

2011 Annual Security Report

BaruchCOLLEGE

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New York, NY 10010-5585

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646-660-6000

SECURITY

College Overview

Baruch College's annual Security Report includes statistics for the previous three years concerning reported crimes that occurred on campus; in certain off-campus buildings owned or controlled by Baruch College; and on public property within, or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and other matters.

One of the senior colleges of The City University of New York, Baruch College is located in several hi-rise buildings in the Gramercy Park neighborhood of Manhattan. The campus is situated within a four block area and comprised of six buildings. The College has over 2,000 full and part-time employees, and approximately 16,500 students pursuing degrees from the bachelor to the doctoral levels. In addition, the college, through the Office of Continuing Education serves in excess of twenty thousand multi-cultural individuals during the academic year.

Baruch College is located in a diverse and dynamic area of New York City with many opportunities for cultural and intellectual enrichment. However, as with any urban

setting, the community surrounding Baruch has problems typical of all cities. Students, faculty, and staff must, therefore, take the same safety and anti-crime precautions as do other members of the community. Each person must take the necessary measures for self-protection. Reducing personal vulnerability lessens the likelihood of becoming a crime victim.

Crime Reporting Procedure

Baruch College's policy on crime awareness, protection, and the procedures for reporting a crime is provided in the following information. Faculty, staff, students, and others who may be on campus or on the contiguous geographic perimeter of the campus are encouraged to promptly report any past crime, attempted crime, or actual criminal activity to the Department of Public Safety. The Department will expeditiously respond to the condition reported and make necessary notifications to the local police precinct. Criminal activities, as well as other emergencies, can be reported by:

- Calling the Department of Public Safety's emergency telephone line (646) 312-3333 or Extension 3333 may be dialed within the college's telephone system.
- Emergency Assistance Telephones are located throughout the campus.
- Reporting the information to any member of the Department of Public Safety or in person at the Public Safety Office located in room #A102 in the 17 Lexington Avenue building.
- All counselors are strongly encouraged when they deem it appropriate to inform the persons they are counseling of any

procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

- Victims or witnesses may report crimes to persons designated as Campus Security Authorities, who will then forward only the report of the crime – without divulging the name of victim or witness – to the Department. The College recognizes the importance of confidentiality to victims and witnesses of crimes. For the purposes of providing crime statistics pursuant to the Campus Security Act in the College’s annual crime report, victim and witness information will remain anonymous. However, complete confidentiality cannot be guaranteed in all other contexts. The College reserves the right to notify the police when it believes that such reporting is necessary for the protection of the College community. In many cases, however, that notification will be done without divulging the victim’s identity and will be done only for the purpose of providing a campus-wide safety alert.
- In the event that the situation you observe or are involved in is of an extreme or life-threatening nature, call 911, the New York City Police Department’s emergency phone number. If you make a 911 call please also notify the Department of Public Safety. They will also respond to assist and direct the police and other emergency personnel to the reported emergency.

Investigation of Violent Felony Offenses

An incident that is determined by an assistant director of public safety to be a violent felony offense as described under subdivision one of section 70.02 of the New York State penal law, or a missing person, will be reported to the New York City Police Department. The NYPD will respond and commence an appropriate investigation.

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.

Public Safety and Security Services

Baruch College’s main campus grounds, the contiguous geographic perimeter of the main campus, are patrolled on a 24-hour basis by Public Safety Officers. Public Safety Officers are sworn law enforcement/NYS Peace Officers under Criminal Procedure Law 2.10 subsection 79 and have the power to make arrests.

At Baruch College, incidents of a criminal nature that are reported to a Campus Peace Officer are referred via the complainant to the NYPD. The City University of New York and Baruch College have Memorandums of Understanding with the NYPD for emergency, non emergency and investigative response. The department consists of 49 Peace Officers assigned to patrol the campus.

Additionally the college employs 16 Campus Security Assistants who are

assigned to Vertical Patrol and other fixed posts. Campus Security Assistants are licensed as NYS Licensed Security Guards and do not have arrest powers (outside of the powers of a private citizen)

The Public Safety Department also oversees the electronic intrusion alarm system that protects various buildings as well as the fire alarm response system. Supplementing these campus security systems are Emergency Help Call Buttons that have been installed in administrative offices and Emergency Assistance Telephones that are conspicuously located in all classrooms. Furthermore, there is card access through turnstiles in two of the main buildings.

Campus Peace Officers make 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. Campus Security operates 24 hours a day, 7 days a week.

A supervisor is always present on campus while classes are in session, including weekends.

The office is located in suite 102, 17 Lexington Avenue. Phone: (646) 660-6000. Emergency: Baruch ext. 3333. In the event of immediate danger, dial 911, New York City's emergency assistance phone number.

Off-Campus Organization Crimes and Safety Hazard Monitoring

Baruch College does not have any recognized off-campus organization or off-campus housing facilities under their supervision.

Campus Security Authorities

The following persons are designated by the college as campus security authorities:

The Office of Vice President of Student Development Tel. #646-312-4582

The Office of Director of Athletics
Tel. #646-312-5046

The Office of the Provost
Tel. #646-660-6500

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

Emergency Notification and Response

The college participates in the University-wide CUNY ALERT System. Upon activation by the college, this system sends messages during emergency events via email, text message and telephone (land-line/cellular). This system is tested monthly for administrative users and one (1) full scale test of the system to all users (students/faculty/staff) annually. New students and employees are also provided with information on signing up for CUNY ALERT at orientations. A notification will be sent upon confirmation of a significant emergency (unless such notification presents an undue safety risk).

Fire Drills required by The New York City Fire Department for Hi-rise facilities, mandate fire drills to be conducted in all buildings, for each session of each semester. These drills are the required evacuation procedures and are reinforced on our website and blackboard with specific

video instructions for each building. During these drills, building occupants are familiarized with campus evacuation procedures. Each building has assigned fire/evacuation floor wardens who provided training and direction to the college community during drills and actual emergency events.

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of Baruch College students and staff the Emergency Action Plan will be activated (See attachment C).

An updated list of all special need personnel are posted at the FSD/EAP station and at the Security desk on the first floor of the building and is readily available to FSD/EAP personnel and responding agencies.

Drills

Fire and EAP drills are conducted at the beginning of each Semester and are documented as required by the New York City Building Codes.

Seminars

Fire Safety/EAP training and familiarization seminars are conducted twice annually by the Baruch College Public Safety Department and are open to all Baruch College Students and Staff. Recertification of all Public Safety Officers in First Aid, CPR and AED operation is conducted annually by the CUNY Training Academy.

Important Telephone Numbers

Baruch College Security

Director of Security and Public Safety,
Henry J. McLaughlin
Office of Campus Security and Public
Safety 646-660-6000
Emergency (from any college phone dial)
3333

Web Site www.baruch.cuny.edu
New York City Police 13th Precinct
212-477-7411

Emergency 911
Baruch Student Services
646-312-4570

General Information on Emergency Closings

If it should become necessary to cancel classes or to close Baruch College buildings because of severe weather conditions or other emergencies, the following radio stations will broadcast and/or web post current CUNY messages after 6:00 a.m. on the day involved. Announcements will indicate whether day classes, evening classes, or both are canceled.

WCBS 880 AM www.wcbs880.com
WINS 1010 AM
WFAS 103.9
+ 106.3 FM www.wfasfm.com
WLIB 1190 AM
WBLS 107.5 FM
WFAS 1230 AM www.wfasam.com
WADO 1280 AM
WOR 710 AM www.wor710.com

The announcements also be posted on the CUNY website at www.cuny.edu

The Public Safety Office (646-660-6000) is open 24 hours a day; the college switchboard (646-312-1000) will also be staffed for emergency coverage.

When changing conditions require early closing during the workday, Human Resources will notify each office directly by telephone or e-mail, and radio stations will alert students and faculty members about canceled evening classes.

For more information, please visit <http://www.baruch.cuny.edu/emergency/>.

Report all crimes to the Office of Campus Security and Public Safety and to the New York City Police.

Website www.baruch.cuny.edu

Public Safety Awareness and Crime Prevention Programs

The Department of Public Safety issues safety alert bulletins when deemed necessary and provides Timely Warning Notices (paper/electronic form) to the campus community when serious crimes occur in areas on or near the campus. The department maintains a relationship with the New York City police precincts that are responsible for the public safety of the campus and its surrounding areas. All persons reporting crimes to the Department of Public Safety are encouraged to promptly report the incident to the local police precinct concerned. A record of each report made to the local precincts is maintained as part of the Public Safety Department's annual statistical report.

All Members of the college community are encouraged to attend crime prevention seminars that are conducted by the New York City Police Department and the Department of Public Safety. Crime prevention seminars are scheduled each semester and members of the college community are encouraged to actively participate in their own safety and the

safety of others. All incoming students receive information about campus crime prevention programs during initial orientation meetings scheduled every semester. The Campus Security and Public Safety Department of the College strives to provide a safe and secure environment on the Baruch campus and within our community.

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

All public safety personnel, while on patrol, report potential safety and security hazards as well as entry door problems and elevator malfunctions.

Access to College Facilities

Access to campus buildings is limited to faculty, staff, students, guests and visitors who are conducting official college business. When entering upon campus grounds, all faculty, staff and students are required to display their college identification card.

Administrators, faculty and staff are issued keys to their respective offices. All buildings are locked after scheduled classes or special events. During non-business hours when the college is closed entry to buildings is not allowed except with written authorization.

**THE CITY UNIVERSITY OF NEW YORK
POLICY ON DRUGS AND ALCOHOL**

The City University of New York (“CUNY”) is an institution committed to promoting the physical, intellectual, and social development of all individuals. As such, CUNY seeks to prevent the abuse of drugs and alcohol, which can adversely impact performance and threaten the health and safety of students, employees, their families, and the general public. CUNY complies with all federal, state, and local laws concerning the unlawful possession, use, and distribution of drugs and alcohol.

The following Standards of Conduct are in effect at CUNY:

The unlawful manufacture, distribution, dispensation, possession, or use of drugs or alcohol by anyone, on CUNY property (including CUNY residence halls), in CUNY buses or vans, or at CUNY-sponsored activities, is prohibited. In addition, CUNY employees are prohibited from illegally providing drugs or alcohol to CUNY students. Finally, no student may possess or consume alcoholic beverages in any CUNY residence hall, regardless of whether the student is of lawful age. For purposes of this policy, a CUNY residence hall means a residence hall owned and/or operated by CUNY, or operated by a private management company on CUNY’s behalf.

In order to make informed choices about the use of drugs and alcohol, CUNY students and employees are expected to familiarize themselves with the information provided by CUNY about the physiological, psychological, and social consequences of substance abuse

Students are expected to comply with the CUNY and college policies with respect to drugs and alcohol. Any student found in

violation may be subject to disciplinary action under Article 15 of the Bylaws of the Board of Trustees, which may result in sanctions up to and including expulsion from the University.

In addition, any student who resides in a CUNY residence hall and who is found to have violated any CUNY or college policy with respect to drugs and alcohol may be subject to sanctions under the CUNY Residence Hall Disciplinary Procedures, up to and including expulsion from the residence hall.

Any employee found to have violated this CUNY policy may be subject to disciplinary action, in accordance with the procedures set forth in applicable CUNY policies, rules, regulations, and collective bargaining agreements. Sanctions may include a reprimand, suspension without pay, or termination of employment.

This policy applies to all CUNY students, employees and visitors when they are on CUNY property, including CUNY residence halls, as well as when they are engaged in any CUNY-sponsored activities off campus.

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

In lieu of formal disciplinary action, CUNY may, in appropriate cases, seek to resolve the matter through an agreement

pursuant to which the student must see a counselor or successfully participate in a drug and alcohol treatment program.

In accordance with the Federal Educational Rights and Privacy Act (“FERPA”), CUNY may also choose—when appropriate—to contact parents or legal guardians of students who have violated the CUNY policy on drugs and alcohol.

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.

College Regulations/Code of Conduct

RULES AND REGULATIONS FOR THE MAINTENANCE OF PUBLIC ORDER PURSUANT TO ARTICLE 129-A OF THE EDUCATION LAW (THE “HENDERSON RULES.”)

The tradition of the University as a sanctuary of academic freedom and center of informed discussion is an honored one, to be guarded vigilantly. The basic significance of that sanctuary lies in the protection of intellectual freedom: the rights of professors to teach, of scholars to engage in the advancement of knowledge, of students to learn and to express their views, free from external pressures or interference. These freedoms can flourish only in an atmosphere of mutual respect, civility, and trust among teachers and students, only when members of the

University community are willing to accept self-restraint and reciprocity as the condition upon which they share in its intellectual autonomy.

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

Against such offenders the University has the right, and indeed the obligation, to defend itself.

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

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

“THE PRESIDENT. The President, with respect to his education unit, shall:

- a. have the affirmative responsibility of conserving and enhancing the educational standards of the college and schools under his jurisdiction;
- b. Be the advisor and executive agent of the Board and of his respective College Committee and as such shall have the immediate supervision with full discretionary power in carrying into effect the Bylaws, resolutions, and policies of the

Board, the lawful resolutions of the several faculties;

- c. Exercise general superintendence over the concerns, officers, employees, and students of his educational unit.”

RULES

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

9. Any action or situation which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization is prohibited.
10. The unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs or other controlled substances by University students or employees on University/college premises, or as part of any University/college activities is prohibited. Employees of the University must also notify the College Personnel Director of any criminal drug statute conviction for a violation occurring in the workplace not later than five (5) days after such conviction.
11. The unlawful possession, use, or distribution of alcohol by students or employees on University/college premises or as part of any University/college activities is prohibited.

PENALTIES

1. Any student engaging in any manner in conduct prohibited under substantive Rules 1-11 shall be subject to the following range of sanctions as hereafter defined in the attached Appendix: admonition, warning, censure, disciplinary probation, restitution, suspension, expulsions, ejection, and/or arrest by the civil authorities.
2. Any tenured or non-tenured faculty member, or other member of the instructional staff, or member of the classified staff engaging in any manner in conduct prohibited under substantive Rules 1-11 shall be subject to the

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

3. Any visitor, licensee, or invitee, engaging in any manner in conduct prohibited under substantive Rules 1-11 shall be subject to ejection, and/or arrest by the civil authorities.
4. Any organization which authorized the conduct prohibited under substantive rules 1-11 shall have its permission to operate on campus rescinded.

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

Any student violating any law or regulation established by the College, University,

City, State, or Federal Government (including the use of drugs), shall be subject to the formal disciplinary procedures as outlined in Articles 15.3 to 15.5 of the Board of Higher Education Bylaws and Sanctions as listed in the Board of Higher Education Bylaws and Article 129A of the Education Law (CUNY Henderson Rules). The initiation of disciplinary procedures requires notice to the student pursuant to 15.3 of the Board of Higher Education Bylaws.

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

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

Alcohol and Substance Abuse Program

The college's Alcohol/Substance Abuse Program is a part of the Department of Student Development/Student Affairs. The purpose of this program is to:

1. Educate students about alcohol and substance abuse.
2. Identify with problems related to alcohol and substance abuse.
3. Intervene in the lives of students who are affected by such abuse
4. Provide counseling and/or referral for students with problems.

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.

Students clubs and organizations may petition of 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, room 2-255, 55 Lexington Avenue.

Strategies for Education and Prevention of Alcohol and Substance Abuse

1. College-wide workshops on substance abuse that focus on drugs, alcohol, cigarettes, and food.
2. Ongoing availability of pamphlets, books, videos, and audios designed to heighten awareness and provide information on the subject.
3. Individual and group counseling and referral.

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.**

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

RESOURCES ON CAMPUS

For assistance and referrals, **students** should:

(1) consult the relevant college website; or
(2) contact their Student Affairs Office and/or Counseling Center.

Counseling@Baruch.cuny.edu

Tel: 646-312-2155

For assistance and referrals, **employees** should consult with their Human Resources office (646-660-6590). Assistance is also available through union employee assistance programs or through the CUNY Work/Life Program.

CUNY Work/Life Program (800) 833-8707

<http://www.cuny.edu/worklife/>

RESOURCES OFF CAMPUS

12 Step Recovery Programs

Narcotics Anonymous (212) 929-6262

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

Cocaine Anonymous (212) 262-2463

<http://www.ca-ny-org/>

Marijuana Anonymous (212) 459-4423

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

Alcoholics Anonymous (212) 647-1680

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

Nicotine Anonymous (631) 665-0527

<http://www.nicotine-anonymous.org/>

Al-Anon/Alateen (888) 425-2666

<http://www.al-anonny.org/>

Detoxification and Outpatient/Inpatient Rehabilitation Facilities

New York County

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

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

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

Kings County

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

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

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

Queens County

Flushing Hospital Medical Center
4500 Parsons Blvd.
Flushing, NY 11355

(718) 960-6636

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

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

Bronx County

St. Barnabas Hospital
4535 East 183rd Street
Bronx, NY 10457
(718) 670-5078

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

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

Richmond County

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

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

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

Nassau County

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

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

Nassau Health Care Corp
2201 Hempstead Tpke
East Meadow, NY 11554
(516) 572-9402

Other Resources

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

Reporting and Prevention of Sex Offenses

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

are followed in the event that the perpetrator is a CUNY student or employee.

Reporting Procedures

If a student wishes to report the occurrence of a sex offense, he or she should be guided by the following procedures:

1. Report the incident to the Department of Public Safety (646) 660-6000. A formal report will be followed to the Office of Student Development; or
2. Report the incident to the college's Dean for Student Affairs/Student Development, who at the student's request, will contact the department of Public Safety to commence an appropriate investigation; or
3. A student can call the New York City Police Department or 911, or go directly to a hospital. It is important to note that if you are a victim of a sex offense, **do not destroy any evidence (including clothing) and do not take a shower or bath.**
4. It is important that such physical evidence be preserved in order to assist with an ensuing criminal investigation. If the student believes that she/he may be the victim of date rape by being drugged, she/he should go directly to a hospital to receive a toxicology examination since such drugs only remain in a person's system for a short period of time. The Department of Public Safety will assist with notification of other law enforcement authorities

and/or medical professionals if the student so chooses.

Files relating to sex offenses are kept confidential by the Department of Public Safety and by the Office of Student Affairs/Student Development, unless otherwise required by law or CUNY policy.

Definitions of Sex Offenses

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

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

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

- Who is a perpetrator?

Many people think that sexual assaults are only perpetrated by vicious strangers in the dark, deserted streets. In fact, studies

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

- Who is a victim?

Anyone can be a victim, regardless of gender, age, race, sexual orientation, religion, ethnicity, class or national origin. Though women and girls are primary targets of these crimes, men and boys are sexually victimized too, and have been found to suffer the same aftermath as women. Regardless of whether the victim was abusing alcohol and/or underage, she or he is still the victim of the sex offense.

- When is there lack of consent?

Under New York law, lack of consent to a sexual contact may be demonstrated in the following ways: (1) forcible compulsion including the use of physical force or threat (express or implied) which places the person in fear of physical injury to self or another; (2) incapacity to consent on the part of the victim; (3) circumstances in which the victim does not expressly or impliedly acquiesce in the actor’s conduct; or (4) circumstances in which the victim

clearly expressed by words or actions that he or she did not consent to engage in such sexual act and a reasonable person would have understood such person’s words or actions as an expression of lack of consent to such conduct.

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

- Who is responsible for a sexual attack?

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

Prevention Education Programs

Each CUNY College is required to develop materials and programs to educate its students, faculty and staff on the nature, dynamics, common circumstances and

effects of sexual assault, domestic/intimate partner violence and stalking, and the means to reduce their occurrence and prevent them. The prevention education should seek to provide the most recent and relevant information, such as education pertaining to bystander intervention, the importance of peer networks and the significance of fostering a community or responsibility.

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

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

as a designated liaison and trainer for the additional trainings.

Disciplinary Procedure

The Colleges shall act promptly in response to information that a student has been sexually assaulted by another member of the CUNY community. Upon receipt of a complaint, the College shall undertake an appropriate investigation. If it appears that there is sufficient evidence to warrant disciplinary charges against a student, such charges shall be brought pursuant to Article 15 of the CUNY Board of Trustees Bylaws. If the matter is brought before a hearing, the victim and alleged perpetrator are entitled to the same opportunities to have others present and to be informed of the outcome of the proceedings. The victim is entitled to a report of the results of the proceeding at her/his request. If a student is found guilty of committing a sexual assault or other act of violence against another CUNY student or employee after a disciplinary hearing, the penalties may include suspension, expulsion from residence halls, or permanent dismissal from CUNY.

On-Campus Assistance

Victims of a sexual assault are encouraged to contact the Dean of Student Affairs/Student Development to obtain assistance in accessing medical and counseling services, or to make any necessary changes to the student's academic program or residential housing situation. Public Safety can assist the victim getting to and from campus safely, filing a police report and obtaining an order of protection against the perpetrator. The victim can also file a complaint with the College against a perpetrator who is a student or

employee of the University with the Dean of Student Affairs/Student Development and the Public Safety Office.

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

College and Community Counseling and Support Services for Sex Offense Victims

Counseling Center 646-312-2155
David Cheng 646-312-2158
Caroline Kasnakian 646-312-2160
Stacie Kessler 646-312-2167

Local Hospitals with Rape Crisis Programs

Beth Israel Hospital,
 317 E. 17th St. NY 10003 **212-420-4516**

New York Police Department, Special Victims Squad **212-374-5260**

Manhattan District Attorney’s Office, Sex Crimes Unit **212-335-9000**

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

Crime	Illegal Conduct	Criminal Sanctions
<u>Rape in the First degree(PL §130.35)</u>	A person is guilty when he or she engages in sexual intercourse with another person by forcible compulsion, with a person who is incapable of consent by reason of being physically helpless (e.g. being asleep, unconscious or due to alcohol or drug consumption), who is less than 11 years old or less than 13 and the actor is 18 or older.	Is a class B felony, with penalties up to 25 years in prison.
<u>Rape in the Second degree(PL §130.30)</u>	A person is guilty when being 18 years old or more, he or she engages in sexual intercourse with another person less than 15, or with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated	Is a class D felony, with penalties up to 7 years in prison.
<u>Criminal Sexual act in the first Degree (PL §130.50)</u>	A person is guilty when he or she engages in oral sexual contact or anal sexual contact with another person by forcible compulsion, or with someone who is incapable of consent by reason of being physically helpless, or with someone less than 11 or with someone less than 13 and the actor is 18 or older.	Is a class B felony, with penalties up to 25 years in prison
<u>Criminal forcible Touchin g (PL §130.52)</u>	A person is guilty when he or she intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor’s sexual desire.	Is a class A misdemeanor, with penalties up to 1 years in prison
<u>Sexual Abuse in the first degree(PL §130.65)</u>	A person is guilty when he or she subjects another person to sexual contact; by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the person is less than 11 years old.	Is a class D felony, with penalties up to 7 years in prison
<u>Aggravated Sexual abuse in the first degree (PL §130.70)</u>	A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11.	Is a class B felony, with penalties up to 25 years in prison
<u>Aggravated Sexual abuse in the third degree (PL §130.65)</u>	A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11.	Is a class D felony, with penalties up to 7 years in prison
<u>Facilitating A sex Offense with a Controll ed Substanc e (PL §130.90)</u>	A person is guilty when he or she knowingly and unlawfully possesses a controlled substance any substance that requires a prescription to obtain to another person, without such person’s consent and with intent to commit against a felony, and commits or attempts to commit such conduct constituting a felony defined in Article 30.	Is a class D felony, with penalties up to 7 years in prison

Campus Sex Crimes Prevention Act

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

- 1) contact the police department in the jurisdiction in which the offender resides and/or in which the college is located;
- 2) contact Henry J. McLaughlin Public Safety Director at 646-660-6000; or
- 3) call the Division's sex offender registry at 800-262-3257

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

- 1) contact the Division's sex offender registry website - www.criminaljustice.state.ny.us/nsor/sor/about.htm
- 2) access the Division's Level 3 subdirectory electronically or via CD-ROM at the college's Public Safety Department or the local law enforcement agency for the jurisdiction in which the offender resides.

The Crime Statistics for the Baruch Community

The Advisory Committee on Campus Safety will provide upon request all campus crime statistics as reported to the United States Department of Education. The United States Department of Education's web site address for campus crime statistics

is <http://nces.ed.gov/surveys/peqis/publications/97402/>. John Siotkas, Assistant Director of Public Safety, is the designated Baruch College contact person authorized to provide such statistics for the college. He may be reached at 646-660-6000. Other designated Campus Security authorities for reporting purposes are the Office of Student Life and the members of the Office of the Vice President for Student Development. It should also be noted that it is the policy of the college to encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of the procedures to report a crime on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. The chart (Appendix A) reflects the number of crimes for the most recent years.

Campus Map and Directions

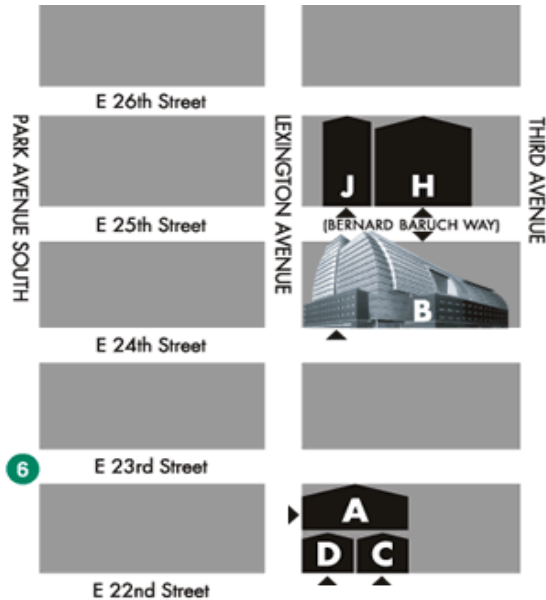
To contact Baruch call 646-312-1000

One Bernard Baruch Way

55 Lexington Avenue at 24th St.

New York, NY 10010

Baruch College is located in the Park Avenue South of Manhattan.



- A The Lawrence and Eris Field Building at 17 Lexington Avenue (23rd St.)
- B The William and Anita Newman Vertical Campus
(One Bernard Baruch Way – 55 Lexington Ave.)
- C Newman Hall – 137 East 22nd Street
- D Administrative Building – 035 East 22nd Street
- H Information and Technology Building
- J 137 East 25th Street

Directions within Manhattan:

By subway:

Take the #1, #6, F, W or R to 23rd Street Station

By Bus

Take the M1,2,3,5,6,7,15,18,101, or 102 to 23rd Street

APPENDIX A

See attachment

APPENDIX B

City University of New York Missing Persons Procedures

I. Introduction

The purpose of The City University of New York Procedures on Missing Persons (“CUNY Missing Persons Procedures”) is to establish official notification procedures for missing students who reside in on-campus housing and to ensure that a student who resides in on-campus housing is informed of his or her options and rights under section 485 (j) of the Higher Education Act.^[1]

II. Definition of Missing Person

For the purposes of these Procedures, a student is deemed a “missing person” when the student is a current on-campus housing resident and he or she has been unreachable for more than 24 hours without any known reason.

II. Definition of On-Campus Housing

For the purposes of these Procedures, “on-campus housing” is defined as student housing in residence halls operated by CUNY or operated by a private management company on behalf of CUNY.

IV. Designation of Emergency Contact

Each CUNY student who resides in on-campus housing must identify a contact individual (“emergency contact”) who will be contacted no later than 24 hours from the time the student is determined missing. A

student may designate his or her emergency contact on the application for residence in on-campus housing. The student’s designated emergency contact information will be kept confidential and will be retained by the campus Residence Life Office and the Department of Public Safety. The emergency contact information will be used only when the student is determined to be a missing person or in other emergency situations.

Students who are under the age of 18 and who are not emancipated must designate an emergency contact. However, in the event that such a student is determined to be a missing person, the Campus must, in addition to providing the notice to the emergency contact, also notify the student’s custodial parent or legal guardian, if the parent or guardian is not listed as the emergency contact, no later than 24 hours after the student is determined missing.

A student’s designation of an emergency contact will remain in effect until changed or revoked by the student.

V. Notification

VI. Generally

Any individual on campus who has information that a student who is an on-campus housing resident may be missing must notify the campus Department of Public Safety as quickly as possible. After receipt of such notification, the Department of Public Safety must contact appropriate campus staff (e.g. the Campus director of Residence Life) to aid in the search of the student.

If, after investigation, the campus Department of Public Safety determines that the student is missing, it must, after consultation with the campus office of Student Services/Affairs, designate a campus official to contact the missing

^[1] Higher Education Opportunity Act § 485(j), Pub. L. No. 110-315 (2008).

student's emergency contact. This contact must be initiated no later than 24 hours after the time the student is determined missing.

**A. Missing Persons
Under the Age of 18**

If the student who is determined to be a missing person is under 18 and not emancipated, the designated campus official must, in addition to contacting the emergency contact, immediately contact the missing student's parent or legal guardian, if the parent or guardian is not listed as the emergency contact.

**B. Missing Persons
Without a Reachable
Designated
Emergency Contact**

If the missing student's emergency contact is not reasonably reachable, the designated campus official must inform the New York City Police Department that the student is missing. Such notification must be done no later than 24 hours after the time the student is determined missing.

Safety/EAP Staff has verified it is total implementation.

APPENDIX C

The Fire Safety/Emergency Action Plan Director present will:

1. Activate the Emergency Action Plan
2. Alert all Baruch College Students and Staff via
 - CUNY Alert
 - Two way radio
 - Cellular Phone
 - Email
 - Instant message
 - Mega Phone
3. Notify 911 with the following information
 - The nature of the emergency
 - We are implementing our Emergency Action Plan
 - What actions are being taken
4. Responds to the Fire Command Station
 - Controls the Emergency Action Plan From this location
 - Communicates with building occupants and Fire Safety/EAP Staff
 - Utilizes Fire Alarm Communication system
5. Sound alarm followed by the following announcement
 - What has occurred
 - Where it is located
 - What part of the EAP is being implemented
 - Why is it necessary

Depending on the severity and type of emergency this announcement will be repeated every five minutes or as needed until Fire

EMERGENCY ACTION PLAN

Depending on the type and scope of the emergency/threat one or more of the following EAP procedures Set forth below may be implemented.

SHELTER IN PLACE

General Procedures

In the event of an emergency or threat thereof, all Baruch College Students and Staff will be informed of the emergency and that the shelter in place Emergency Action Plan is being implemented effective immediately. The Students and Staff will be informed to remain at their workstations or their present location within the building.

Sheltering in place may require other actions to take place depending on the information available and the severity. These actions are as follows:

The shut down of the HVAC system
Closure of all external windows and doors
Turn off all individual air handling units & Windows AC units
Seal windows and doors with duct tape
Shut down all elevators (air movement)

The following announcement shall be made every five to ten minutes in the initial phase and every fifteen minutes or as needed there after:

- a) What has occurred

- b) Where it is located
- c) What provisions of the EAP plan are being implemented
- d) Why it is necessary

conducted by two persons where possible) will be utilized. All staff and students with special needs will be located and assisted by Public Safety Officers or other trained emergency personnel

IN-BUILDING RELOCATION

General Procedures

In-building relocation requires the moving of building occupants to a safe area inside the building. These areas are pre-determined with two exits and are identified in the Emergency Action Plan.

Depending on the information being provided, it may be best to relocate the occupants of the building away from the exterior or windowed areas of the building or from floor to floor. All occupants will be moved from the perimeter of the building to classrooms or offices located in the center or core of the building.

In the event of an explosion of a dirty bomb or threat thereof or nuclear fallout due to an explosion, all Baruch College Students and Staff will be moved below ground until OEM (Office of Emergency Management) gives the all clear).

In most cases occupants will be advised not to use the elevators, but to use the stairs. In some cases elevators will be used by trained EAP personnel. Evacuation from affected areas will be done in an orderly effective and speedy manner. The most affected areas will be evacuated first with the others following. Trained employees will use the elevators if permissible while evacuating injured or physically disabled occupants. Wheel chairs and evacuation chairs wherever possible (all wheel chair and evacuation chair operations will be

The following announcement will be repeated as often as necessary

What has occurred
Where it's located
What provisions of the EAP is being implemented
Why it is necessary

Designated Routes by Which Building Occupants will be Directed to In-Building Relocation Areas.

The best way for Students and Staff to get to the relocation areas are via the emergency stairwell. Additional announcements will be made directing Students and Staff to the areas of relocation. The announcements will be repeated until the Fire Safety/EAP Warden or Deputy Warden on the relocating floors reports to the EAP Director that all occupants have been safely relocated and accounted for.

Procedures of Accounting for Building Students and Staff after In-Building Relocation

EAP personnel on the receiving offices, classrooms, floor or floors will make a count of all persons relocated to their floor. At the completion of the relocation, the receiving EAP personnel will meet with the emergency personnel, supervisors and or professors from the evacuated floor or floors and compare figures.

In the event that there is no need to leave the floor but to move to a safer area on the said floor the EAP staff member in charge of the receiving area will make a count of all arriving personnel on completion he or she will compare counts with the EAP Staff member from the relocate areas.

EAP staff will communicate with EAP Director via two way radio to notify him of any unaccounted for occupants; or that all is accounted for.

PARTIAL EVACUATION

General Procedures

Partial Evacuation is the emptying of some, but not all of the occupants of the building.

This should occur when the emergency affects part of the building. All occupants of the building will be informed of the emergency and what steps are being taken to insure their safety.

The effected floors and those closest to the effected area or areas will be addressed and given evacuation instructions that would remove them from the affected area in an orderly and expeditious manner. This would involve using all available emergency stairwells, elevators, wheel chairs and evacuation chairs to be utilized by trained personnel.

Occupants of the effected areas will be evacuated out of the building to a designated safe area or to another Baruch College building if possible. All available Public Safety Officers along with all trained emergency personnel will assist in the evacuation. A head count of all occupants of the evacuated areas will be conducted to verify that all occupants were safely evacuated and accounted for. Trained Baruch College EMT's and personnel trained in First Aid and CPR will provide

assistance to those who are injured until EMS arrives.

Depending on the type of emergency or threat designated elevators may or may not be used.

In the event that elevators are use they will be operated by trained EAP personnel in the independent mode to assist in the evacuation of building occupants. Special attention will be giving to those occupants with special needs, or those who may have been injured.

FULL EVACUATION

General Procedures

Evacuation is the emptying of all of the occupants of the building. This will occur when an emergency that affects the entire building and such an evacuation may have to be implemented. All Students and Staff will be informed of the emergency and what steps are being taken to insure their safety. This would include addressing the occupants via the public address system, contacting them via email, instant messaging, screen scroll messages, voice mails and text messages. Support staff including Public Safety, maintenance and custodial will be further informed via two-way radios.

All Students and Staff will be addressed and given clear evacuation instructions that would remove them from the building in an orderly, and expeditious manner. This would involve using all available emergency stairwells, elevators, wheel chairs and evacuation chairs used by trained personnel.

Every one will be evacuated to a designated safe area or to another building if possible.

All available Public Safety Officers along with all trained emergency personnel will assist in the evacuation. A head count of all occupants will be conducted to verify that all occupants were safely evacuated and accounted for. EMT's and personnel trained in First Aid and CPR will provide assistance to those who are injured until EMS arrives.

Exit Route

The safest route for all partial evacuations is via the emergency stairways traveling directly to the street exit. Elevators, evacuation chairs and wheelchairs may also be use if necessary.

Assembly Area

Outdoors Assembly Area
 Madison Square Park
 Location: Between 5th and Madison Avenues and 23rd and 26th Streets

Accounting for Evacuated Occupants

On arrival at the assembly area all occupants will report to the EAP personnel located at the assembly area confirming his or her arrival. After it has been certified that all occupants have left the floors evacuated, EAP personnel from those floors will proceed to the assembly area and meet with the EAP personnel stationed there. They will compare and verify all data in order to account for all evacuated occupants. Should there be any one unaccounted for at the assembly area all efforts will be made to contact this person and confirm that he or she has safely evacuated the affected areas. EAP staff at the assembly location will communicate with the EAP Director via two- way radio.

Identification of FIRE SAFETY/EAP Staff

EAP Director with Bold Type	Red Jacket
Deputy Director with Bold Type	Red Jacket
EAP Wardens	Red Armband
Deputy EAP Director Armband	Purple
Evacuation Supervisor Searchers Armband	Blue Armband Green
Critical Staff Armband	Yellow
Public Safety Officers Safety Uniform	Full Public Safety Uniform

SPECIAL NEEDS OCCUPANTS

Trained Public Safety Officers armed with the Baruch College Special Needs Occupants list will locate all Special Needs Occupants and evacuate them or relocate them as the situation dictates. Should there be a need for further assistance the Officers will move the Occupants to a safe area and request assistance via two-way radio or telephone. The Officer will give their exact floor number and their location on the floor, using references such as the elevator lobby or emergency stairwell A or B, the number of occupants needing assistance and if necessary the type of additional equipment needed.

Public Safety Officers trained in the use of evacuation chairs, wheelchairs, elevator and other evacuation techniques will respond to the given locations with the appropriate equipment and assist in the safe evacuation or relocation of all such persons.

In the event of a full evacuation all Special Needs Occupants will be evacuated using the secondary evacuation route while the other occupants will use the primary evacuation route. They will be taken directly to the assembly area and checked in. Public Safety Officers who are certified in First Aid and CPR will remain with them during the emergency until the situation changes or an all clear is given. Licensed Baruch College Emergency Medical Technicians will also be on hand to take care of any problems that may arise until Emergency Medical Services arrive, if needed.

APPENDIX D

HATE (BIAS) CRIMES/DOMESTIC VIOLENCE

1. A person commits a hate crime when he or she commits a specified offense and either:
 - a. Intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of a person, regardless of whether the belief or perception is correct, or
 - b. Intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of a person, regardless of whether the belief or perception is correct.
2. Proof of race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of the defendant, the victim, or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the people's burden under paragraph (a) or (b) of this section.
3. A "specified offense" is an offense defined by any of the following provisions: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); subdivision one, two, or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); subdivision one of section 130.35 (rape in the first degree); subdivision one of section 130.50 (sodomy in the first degree); subdivision one of section 130.65 (sexual abuse in the first degree); paragraph (a) of subdivision one of section 130.67 (aggravated sexual abuse in the second degree); paragraph (a) of subdivision one of section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the second degree); section 135.65 (coercion in the first degree).

degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second degree); section 160.15 (robbery in the first degree); section 240.25 (harassment in the first degree); subdivision one, two, or four of section 240.30 (aggravated harassment in the second degree); or any attempt or conspiracy to commit any of the foregoing offenses.

4. For purposes of this section:
 - a) the term “age” means sixty years old or more;
 - b) the term “disability” means a physical or mental impairment that substantially limits a major life activity.

Sentencing

1. When a person is convicted of a hate crime pursuant to this article, and the specified offense is a violent felony offense, the hate crime shall be deemed a violent felony offense.
2. When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or a class C, D, or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant’s conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.
3. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class B felony:
 - a) the maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to section 70.00 of the penal law.
 - b) the term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to section 70.02;
 - c) the term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to section 70.04;
 - d) the maximum term of the indeterminate sentence must be at least four years if the defendant is

- sentenced pursuant to section 70.05;
and
- e) the maximum term of the indeterminate sentence of the term of the determinate sentence must be at least ten years if the defendant is sentenced pursuant to section 70.06.
4. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class A-1 felony, the minimum period of the indeterminate sentence shall be not less than twenty years.

Procedures for dealing with Hate (Bias)-Related Crimes

A Baruch student who is found to have committed a hate (bias) crime is subject to arrest and disciplinary action that can include admonition, deprivation of certain privileges, probation, suspension, or expulsion.

Counseling and Other Support Services

Counseling and other support services for victims of bias-related crimes are available through the office of the Vice President of Student Development.

DOMESTIC VIOLENCE

Baruch College is committed to promoting a safe and secure academic and work environment for all members of the College community. Victims of

domestic violence who have orders of protection or believe the violence may extend onto the campus are encouraged to notify the Department of Public Safety at 646-660-6000. In the case of imminent or actual violence or other emergency, call the Department of Public Safety at 646-312-3333 or call 911, New York City's emergency assistance number. If you have a question or concern about domestic violence, please contact the all-language, toll-free New York City Domestic Violence Hotline, available 24 hours a day, 7 days a week at 800-621-HOPE (4673). Hearing-impaired members of the Baruch College community can call 212-233-3456 or 800-810-7444.

The domestic violence policy can be accessed via Baruch's website at www.baruch.cuny.edu/hr/polices_main.htm

Revised: September 1, 2011