ANNUAL SECURITY REPORT
CALENDAR YEAR 2014
CRIME STATISTICS 2012-2014

Baruch College
One Bernard Baruch Way
New York, NY 10010
Public Safety Department
646-660-6000

Henry J. McLaughlin
Public Safety Director
Baruch College
646-660-6000

College Overview
http://www.baruch.cuny.edu/psafety/newsletter.htm

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, including crimes involving sexual misconduct, 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 18,000 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

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

1. Calling the Department of Public Safety’s emergency telephone line (646) 312-3333 or Extension 3333 may be dialed within the college’s telephone system.
2. Emergency Assistance Telephones are located throughout the campus.
3. Reporting the information to any member of the Department of Public Safety or in person at the Public Safety Office located in room #A-0102 in the 17 Lexington Avenue building.
4. All counselors are strongly encouraged when they deem it appropriate to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
5. Victims or witnesses may report crimes to persons designated as Campus Security Authorities, who will then forward only the report of the crime – without divulging the name of 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.
6. In the event that the situation you observe or are involved 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.
7. Bias or hate crimes are crimes motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender, gender identity, disability or alienage. According to New York Penal Law Section 485, a person commits a hate crime when he or she commits a specified criminal offense and either:

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

   (2) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.
Examples of hate crimes may include, but are not limited to: threatening phone calls, hate mail (including electronic mail), physical assaults, vandalism, destruction of property, and fire bombings.

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

**Investigation of Violent Felony Offenses**

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

**Daily Crime Log**

Baruch College’s daily crime log is maintained by the Public Safety Department. All reportable criminal incidents, whether they are Clery classified or not, are logged-provided that they have occurred in the reportable geography (On campus and public property immediately adjacent to the campus). It includes the following information: 1) date crime was reported, 2) date and time of the incident, 3) the nature of the crime, 4) the general location of the crime, 5) the disposition, if known and 6), special notes. The log is kept in the Public Safety Console Room, A-0102C. It is available for inspection during regular business hours. The log is in hardcopy format. The log is updated less than two business days after the latest report comes in. If no reports are made during 30 calendar days, it is automatically updated.

**Campus Security Authorities**

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

**CAMPUS SECURITY AUTHORITIES INCLUDE**

<table>
<thead>
<tr>
<th>Authority</th>
<th>Office</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the Dean</td>
<td>B2-255</td>
<td>646-312-4570</td>
</tr>
<tr>
<td>Office of the Center for Academic Advisement</td>
<td>B5-215</td>
<td>646-312-4287</td>
</tr>
<tr>
<td>Office of Student Health Care Center</td>
<td>J-0111</td>
<td>646-312-2040</td>
</tr>
<tr>
<td>Office of the Public Safety Director</td>
<td>A-0102</td>
<td>646-660-6000</td>
</tr>
<tr>
<td>Office of the Title IX Coordinator/Chief Diversity Officer</td>
<td>B5-205</td>
<td>646-312-4542</td>
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</tbody>
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**Reporting Incidents of Sexual Misconduct, Including Sexual Harassment, Sexual Assault and certain forms of Stalking and Dating/Intimate Partner/Domestic Violence**

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

Title IX Coordinator/Chief Diversity Officer, Kieran Morrow, room B5-205, 646-312-4542, diversity@baruch.cuny.edu

Chief Student Affairs Officer, Art King, room B5-205, 646-312-4570, Art.King@baruch.cuny.edu

Director of Public Safety, Henry J. McLaughlin, room A-0102, 646-660-6010, Henry.McLaughlin@baruch.cuny.edu

Director of Human Resources, Monique George, room D-0202, 646-660-6596, Monique.George@baruch.cuny.edu

For more information, please see section “Reporting and Prevention of Sex Offenses” later in this document. For more detailed information on Title IX including community resources, please also see CUNY policies, Getting Help, Understanding and Preventing Sexual Assault and Sexual Harassment please go to: http://www1.cuny.edu/sites/title-ix/campus/baruch/_click “Title IX Campus Information.”

**Public Safety and Security Services**

Baruch College’s buildings and the contiguous geographic perimeter of the main campus, are patrolled on a 24-hour basis by Public Safety Officers and Campus Security Assistants. 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 Public Safety are referred via complainant to the NYPD when appropriate. The City University of New York and CUNY Schools have a Memorandum of Understanding with the NYPD for emergency, non-emergency and investigative response.
The Public Safety Department also oversees the closed circuit television system as well as the fire alarm response system. Supplementing these campus security systems are 2-way Emergency Help Call Buttons located in administrative offices and the restrooms in the Vertical Campus and Library buildings. The buildings employ class E fire alarm public address systems as well as an internal public address system in the stairwells. A fire safety director is on duty 16 hours a day seven days a week, while the buildings are occupied.

**CAMPUS SECURITY ESCORT**
A member of the Public Safety staff may escort off of the premises as far as the subway entrance.

**WORKING RELATIONSHIP WITH OTHER LAW ENFORCEMENT AGENCIES**
Baruch College maintains a cooperative relationship with local, state and federal law enforcement agencies. A written Memorandum of Understanding exits between all City University colleges and the New York City Police Department in compliance with New York State Law.

**Off-Campus Organizations Crimes and Safety Hazard Monitoring**
Baruch College does not have any recognized off-campus organization or off-campus housing facilities under their supervision.

**Emergency Notification & Response**

**CUNY ALERT SYSTEM**
All students, as well as faculty and staff are strongly encouraged to participate in the CUNY Alert system. The CUNY Alert system is designed to give you immediate and up-to-date information regarding weather, utility and emergency situations. The system can contact you and family or friends, as you designate, via text message, cell phone, landline and/or e-mail. The system can offer all methods of notice, a single method or any combination. It is user friendly and can prove to be invaluable before, during and after an emergency. Simply log onto www.cuny.edu/alert and follow the instructions. If you have trouble signing up for CUNY Alert, please come to the IT help desk located in room H-0619. The system is activated via a web-based system controlled by the New York State Office of Emergency Management.

**TIMELY WARNINGS TO MEMBERS OF THE COMMUNITY**
The issuance of Timely Warnings is made by the Public Safety Director in consultation with the VP of Administration and VP of Communications. When it is appropriate, the college will issue immediate notification of security issues via the public address system, electronic mail and, if necessary will place notices on CUNY Alert. The issuing of a timely warning is ultimately the decision of the Public Safety Department. Depending on the time sensitivity of the incident, the issuance of the Timely warning may be made outside of the Committee framework. As noted above the college is a participant in the CUNY Alert system. Operated under the auspices of the New York State Emergency Management Office, CUNY Alert allows subscribers to receive messages of import regarding via email, cell and landline, text message or in any combination thereof. Signing-up is as easy. These notifications are issued when the campus operations are adversely affected by man made or natural incidents. Access the University website at www.cuny.edu/alert

**IMMEDIATE NOTIFICATIONS**
Unless such notice and warning compromises the containment of an emergency, or would likely result in an expansion or exacerbation of an emergency, immediate notification of an emergency will take place through one – or a combination of – the following methodologies: (1) CUNY-Alert, (2) Verbal announcement through the School’s emergency communication response system or via the building Class E fire control system if a fire or smoke issue is detected, (3) Campus-wide e-mail blast and (4) School web-site notice. Again, please note on all emergency notifications: When in the considered opinion of college, university or civil authorities, dissemination of information on a given emergency may hinder or cause additional harm, such notification may be delayed until such time that it is safe to do so.

**EMERGENCY RESPONSE EVACUATION FIRE DRILL TESTS**
Baruch College conducts (26) twenty six drills per calendar year. Twelve of the drills are conducted after regular business hours. One-half of the drills are unannounced. Six mass evacuation drills are held each year during regular school days. Additionally, (2) two power generator drills are conducted each calendar year. Generally during winter break and summer break. Floor wardens, deputy floor wardens, searchers and Public Safety officers are assigned to each floor during the drills. Drills are conducted by a New York City Fire Department approved duly trained and licensed Fire Safety Directors (7) and Public Safety officers. All others Public Safety officers are licensed Fire Guards. During these drills, building occupants are familiarized with campus evacuation procedures. All building occupants are given an opportunity to ask questions and express concerns during the instructional portion of the drills.

**PUBLICATION OF PROCEDURES**
Emergency response and evacuation procedures are published annually via Annual Security Report. This report is updated as needed throughout the year. Hardcopies of this report are available in the Public Safety Office, room A-0102.

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

All incoming students receive information about campus crime prevention programs during initial orientation—the third week of August each year. There is an additional training session held in September as Professional Development Time. This is a mandatory training/awareness session.

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

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

FIRE EMERGENCY PLAN
Floor wardens and searchers are designated to serve specific areas of the building. When appropriate, they will be activated. They are trained in the use of the buildings E class fire command system telephones. Their job is to facilitate evacuations and common space assembly of all kinds and to pass information to the fire safety command station. Please heed their directions. When fire alarms ring, please make note of the announcement that immediately follows. It will provide you with instructions on where to assemble. If a false alarm occurs, an “all clear” announcement will follow via the fire command response system. Treat all fire alarms as real unless otherwise directed by the floor wardens or members of the public safety staff. Below are general guidelines for dealing with a fire. But remember, WHEN IN DOUBT CALL 911 OR ACTIVATE A PULL STATION.

1. Be familiarize the location of stairways, fire extinguishers, fire exits, and pull boxes in If a minor fire appears controllable, immediately contact (personally or preferably have someone else call) the Department of Public Safety at 3333. Locate a portable fire extinguisher. Then promptly direct the discharge of the fire extinguisher toward the base of the flame buy squeezing the trigger and moving the hose in a side-to-side motion. Do not use water extinguishers on electrical fires.
2. If an emergency exists, activate the building’s fire alarm system by releasing a fire pull station.
3. In the case of large fires that do not appear controllable, immediately activate a fire pull station and call 3333 to report the exact location of the fire. Then close the door of the room where the fire exists.
4. When the building evacuation alarm is sounded, always assume that an emergency exists. Touch closed doors; do not open them if they are hot. If the door is cool, brace yourself behind the door and open it slowly. Bracing yourself behind the door prevents the door from being blown open due to the pressure created by the fire. Walk quickly to the nearest exit and alert others to do the same. Do NOT use the elevators during a fire.
5. Smoke is the greatest danger in a fire, so stay near the floor where the air will be less toxic.
6. Once outside, move to a clear area at least 500 feet away from the affected building. Keep streets, fire lanes, hydrants and walkways clear for emergency vehicles and crews. Essential personnel must be allowed to do their jobs.
7. Do not return to an evacuated building unless told to do so by a College official.
8. If you become trapped in a building during a fire and a window is available, place an article of clothing (shirt, coat, etc.) outside the window as a marker for rescue crews. Place a wet cloth at the base of doors to keep smoke from entering. Shout at regular intervals to alert emergency crews of your location. Dampen a cloth with water, place it over your nose, and breathe lightly through it. It is understood that these items may not be available to you-hence the importance of moving quickly and knowing your escape routes.
9. Should your clothing catch fire, stop, drop and roll. Rolling on the ground will help smother the fire—this is in fact very effective.

SPECIAL NEEDS OCCUPANTS EMERGENCY EVACUATIONS
Trained Public Safety Officers armed with the Building 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 to main Public Safety desk. 911 is call and all pertinent information is given. 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, or the room number the number of occupants needing assistance and if necessary the type of additional equipment needed.

HOSTILE INTRUDER
Don’t panic and keep focused. When an intruder in a campus building is actively causing deadly harm or the threat of imminent deadly harm to people; you must immediately seek cover and contact the Public Safety Department at 3333 and 911, if at all possible. If you are able to make a call, give as many details as possible relative to location, number of assailants, means of aggression and other pertinent information.

1. Do not sound the fire alarm to evacuate the building. People may be placed in harm’s way when they are attempting to evacuate the building.
2. Be aware of alternate exits if it becomes necessary to flee.
3. Persons should lock themselves in classrooms and offices as a means of protection, turn off the lights.
4. Persons should stay low, away from windows and barricade their door(s) if possible and use furniture or desks as cover.
5. If possible, cover any windows or openings that have a direct line of sight into the hallway.
6. Students and staff should not attempt to leave the building until told to do so by Public Safety or NYPD. The only exception to this is, given the specific circumstances, a person is certain beyond any doubt, that they are in more danger in staying in the building, than in attempting to escape.

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

1. Run away from the threat if you can, as fast as you can.
2. Do not run in a straight line. Use buildings, trees, shrubs, and cars as cover if outside. If inside, desks, chairs bookcases may help.
3. If you can get away from the immediate area of danger, summon help and warn others.
4. If you decide to hide, take into consideration the area in which you are hiding. Will I be found? Is this really a good spot to remain hidden? If you do hide, stay as quiet as possible and calm as possible.
5. If the person(s) is causing death or serious physical injury to others and you are unable to run or hide you may choose to play dead if other victims are around you. Do not give your position away or stand-up until Public Safety or civil authorities give an all-clear signal. If you choose to confront the aggressor, use all manner of materials at hand as weapons—books, chairs, any object near hand.
BOMB INCIDENT PLAN
While it is important to note that the overwhelming majority of bomb threats are unfounded, it is the policy of the college that they are to be taken seriously. Each threat will be thoroughly investigated and will be considered suspect until all avenues of investigation have been explored.

1. A suspicious looking box, package, object or container in or near your work area may be a bomb or explosive material. Do not handle or touch the object. Move to a safe area (far from the object) and call the Department of Public Safety immediately at ext. 3333. Do not operate any electronic devices, radios or light (power) switches.
2. If you receive a bomb threat, remain calm and try to obtain as much information as possible from the caller. Specifically try to ascertain the following:
   a) The location of the device.
   b) The time, if any, the device is scheduled to go off.
   c) The appearance or type of container used for the device.
   d) The reason for placing the device.
   e) The size of the bomb.
   f) The type of explosive used in the device.
   g) The name of the caller or organization taking responsibility.
   h) Any additional information that might be available.
3. The person receiving the call should note the following:
   a) Male or female voice.
   b) Time of call.
   c) Mood of caller (excited, nervous, calm, and despondent).
   d) Background noises that may be present at the location of the caller.
   e) Approximate age of the caller.
   f) Any other peculiarities that may be helpful in identifying the source of the call or its purpose.
4. The police will be called and the building may be subject to full or partial evacuated. When evacuating the building, only use stairs. Do not use elevators. Move well away from the building and follow the instructions of floor coordinators and emergency personnel at the scene.
5. If there is an explosion:
   a) Immediately take cover under sturdy furniture.
   b) Stay away from the windows.
   c) Do not light matches.
   d) Move well away from the site of the explosion to a safe location.
   e) Use stairs only, do not use elevators.

MEDICAL EMERGENCIES
1. All medical emergencies should be reported immediately to Public Safety ext. 3333.
2. If the medical emergency is life threatening, then call 911 before dialing Public Safety. If you are in doubt, call 911.
3. If you call 911, be prepared to give your name; describe the nature and severity of the medical problem and the location of the victim. Try to answer all of the questions the dispatcher asks you and let him/her hang-up the phone first. Do not move the victim. If you are certified in CPR and First Aid and able to help, then try to assist the victim until help arrives.
4. Look for emergency medical ID’s such as bracelets on injured persons and try to keep the victim as comfortable as possible until emergency personnel arrive.
5. If a medical problem is non-life threatening, call the Public Safety Department at ext. 3333. If the victim can be safely moved then he/she will be escorted to the Public Safety Office room A-0102. If campus Public Safety personnel believe that a victim should not be moved or that emergency medical care is required immediately, then they will call 911. Please remember that the decision to call or not call 911 is not based on financial situation or insurance status. The focus is on assisting the ill or injured party.
6. The school employs a nurse practitioner. The nurse’s office is room J-0111 and the extension is 2040.

MEDICAL EMERGENCIES-MENTAL HEALTH
The Office of the Dean of Students can be most helpful in assisting anyone who feels in need of counseling or mental health service. You are not alone and don’t have to be alone. The School’s counselor and available at 646-312-2155. Whenever an individual demonstrates or reports a risk for self-destructive or suicidal behavior, immediate assistance is needed. If the situation poses an imminent physical danger, call 3333 to reach the Public Safety office or summon 911. If imminent physical danger is not posed then call the Dean of Students office at ext.646-312-4570 or our counselor at ext. 2155. If a response from either of these two areas is unavailable then contact Public Safety.

UTILITY FAILURES
Power Failure
The following actions are to be taken by members of the college community in the event of a power failure:
1. Report any power failure immediately to Public Safety at ext. 3333. In the event of a building wide power failure, phones may not function. The office can be reached at 646-660-6000. If no other emergency situation exists, you can come to the front Security Desk. The building emergency generator can provide emergency power to the building for several hours. Lights, public address and fire command as well as access control are wired into this system.
2. Moving a flash light attached to a key chain, belt clip or in a bag may be helpful even when not in the School. Never use candles.
3. During daylight, add as much natural lighting as possible by raising blinds.
4. If you receive a bomb threat, remain calm and try to obtain as much information as possible from the caller. Specifically try to ascertain the following:
   a) The location of the device.
   b) The time, if any, the device is scheduled to go off.
   c) The appearance or type of container used for the device.
   d) The reason for placing the device.
   e) The size of the bomb.
   f) The type of explosive used in the device.
   g) The name of the caller or organization taking responsibility.
   h) Any additional information that might be available.
5. The person receiving the call should note the following:
   a) Male or female voice.
   b) Time of call.
   c) Mood of caller (excited, nervous, calm, and despondent).
   d) Background noises that may be present at the location of the caller.
   e) Approximate age of the caller.
   f) Any other peculiarities that may be helpful in identifying the source of the call or its purpose.
6. If there is an explosion:
   a) Immediately take cover under sturdy furniture.
   b) Stay away from the windows.
   c) Do not light matches.
   d) Move well away from the site of the explosion to a safe location.
   e) Use stairs only, do not use elevators.

Plumbing Problem/Flooding
Cease using all electrical equipment. Notify Public Safety immediately. If necessary vacate the area and prevent anyone else from entering. If a toilet overflows or...
Gas Leaks
Gas leaks are very rare but can be very serious. If you smell gas, contact security by coming down to the main Public Safety desk or utilize a phone away from the smell of gas. Do not use a mobile phone near a gas leak whether here or at home. Gas vapors can be ignited by static electricity.

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

Access to College Facilities

CAMPUS FACILITIES
As the CUNY School is a commuter school, there are no residences or dormitories on campus. To date, there are no off-campus student organizations. The School’s normal hours of operation are 7:00AM to 10:30 PM, seven days a week. Currently enrolled students are permitted to be on campus, for the purpose of school related work in the library until midnight. If you remain in the building during these late night periods, please sign-in at the front Public Safety desk. This assists the Department in knowing how many persons are in the building. School issued identification cards must be on your person any time you are in the School this is also a University regulation. Other CUNY students are allowed access to the Library during regular business hours provided that a currently valid photo school ID is presented. The Library is closed to all non-Baruch visitors during finals and midterms and other periods if deemed necessary. The School reserves the right to refuse entry or remove anyone regardless of status for rule infractions or safety reasons.

IDENTIFICATION CARDS
School and University policy require that you carry your validated School issued identification card on your person at all times while in our building or any City University controlled facility. It must be presented upon request by any public safety or administrative agent of the University. These cards are the property of the School. If your card has been lost or stolen, please go to the Bursar, room H-0810 to pay a $10.00 replacement fee. A defective ID card will be replaced free of charge. The receipt generated should be brought to the ID Card Center, room H-0133, where a replacement card will be issued.

GUESTS
All visitors to the School are expected to comport themselves in a manner consistent with an academic environment. Guests must sign in at the front Public Safety desk and show identification to the officer on duty. Upon exiting the School, guests must sign out. Guests must generally be in the same area as the host student and may not use School facilities such as copy machines or computers in furtherance of their own work without express permission of the Office of Student Affairs. Guests are subject to the lawful instructions of all members of the Security, as well as the Administrative staff. Guests may not remain in the building after midnight or on weekends and holidays. If someone is waiting for you after this time to facilitate transportation or other issue of importance, they must remain on the first floor by the Front Security desk. If a guest seems to be intoxicated, refuses to follow procedures of producing identification or follow sign in and sign out procedures, entry to the building will be denied.

BUILDING-LATE NIGHT POLICY
Baruch College buildings are available to current Baruch faculty and staff for school-related purposes during the hours of 12 midnight to 7 am. Those wishing to remain in the building must sign in at the front Public Safety desk at midnight. Anyone entering or leaving the building during this time period must sign in or out at the Security Desk. Late-night usage of the building is limited to current faculty and staff. No guests are permitted during these hours or weekends and holidays. Late-night usage of the building is expressly limited to school-related purposes. Such permitted usage does not include sleeping, socializing or other recreational activities except as tangential to study or research. Violators of this usage limitation will be asked to leave the building, and repeat violators may have their late-night privileges suspended or revoked.

SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES
Baruch College utilize sub-contractors who maintain the school’s fire alarm system, fire command and public address system, Access Control and CCTV, as well as interior and exterior lighting are maintained in house. Any conditions, which appear unsafe, should be directly reported to any security staff person, as soon as possible. Public Safety monitors the interior and exterior cameras on a continuous basis. An automatic water-based fire suppression system is supplemented by numerous dry chemical portable fire extinguishers. Public Safety/Security Officers patrol the buildings several times a tour, every tour, each day of the year. Tours are logged in since Baruch has a GCS system which the officers swipe. The School’s locking devices are a restricted key-way type. Duplication of keys requires an imprint identification card. All Public Safety staff carries mobile radios programmed through a repeater to enhance effectiveness. The aforementioned devices are checked during guard tour building rounds and building perimeter tours. Additionally, a special mobile radio located at the front Public Safety desk can communicate with any of the other CUNY campuses, as well as the central office. Deficiencies should be reported to Public Safety for repair/service.

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

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

“HENDERSON RULES.”

PENALTIES

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

2. Any tenured or non-tenured faculty member, or other member of the instructional staff, or member of the classified staff engaging in any manner in conduct prohibited under the Bylaws, the applicable employment contract and/or substantive rules 1-11 shall be subject to the following range of penalties: warning, censure, restitution, fines not exceeding those permitted by law or by the Bylaws of The City University of New York or suspension 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 Bylaws, including, the Henderson Rules 1-11 shall be subject to ejection, and/or arrest by the civil authorities.

4. Any organization which authorized the conduct prohibited under the Bylaws, including the Henderson Rules 1-11 shall have its permission to operate on campus rescinded. Penalties 1-4 shall be in addition to any other penalty provided by law or The City University Trustees.

ADDITIONAL COLLEGE RULES

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

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

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

University Policy Relating to Drugs and Alcohol

THE CITY UNIVERSITY OF NEW YORK

POLICY ON DRUGS AND ALCOHOL

The City University of New York ("CUNY") is an institution committed to promoting the physical, intellectual, and social development of all individuals. As such, CUNY seeks to prevent the abuse of drugs and alcohol, which can adversely impact performance and threaten the health and safety of students, employees, their families, and the general public. CUNY complies with all federal, state, and local laws concerning the unlawful possession, use, and distribution of drugs and alcohol. Federal law requires that CUNY adopt and implement a program to prevent the use of illicit drugs and abuse of alcohol by students and employees. As part of its program, CUNY has adopted this policy, which sets forth (1) the standards of conduct that students and employees are expected to follow; (2) CUNY sanctions for the violation of this policy; and (3) responsibilities of the CUNY colleges/units in enforcing this policy. CUNY’s policy also (1) sets forth the procedures for disseminating the policy, as well as information about the health risks of illegal drug and alcohol use, criminal sanctions for such use, and available counseling, treatment, or rehabilitation programs, to students and employees; and (2) requires each college to conduct a biennial review of drug and alcohol use and prevention on its campus.

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

BARUCH COLLEGE ALCOHOL POLICY

Baruch College permits the consumption of alcohol under the following rules and in accordance with New York State and City law and regulations, and University policies. This policy pertains to faculty, staff, students and visitors. The term “Law,” when used to identify a location includes Baruch College buildings and the surrounding grounds, including our adjacent sidewalk.

a. The school requires that a New York State Liquor Authority Temporary Beer and Wine Permit (TBWP) be obtained when alcohol is served at any event. Please note: New York State Liquor Authority requires 15 business days notification for application processing. More information is available at www.abc.state.ny.us.

b. When alcohol is served, other food and non-alcoholic beverages such as water, juice or soft drinks, must also be served in equal or greater proportions. Highly caffeinated energy drinks are not a suitable alternative and will not be counted towards the proportion of non-alcoholic beverages that must be served. Under Section 64-a, of the Alcoholic Beverage Control Law, the types of foods include “salads, soups, sandwiches, finger foods. Pretzels and potato chips do not meet the minimum requirements for food.” (NYS Liquor Authority, Application for Alcoholic Beverage Control.)

c. Alcohol may only be served or consumed during events that are sponsored by a faculty/administrator/staff member or by a registered student organization. Only one student-organized event serving alcohol may be held at the school on the same day.

d. All student events or gatherings where alcoholic beverages will be consumed must be registered at the Office of Student Affairs. The registration and/or reservation
of facilities must be made at least twenty-one (21) business days prior to the event.
e. Alcohol may only be served or consumed on weekdays from 5 p.m. to 10 p.m.
f. Alcohol may only be served or consumed in the following designated areas of the school: the cafeteria, faculty lounge, staff lounge and rooms approved in advance by the Dean of Students.
g. Only beer and wine may be served at the school. Mixed drinks are not permitted.
h. Beer and wine must always be dispensed from original retail or wholesale containers.
i. Only funds collected by or allocated to a registered student organization can be used to purchase alcohol for student events. The informal collection of money for alcoholic beverages that will be consumed in the school is prohibited.
j. Advertisement for events may not promote the abuse of alcohol.
k. Drinking contests or games are prohibited at the school.
l. Alcohol may be stored at the school only with the written permission of the Office of Student Affairs. If the permission is granted, the location will be determined by the Office of Student Affairs.
m. The school reserves the right at any time to limit the amount of alcohol purchased and/or served at any event.
n. The school reserves the right to prevent individuals who appear intoxicated from entering or leaving the school
o. Violation of the alcohol policy may lead to the suspension of privileges to use the school facilities for the sponsoring student organization(s) and/or the individual student organizers of the event in question. Violators are also subject to disciplinary action by appropriate Law School and/or University officials and may also be referred to civil authorities. (According to the Section 130 of the Alcohol Beverage Control law, violations of NYS Alcohol Beverage Control laws are unclassified misdemeanors and subject to criminal proceedings.)
p. Exceptions to this policy may only be made by the Dean or her/his designee.

CUNY STANDARDS OF CONDUCT

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

CUNY SANCTIONS

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

STUDENTS

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

Medical Amnesty Policy - [http://www.cuny.edu/about/administration/offices/la/MedicalAmnesty-GoodSamaritanPolicy072814.pdf](http://www.cuny.edu/about/administration/offices/la/MedicalAmnesty-GoodSamaritanPolicy072814.pdf). If you are the victim of or observe sexual harassment or violence while under the influence of drugs or alcohol, you should report the incident and seek medical help. You will not be disciplined for your drug or alcohol use. However, if you are involved in repeated incidents of drug and alcohol use, medical amnesty may not apply. This policy does not protect you from discipline for other misconduct such as sexual assault, drug sales, causing or threatening physical harm, damaging property or hazing

EMPLOYEES

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

INFORMATION FOR THE CUNY COMMUNITY

ON THE RISKS AND CONSEQUENCES

OF DRUG AND ALCOHOL USE

BACKGROUND

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

LEGAL SANCTIONS

Federal and New York State laws make it a criminal offense to manufacture, distribute, dispense, possess with intent to distribute, or simply possess a controlled substance. Such substances include heroin, cocaine, methamphetamine, ecstasy, LSD, PCP, marijuana, and a number of common pharmaceutical drugs if unlawfully obtained. The sanctions for violation of these laws, ranging from community service and monetary fines to life imprisonment, depend upon the particular offense, the drug type, and the drug quantity. Students convicted under these statutes may also forfeit federal financial aid eligibility.
Note that an individual need not be in actual physical possession of a controlled substance to be guilty of a crime. The unlawful presence of a controlled substance in an automobile is presumptive evidence of knowing possession of such substance by each passenger unless the substance is concealed on the person of one of the occupants. Similarly, the presence of certain substances in plain view in a room can sometimes be presumptive evidence of knowing possession of such substance by anyone in close proximity.

**Further, pursuant to New York State law:**

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

**HEALTH RISKS**

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

**LSD (Acid)**

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

**Cocaine**

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

**MDMA (Ecstasy)**

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

**Heroin**

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

**Marijuana**

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

**Methamphetamine**

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

**PCP/Phencyclidine**

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

**Prescription Medications**

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

**Tobacco/Nicotine**

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

**Steroids**

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

**Alcohol**

Excessive alcohol consumption can lead to serious health problems, including cancer of the pancreas, mouth, pharynx, larynx, esophagus and liver, as well as breast cancer, pancreatitis, sudden death in people with cardiovascular disease, heart muscle damage leading to heart failure, stroke, high blood pressure, cirrhosis of the liver, miscarriage, fetal alcohol syndrome in an unborn child, injuries due to impaired motor skills, and suicide.
SUBSTANCE ABUSE
You or someone you know may have a problem with drugs and alcohol if you/they are:
- Using drugs and/or alcohol on a regular basis.
- Losing control of the amount of drugs and/or alcohol used after being high or drunk.
- Constantly talking about using drugs and/or alcohol.
- Believing that drugs and/or alcohol are necessary in order to have fun.
- Using more drugs and/or alcohol to get the same effects as in the past.
- Avoiding people in order to get high or drunk.
- Pressuring others to use drugs and/or alcohol.
- Forgoing activities that were once priorities (i.e. work, sports, spending time with family and sober friends).
- Getting into trouble at school, at work, or with the law.
- Taking risks, including sexual promiscuity and driving while intoxicated.
- Lying about things, including the amount of drugs and/or alcohol used.
- Feeling hopeless, depressed, or even suicidal.

EXHIBIT A
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 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 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/or 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 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.

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 at 646-312-4550 and/or Counseling Center. Any student may contact our counselor at 646-312-2155, our nurse practitioner at 646-312-2040 or Disabilities Coordinator at 646-312-4590.

For assistance and referrals, employees should consult with the Human Resources office at 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/
Al-Anon/Alateen (888) 425-2666 http://www.al-anonymy.org

**Detoxification and Outpatient/Inpatient Rehabilitation Facilities**

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<th>New York County</th>
<th>Kings County</th>
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<tr>
<td><strong>Bellevue Hospital Center</strong></td>
<td>Kings County Hospital Center</td>
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<tr>
<td>462 First Ave. New York, NY 10016 (212) 562-4141</td>
<td>606 Winthrop St. Brooklyn, NY 11203 (718) 245-2630</td>
</tr>
<tr>
<td>St. Luke’s-Roosevelt Hospital Center 1000 Tenth Ave. New York, NY 10019 (212) 523-6491</td>
<td>Interfaith Medical Center 1545 Atlantic Ave. Brooklyn, NY 11213 (718) 613-4330</td>
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<tr>
<td>Greenwich House, Inc. 50B Cooper Square New York, NY 10003 (212) 677-3400</td>
<td>Bridge Back to Life Center, Inc. 175 Remsen St., 10th Floor Brooklyn, NY 11201 (718) 852-5552</td>
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<th>Queens County</th>
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<td><strong>Flushing Hospital Medical Center</strong></td>
<td>St. Barnabas Hospital 4535 East 183rd St. Bronx, NY 10457 (718) 960-6636</td>
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<tr>
<td>4500 Parsons Blvd Flushing, NY 11355 (718) 670-5078</td>
<td>Samaritan Village, Inc. 144-10 Jamaica Ave. Jamaica, NY 11435 (718) 206-1990 Montefiore Medical Center 3550 Jerome Ave., 1st Floor Bronx, NY 10467 (718) 920-4067</td>
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<tr>
<td><strong>Daytop Village, Inc.</strong></td>
<td>Bronx-Lebanon Hospital Center 1276 Fulton Ave., 7th Floor Bronx, NY 10456 (718) 466-6095</td>
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<tr>
<td>316 Beach 65th St. Far Rockaway, NY 11692 (718) 474-3800</td>
<td><strong>Richmond County</strong></td>
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<td><strong>Nassau County</strong></td>
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<tr>
<td>Staten Island University Hospital 375 Seguine Ave. Staten Island, NY 10309 (718) 226-2790</td>
<td>Long Beach Medical Center 455 East Bay Dr. Long Beach, NY 11561 (516) 897-1250</td>
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<tr>
<td>Richmond University Medical Center 427 Forest Ave. Staten Island, NY 10301 (718) 818-5375</td>
<td>North Shore University Hospital 400 Community Dr. Manhasset, NY 11030 (516) 562-3010</td>
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<tr>
<td>Camelot of Staten Island, Inc. 263 Port Richmond Ave. Staten Island, NY 10302 (718) 981-8117</td>
<td>Nassau Health Care Corporation 2201 Hempstead Tpke. East Meadow, NY 11554 (516) 572-9400</td>
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**RESOURCES OFF-CAMPUS**

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  
http://www.nysmokefree.com/

**COUNSELING**

A full-time counselor is available to students. The counselor also conducts workshops and facilitates support groups on a number of topics including test anxiety and stress management. The counselor’s office phone number is 646-312-2155.

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

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

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

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

Title IX Coordinator Kieran Morrow, room B5-205, 646-312-4542, diversity@baruch.cuny.edu

Director of Public Safety Henry J. McLaughlin, room A-0102, 646-660-6000, Henry.McLaughlin@Baruch.cuny.edu

Chief Student Affairs Officer Art King, room B2-255, 646-312-4570, Art.King@Baruch.cuny.edu

Director of Human Resources, Monique George, room D-0202, 646-660-6596, Monique.George@baruch.cuny.edu

**Definitions of Crimes that Must Be Reported Pursuant to VAWA**

The Violence against Women Reauthorization Act of 2013 (“VAWA”), added additional categories of crimes to the Clery Act that CUNY’s schools are now required to report.

**Domestic Violence**

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

**Dating Violence**

“Dating violence” According to federal statute, “dating violence means violence committed by a person--

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship

(ii) The type of relationship

(iii) The frequency of interaction between the persons involved in the relationship.


CUNY further defines Dating, Domestic and Intimate Partner Violence as:

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

**Stalking**

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

(A) Fear for his or her safety or the safety of others; or

(B) Suffer substantial emotional distress.” 42 U.S.C. § 13925(a).

CUNY’s Sexual Misconduct Policy further defines Stalking as:

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

(2) Causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person’s immediate family or a third party with whom such person is acquainted; or

(3) Is likely to cause such person to reasonable 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.
Bystander Intervention:

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

Preventing Date or Acquaintance Rape

- Convey strongly that you expect your rights to be respected.
- Meet new acquaintances in public places. Always have your own transportation or travel with good friends.
- Keep money in your pocket or purse for phone calls or pay for transportation if you must leave a situation abruptly.
- Be aware of how much alcohol is being consumed. It’s best to avoid using alcohol. While not a direct cause of date rape, alcohol can increase your vulnerability by lowering your alertness and ability to react.
- Clearly define your sexual limit. If someone starts to offend you, be direct. Say no clearly when you mean no.
- If you feel that you are being pressured into unwanted sex, say something as soon as you can, before the behavior goes any further.
- Embarrassment should not keep you from doing what is right for you. Do not hesitate to raise your voice, stand up abruptly, or scream if the situation warrants it.

What to Do if You Are Attacked

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

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.

Who is a perpetrator?

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

Who is a victim?

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

When is there lack of consent?

Under New York law, lack of consent to a sexual contact may be demonstrated in the following ways: (1) forceful 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.

College and Community Counseling and Support Services for Sex Offense Victims

On-Campus Assistance

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

College Support Services

On-Campus: Baruch College students can contact counselor at 646-312-2155 or the Office of the Dean of Students at 646-312-4570.

Also: Counseling@Baruch.cuny.edu

Contacting Outside Agencies

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

Off-Campus Resources

• Emergency: 911
• The 13th Precinct, Manhattan District Attorney’s Office, Sex Crimes Unit 212-335-9373
• The New York City Police Department Sex Crimes Report Line 212-COP-RAPE, open around the clock, is answered by a female detective at all times. It takes telephone reports of sex crimes, refers victims to counseling and other community services, provides information on police procedures and etc.
• The NYC Victims Services Agency: open 24 hours, seven days a week 212-577-7777. Provides crisis intervention for crime victims.
• The Gay and Lesbian Anti-Violence Project: open 10:00AM to 8:00PM Monday to Thursday, 10:00AM to 6:00PM, Friday. 24-hour hotline 212-714-1141. Provides short-term crisis counseling, advocacy services, and referrals for long-term counseling.
• The following New York state department of Criminal Justice website offers links to many additional resources at www.criminaljustice.ny.gov/pio/crimevictims.html

Prevention Education Programs

Each CUNY College is required to develop materials and programs to educate its students, faculty and staff on the nature, dynamics, common circumstances and effects of sexual assault, domestic/intimate partner violence and stalking, and the means to reduce their occurrence and prevent them. These programs should seek to provide the most recent and relevant information, such as education pertaining to bystander intervention, the importance of peer networks and the significance of fostering a community of responsibility. All students during August orientation and during mandatory transfer orientation sessions in early September receive information about sexual assault prevention and reporting procedures. These are published annually in this document and are available on the school’s website under Public Safety, Annual Security Report.


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

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

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

Disciplinary Procedure

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

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

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 offenses are classified in degree according to the seriousness of sexual activity, the degree of force used, the age of the victim and the physical and mental capacity of the offender and victim.

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

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

Under New York State Penal and Criminal Procedure Laws

<table>
<thead>
<tr>
<th>Crime</th>
<th>Illegal Conduct</th>
<th>Criminal Sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rape in the first degree (PL § 130.35)</td>
<td>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.</td>
<td>Is a class B felony, with penalties up to 25 years in prison.</td>
</tr>
<tr>
<td>Rape in the second degree (PL § 130.30)</td>
<td>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.</td>
<td>Is a class D felony, with penalties up to 7 years in prison.</td>
</tr>
<tr>
<td>Criminal sexual act in the first degree (PL § 130.50)</td>
<td>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.</td>
<td>Is a class B felony, with penalties up to 25 years in prison.</td>
</tr>
<tr>
<td>Forcible touching (PL § 130.52)</td>
<td>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.</td>
<td>Is a class A misdemeanor, with penalties up to 1 year in jail.</td>
</tr>
<tr>
<td>Sexual abuse in the first degree (PL § 130.65)</td>
<td>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.</td>
<td>Is a class D felony, with penalties up to 7 years in prison.</td>
</tr>
<tr>
<td>Aggravated sexual abuse in the first degree (PL § 130.70)</td>
<td>A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11.</td>
<td>Is a class B felony, with penalties up to 25 years in prison.</td>
</tr>
</tbody>
</table>
### Missing Persons

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

www.cuny.edu/about/administration/offices/la/policies/missingpersonswithoutmemo.pdf

### Admission of Sex Offenders (as provided by the Vice Chancellor’s Office of Legal Affairs)

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

### Campus Sex Crimes Prevention Act

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

- Contact the police department in the jurisdiction in which the offender resides and/or in which the college is located.
- Contact Henry J. McLaughlin Director of Public Safety, at 646-660-6000
- Call the Division’s sex offender registry at 800-262-3257

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

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

### THE CITY UNIVERSITY OF NEW YORK – POLICIES AND PROCEDURES

[Title IX]
http://www1.cuny.edu/sites/title-ix/campus/university/

[Equal Opportunity and Nondiscrimination policy]
http://www.cuny.edu/about/administration/offices/la/PEONon-Discrimination12.4.2014.pdf

[Sexual misconduct policy]
http://www.cuny.edu/about/administration/offices/la/Policy-on-Sexual-Misconduct-12-1-14-with-links.pdf

[Student Sexual Misconduct Complainants' Bill of Rights]
http://www.cuny.edu/about/administration/offices/la/CUNYStudentSexualMisconductComplainantsBillOfRights120214.pdf

[Workplace Violence]
http://www.cuny.edu/about/administration/offices/ohrm/pdlm/programs/workplace-violence-prevent.html

[Domestic Violence in the Workplace]

Hardcopies of these policies, contained within the Student handbook 2013-2014, are available at the Office of the Dean of Students room B2-255

### BARUCH’S CALENDAR YEARS 2011-2013 CRIME STATISTICS CHART ON THE NEXT PAGE. THE STATISTICS INCLUDED ON THESE CHARTS ARE DERIVED FROM REPORTED CRIMINAL INCIDENTS FROM THE FOLLOWING SOURCES:

1. **ALL PUBLIC SAFETY REPORTS**
2. **ANY REPORTS FROM CAMPUS SECURITY AUTHORITIES**
3. **LOCAL POLICE PRECINCT**
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Domestic Violence: 0
Dating Violence: 0
Stalking: 0

* Denotes Report to other campus authorities

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Prior to calendar year 2013, Colleges were not required to report statistics for Domestic Violence, Dating Violence and Stalking.
Prior to calendar year 2014, Sex Offenses were categorized as Forcible and Non-Forcible.
No Unfounded crimes have been reported for calendar year 2014.
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I. Policy Statement

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

1) Defining conduct that constitutes prohibited sexual harassment, gender-based harassment and sexual violence;

2) Providing clear guidelines for students, employees and visitors on how to report incidents of sexual harassment, gender-based harassment and sexual violence and a commitment that any complaints will be handled respectfully;

3) Promptly responding to and investigating allegations of sexual harassment, gender-based harassment and sexual violence, pursuing disciplinary action when appropriate, referring the incident to local law enforcement when appropriate, and taking action to investigate and address any allegations of retaliation;

4) Providing ongoing assistance and support to students and employees who make allegations of sexual harassment, gender-based harassment and sexual violence;

5) Providing awareness and prevention information on sexual harassment, gender-based harassment and sexual violence, including widely disseminating this policy, and implementing training and educational programs on sexual harassment, gender-based harassment and sexual violence to college constituencies; and

6) Gathering and analyzing information and data that will be reviewed in order to improve safety, reporting, responsiveness and the resolution of incidents.

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

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

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

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

II. Prohibited Conduct

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

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

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

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

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

- **Retaliation.** This policy prohibits retaliation against any person who reports sexual harassment, gender-based harassment or sexual violence, assists someone making such a report, or participates in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence complaint.

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

### III. Title IX Coordinator

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

### IV. Immediate Assistance in Cases of Sexual Violence

#### A. Reporting to Law Enforcement

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

#### B. Obtaining Immediate Medical Attention and Emotional Support

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

On-campus resources include nurses and/or nurse practitioners at campus health offices and counselors at campus counseling centers. Counselors are trained to provide crisis intervention and provide referrals for longer-term care as necessary.
For off-campus resources, CUNY maintains a list of emergency contacts and resources, including rape crisis centers, available throughout New York City on its dedicated web page. This list includes a designation of which local hospitals are designated as SAFE (Sexual Assault Forensic Examiner) hospitals, which are specially equipped to handle sexual assaults and trained to gather evidence from such assaults.

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

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

A. Filing a Complaint with Campus Authorities

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

- Title IX Coordinator;
- Office of Public Safety;
- Office of the Vice President for Student Affairs and/or Dean of Students;
- Residence Life staff in CUNY owned or operated housing, including Resident Assistants.

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

- Title IX Coordinator;
- Director of Human Resources;
- Office of Public Safety.

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

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

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

B. Support Assistance for Complainants

When a Title IX Coordinator receives a complaint of sexual or gender-based violence, she/he will work with the Chief Student Affairs Officer to identify a trained staff member to assist the complainant with support services and accommodations.
C. Request that the College Maintain a Complainant’s Confidentiality, Not Conduct an Investigation, or Not Report an Incident to Outside Law Enforcement

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

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

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

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

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

D. Action by Bystanders and Other Community Members

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

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

E. Amnesty for Drug and Alcohol Use

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

F. Reporting Suspected Child Abuse

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

G. Reporting Retaliation

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

VI. Reporting/Confidentiality Obligations of College and University Employees

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

A. Confidential Employees

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

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

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

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

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


B. “Responsible” Employees

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

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

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

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

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

C. All Other Employees

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

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

VII. Interim and Supportive Measures

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

Interim and supportive measures may include, among other things:

(i) Making necessary changes to academic programs, including a change in class schedule, making appropriate accommodations to permit the complainant to take an incomplete or drop a course or
courses without penalty, permitting the complainant to attend a class via Skype or other alternative means where appropriate, providing an academic tutor, or extending deadlines for assignments;

(ii) Making necessary changes to residential housing situations or providing assistance in finding alternate housing;

• Changing an employee’s work assignment or schedule;

(iv) Providing the complainant with an escort to and from class or campus work location;

(v) Arranging appropriate transportation services to ensure safety;

(vi) Prohibiting contact between the complainant and the respondent ("no contact" orders);

(vii) Offering counseling services to the complainant, to the respondent, and, where appropriate, to witnesses, through the college Counseling Center or other appropriate college office, or a referral to an off-campus agency;

(viii) Providing the complainant assistance in obtaining medical and other services, including access to rape crisis centers;

(x) Providing the complainant assistance with filing a criminal complaint and seeking an order of protection; Enforcing an order of protection;

(xi) Addressing situations in which it appears that a complainant’s academic progress is affected by the alleged incident;

(xii) In exceptional circumstances, seeking an emergency suspension of a student or an employee under applicable CUNY Bylaws, rules, policies and collective bargaining agreements.

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

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

A. The Investigation

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

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

B. Conflicts

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

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

D. **Timing**

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

E. **Report of Findings**

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

F. **Disciplinary Action**

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

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

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

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

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

G. False and Malicious Allegations

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

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

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

I. Filing External Complaints

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

IX. College Obligations under this Policy

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

A. Dissemination of Policies, Procedures and Notices

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

B. Training and Educational Programming

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

C. Assessing Campus Attitudes

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

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

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

X. Rules Regarding Intimate Relationships

A. Relationships between Faculty or Employees and Students

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

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

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

B. Relationships between Supervisors and Employees

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

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

XI. Definitions of Terms in this Policy

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

such conduct is sufficiently serious that it alters the conditions of, or has the effect of substantially interfering with, an individual’s educational or work experience by creating an intimidating, hostile, or offensive environment (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of a complainant.

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

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

(i) Inappropriate or unwelcome physical contact or suggestive body language, such as touching, groping, patting, pinching, hugging, kissing, or brushing against an individual’s body;

(ii) Verbal abuse or offensive comments of a sexual nature, including sexual slurs, persistent or pervasive sexually explicit statements, questions, jokes or anecdotes, degrading words regarding sexuality or gender, suggestive or obscene letters, notes, or invitations;

(iii) Visual displays or distribution of sexually explicit drawings, pictures, or written materials; or

(iv) Undue and unwanted attention, such as repeated inappropriate flirting, staring, or making sexually suggestive gestures.

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

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

(ii) Disseminating images (e.g. video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure;

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

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

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

(i) Sexual assault is any form of sexual contact (i.e., any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party) that occurs without
consent and/or through the use of force, threat of force, intimidation, or coercion. Examples of sexual assault include:

(a) **Rape and attempted rape** is engaging or attempting to engage in sexual intercourse with another person: (a) without such person’s consent; (b) where such person is incapable of giving consent by reason of being mentally disabled, mentally incapacitated or physically helpless; or (c) where such person is less than seventeen years old. Sexual intercourse includes vaginal or anal penetration, however slight.

(b) **Criminal sexual act** is engaging in oral or anal sexual conduct with another person without such person’s consent.

(c) **Forcible touching** is intentionally touching the sexual or other intimate parts of another person without the latter’s consent for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor’s sexual desire.

(d) **Sexual abuse** is subjecting another person to sexual contact without the latter’s consent.

(ii) **Stalking** is intentionally engaging in a course of conduct directed at a specific person that:

1. is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or

2. causes material harm to the mental or emotional health of such person, where such conduct consists of telephoning or initiating communication or contact with such person, a member of such person’s immediate family or a third party with whom such person is acquainted; or

3. is likely to cause such person to reasonably fear that her/his employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person’s place of employment or business, and the actor was previously clearly informed to cease that conduct.

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

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

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

In order to give consent, one must be of legal age (17 years or older) and not mentally or physically incapacitated, or physically helpless, unconscious or asleep. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs or other intoxicants may be incapacitated and therefore unable to consent. Consent is not valid if it is the result of coercion, intimidation, force or threat of harm.
E. **Complainant** refers to the individual who alleges that she/he has been the subject of sexual harassment, gender-based harassment or sexual violence, and can be a CUNY student, employee (including all full-time and part-time faculty and staff), or visitor. Under this policy, the alleged incident(s) may have been brought to the college’s attention by someone other than the complainant.

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

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

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

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

J. **Managers** are employees who have the authority to either (a) make tangible employment decisions with regard to other employees, including the authority to hire, fire, promote, compensate or assign significantly different responsibilities; or (b) make recommendations on tangible employment decisions that are given particular weight. Managers include vice presidents, deans, directors, or other persons with managerial responsibility, including, for purposes of this policy, department chairpersons and executive officers.
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
B The William and Anita Newman Vertical Campus 55 Lexington Ave.
C Newman Hall – 137 East 22nd Street
D Administrative Building – 135 E. 22 St.
H Information and Technology 151 East 25th St.
J 137 East 25th Street

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