writing, and shall offer any appropriate support services, including counseling, to both.

B. Student Disciplinary Procedures

Referral of Violation for Disciplinary Action

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

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

Respondent Withdrawal Before Completion of the Process

In the event that a respondent withdraws from the college before a decision is rendered on the charges, the respondent is required to participate in the disciplinary hearing or otherwise to resolve the pending charges and shall be barred from attending any other unit of the university until a decision on the charges is made, or the charges are otherwise resolved.

Immediately following such withdrawal, the college shall place a notation on the respondent’s transcript that the respondent “withdrew with conduct charges pending.” If the respondent fails to appear, the college may proceed with the disciplinary hearing in absentia, and any decision and sanction shall be binding, and the transcript notation, if any, resulting from that decision and penalty shall replace the notation.

Issuance of Charges & Notice of Hearing

Notice of the charge(s) and of the time and place of the hearing shall be sent to the respondent by both first-class mail and email to the address appearing on the records of the college. Notice shall also be sent in a similar manner to the complainant to the extent that charges relate to the complainant. 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 respondent and the complainant.

The hearing shall be scheduled within a reasonable time following the filing of the charges or the mediation conference. Notice of at least seven (7) calendar days shall be given to the respondent in advance of the hearing unless the respondent consents to an earlier hearing. The respondent is permitted one (1) adjournment, for a reasonable amount of time under the circumstances, without specifying a reason. Additional requests for an adjournment must be made at least five (5) calendar days prior to the hearing date, and shall be granted or denied at the discretion of the chairperson.
of the Faculty Student Disciplinary Committee. If the respondent fails to respond to the notice, appear on the adjourned date, or request an extension, the college may proceed without the respondent present, and any decision and sanction shall be binding.

Content of Notice of Charges and Hearing

The notice shall contain the following:

A. A complete and itemized statement of the charge(s) being brought against the respondent including the policy, rule and/or bylaw the respondent is charged with violating, and the possible penalties for such violation.

B. A statement that the respondent and the complainant have the right to attend and participate fully in the hearing including the right:

   i. to present their side of the story;
   ii. to present witnesses and evidence on their behalf;
   iii. to cross-examine witnesses presenting evidence, the exception being that the complainant and respondent may not cross-examine each other as discussed below;
   iv. for the respondent to remain silent without assumption of guilt; and
   v. to be represented by an advisor or legal counsel at their expense; if the respondent or the complainant requests it, the college shall assist in finding a legal counsel or advisor.
   vi. A warning that anything the respondent says may be used against the respondent at a non-college hearing.

Review of Evidence before Hearing:

At least five (5) calendar days prior to the commencement of a student disciplinary hearing, the college shall provide the respondent and the complainant and/or their designated representative, with similar and timely access to review documents or other tangible evidence that the college intends to use at the disciplinary hearing, consistent with the restrictions imposed by the Family Educational Rights and Privacy Act ("FERPA"). Should the college seek to introduce additional documents or other tangible evidence during the disciplinary hearing, the respondent and the complainant shall be afforded the opportunity to review the additional documents or tangible evidence. If during the hearing the complainant or the respondent submits documentary evidence, the chairperson may, at the request of any other party grant, adjournment of the hearing as necessary in the interest of fairness, to permit the requesting party time to review the newly produced evidence.

Admission & Acceptance of Penalty

After the charges have been preferred by the chief student affairs officer, but prior to the commencement of a disciplinary hearing, the respondent may admit to the charges and accept the penalty that the chief student affairs officer or designee determines to be appropriate to address the misconduct. If required by this Policy, the agreed-upon penalty
shall be placed on the respondent’s transcript consistent with CUNY’s policy on Transcript Notations (see below). Before resolving a complaint in this manner, the chief student affairs officer, or designee, shall first consult with the complainant and provide the complainant with an opportunity to object to the proposed resolution, orally and/or in writing. If a resolution is reached over the complainant’s objection, the chief student affairs officer or designee shall provide the complainant with a statement of the reasons supporting such resolution, and the complainant may appeal the resolution to the college President.

C. Faculty Student Disciplinary Committee Structure:

Each faculty-student disciplinary committee shall consist of two (2) faculty members or one (1) faculty member and one (1) member of the Higher Education Officer series (HEO), and two (2) student members and a chairperson, who shall be a faculty member. A quorum shall consist of the chairperson and any two (2) 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.

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, three (3) members of the faculty of that college to receive training upon appointment and to serve in rotation as chairperson of the disciplinary committee. The following schools shall be required to select two (2) chairpersons: CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism. If none of the chairpersons appointed from the campus can serve, the president, at her/his 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. She/he shall not be a voting member of the committee but shall vote in the event of a tie.

The faculty members shall be selected by lot from a panel of six (6) elected biennially by the appropriate faculty body from among the persons having faculty rank or faculty status. Members of the panel shall be trained on an annual basis in compliance with the law and this Policy. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) faculty members. The HEO members shall be selected by lot from a panel of six (6) HEO appointed biennially by the president. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) HEO’s. The student members shall be selected by lot from a panel of six (6) elected annually in an election in which all students registered at the college shall be eligible to vote. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) students. 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.

In the event that the chairperson cannot continue, the president shall appoint another chairperson. In the event that a seat becomes vacant and it is necessary to fill the seat to
continue the hearing, the seat shall be filled from the respective faculty, HEO, or student panel by lottery

Each academic year, the chief student affairs officer, and her or his designee, shall appoint/identify one or more college employees to serve as presenters for the hearings. This list shall be forwarded to the Office of the Vice Chancellor for Student Affairs, and the Office of the General Counsel and Sr. Vice Chancellor for Legal Affairs prior to the first day of the academic year

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

Roles and Responsibilities of Individuals during the Hearing

a. Role and Responsibilities of Panel Chairperson:

The chairperson shall preside at the hearing. The parties to the hearing are the college, the respondent, and if the complainant chooses to participate, the complainant. At the commencement of the hearing, the chairperson shall inform the respondent of the charges, the hearing procedures, and her or his rights. After informing the respondent of the charges, the hearing procedures, and respondent’s rights, the chairperson shall ask the respondent to state whether he or she is responsible or not responsible for the conduct. 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 shall rule on any motions regarding the admissibility of evidence and may exclude irrelevant, unreliable or unduly repetitive evidence. The chairperson shall exclude from the hearing room all persons who are to appear as witnesses, except the respondent and the complainant.

The chairperson shall preside at all hearing sessions and meetings and make all rulings for the panel. The chairperson has discretion to limit the number of witnesses and the length of testimony for the presentations by any party and/or their representative. All hearings pursuant to this Policy shall be closed hearings. The chairperson shall not be a voting member of the panel but shall vote in the event of a tie. In the event that the chairperson cannot continue, the President, or his or his designee, shall appoint another chairperson from the committee. In the event that a seat on the panel becomes vacant and it is necessary to fill the seat to continue the hearing, the seat shall be filled from the respective faculty, HEO, or student committee members by lot.

b. Presenters:

Each academic year, the chief student affairs officer at each College or designee shall identify one or more college employees to serve as presenters for the hearings. This list will be forwarded to the Offices of the Vice Chancellor for Student Affairs and General Counsel and Vice Chancellor for Legal Affairs prior to the first day of the academic year. The employee who serves as presenter during the hearing shall be from the same institution as the respondent.
c. Recording of Proceeding

The college shall make a recording of each fact-finding hearing by some means such as a stenographic transcript, an audio recording or the equivalent. No other recording of the proceedings shall be permitted. A respondent who has been found to have committed the conduct charged after a hearing is entitled upon request to a copy of such a record without cost upon the condition that it is not to be disseminated except to the respondent’s advisor. In the event of an appeal, both the respondent and the complainant are entitled upon request to a copy of such a record without cost, upon the condition that it is not to be disseminated except to their advisors.

Basic Hearing Rules:

If, at the commencement of the hearing, the respondent admits the conduct charged, the respondent shall be given an opportunity to explain her/his actions before the hearing panel and the college shall be given an opportunity to respond and present evidence regarding the appropriate penalty. If the respondent denies the conduct charged, the college shall present its evidence. At the conclusion of the college's presentation, the respondent may move to dismiss the charges. If the motion is denied by the committee, the complainant, if the complainant chooses to participate, shall be given an opportunity to make a presentation. After the college’s, and, if complainant chooses to participate, complainant’s presentation, the Respondent shall be given an opportunity to make a presentation.

The college bears the burden of proving the charge(s) by a preponderance of the evidence. The role of the hearing panel is to listen to the testimony, ask questions of the witnesses, review the testimony and evidence presented at the hearing and the papers filed by the parties and make a decision as to responsibility. In the event the respondent is found responsible for the conduct, the committee shall then determine the penalty to be imposed.

The college, the respondent and the complainant are permitted to have advisors act on their behalf during the pendency of a hearing, which shall include the calling and examining of witnesses, and presenting evidence. Any party intending to appear with an attorney shall give the other party five (5) calendar days' notice of such representation.

Neither the respondent nor the complainant shall be permitted to cross-examine the other directly. Rather, if they choose to, the respondent and the complainant shall cross-examine each other only through an advisor. If either or both of them do not have an advisor, the college shall assist them to find an advisor to conduct such cross-examination. In the alternative, the complainant and respondent may provide written questions to the chairperson to be posed to the witness, in the chairperson’s discretion.

Responsibility Phase

The following rules apply to the introduction of evidence at the hearing: Evidence of the mental health diagnosis and/or treatment of a complainant, respondent, or witness may not be introduced; and b) evidence of either party’s prior sexual history may not be introduced except that (i) evidence of prior sexual history between complainant and respondent is admissible at any stage of the hearing, and (ii) past findings of domestic
violence, dating violence, stalking, or sexual assault may be admissible in the stage of that hearing related to penalty.

**Penalty Phase**

If the panel has found the Respondent responsible for the conduct, then the complainant, respondent, and college, will have the opportunity to introduce evidence and make arguments related what the appropriate penalty should be. The complainant, respondent and college will also have the opportunity to introduce evidence of and comment on the respondent’s character, including any past findings of a respondent’s responsibility for domestic violence, stalking, or sexual assault or any other sexual misconduct, and submit a statement regarding the impact of the conduct.

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

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

**ii. Decision**

The panel shall issue a written decision, which shall be based solely on the testimony and evidence presented at the hearing, including the penalty phase. The college shall send to the respondent a copy of the panel’s decision within seven (7) calendar days of the conclusion of the hearing, by regular mail and e-mail to the address appearing on the records of the college. In cases involving two or more complainants or respondents, the college has fourteen (14) calendar days of the conclusion of the hearing to send the panel’s decision. The college is also encouraged to send the decision to any other e-mail address that it may have for the respondent. The decision shall be final subject to any appeal.

In cases involving a crime of violence or a non-forcible sex offense, the complainant shall simultaneously receive notice of the outcome of the faculty-student disciplinary committee's decision as it relates to the offense(s) committed against the complainant, in the same manner as notice is given to the respondent.

When a disciplinary hearing results in a penalty of dismissal or suspension for one term or more, the decision is a faculty-student disciplinary committee penalty and the respondent shall be barred from admission to, or attendance at, any other unit of the university while the penalty is being served.
iii. Appeals/Review

A respondent or a complainant may appeal a decision of the faculty-student disciplinary committee to the president on the following grounds: (i) procedural error, (ii) newly discovered evidence that was not reasonably available at the time of the hearing, or (iii) the disproportionate nature of the penalty. The president may remand for a new hearing or may modify the penalty either by decreasing it (on an appeal by the respondent) or increasing it (on an appeal by the complainant). If the president is a party to the dispute, her/his functions with respect to an appeal shall be discharged by an official of the university to be appointed by the chancellor or her or his designee.

If the penalty after appeal to the president is one of dismissal or suspension for one term or more, a respondent or a complainant may appeal to the board committee on student affairs and special programs. The board may dispose of the appeal in the same manner as the president.

An appeal under this section shall be made in writing within fifteen (15) calendar 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 the board committee as the case may be. Within three (3) calendar days of the receipt of any appeal, either to the president or the board committee on student affairs and special programs, the non-appealing party shall be sent a written notice of the other party’s appeal. In addition, the respondent and/or the complainant shall have the opportunity to submit a written opposition to the other party’s appeal within fifteen (15) calendar days of the delivery of the notice of receipt of such appeal.

The president shall decide and issue a decision within fifteen (15) calendar days of receiving the appeal or within fifteen (15) calendar days of receiving papers in opposition to the appeal, whichever is longer. The board committee shall decide and issue a decision within five (5) calendar days of the meeting at which it hears the appeal.

iv. Transcript Notation(s)

In cases in which the panel finds the respondent responsible and the penalty is either suspension or expulsion, the college shall place a notation on the respondent’s transcript stating that respondent was suspended or expelled after a finding of responsibility for a code of conduct violation. In cases where a student has been expelled as a result of a Clery Act crime of violence, the notation will not be removed.

For all other cases, after four years from the date of the conclusion of the disciplinary proceeding, or one year after the conclusion of any suspension, whichever is later, the Respondent has the right to request that a transcript notation from a finding of responsibility be removed. If a finding of responsibility for any violation is vacated for any reason, the notation shall be removed.
XIII. 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 residence life materials and training and educational materials. In addition, the Students’ Bill of Rights, which is appended to and made a part of this policy, must be distributed to any individual reporting an incident of sexual misconduct at the time the report is made. It must also be distributed annually to all students, made available on the college’s website and posted in college campus centers and in CUNY owned and operated housing.

b. Training and Educational Programming

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

i. Training For Responsible and Confidential Employees

The college shall provide training to all employees who are required to report incidents of sexual misconduct under this policy, as well as those employees who have been designated as confidential employees.

ii. Training For Title IX Coordinator and other investigators

CUNY shall provide at least annual training to Title IX Coordinators and other investigators in conducting investigations of sexual misconduct, including

- the effects of trauma;
- impartiality;
- the rights of the respondent, include the right to a presumption that the respondent is "not responsible" until any finding of responsibility is made;
• relevant CUNY policies and procedures; and

• other issues including what constitutes crimes of sexual misconduct.

iii. Student Onboarding and Ongoing Education

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

c. Campus Climate Assessments

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

XIV. Rules Regarding Intimate Relationships

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

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

e. 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.
The City University of New York
Students’ Bill of Rights

For CUNY students who experience Sexual Violence, including sexual assault; domestic, dating or, intimate partner violence, stalking or voyeurism

All students have the right to

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

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

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

Information about filing a report, seeking a response, and options for confidential disclosure is available also available CUNY’s Title IX web page.

Questions about CUNY’s Sexual Misconduct policy and procedures may be directed to your campus Title IX Coordinator.
Policy adopted by the Board of Trustees on 12/1/2014 Cal. 4.C., with effective date of 1/1/2015. Amended by the Board of Trustees on 10/1/2015. Cal. 6.B. Adopted as revised by BOT on 6/25/2018. Cal.9.A.