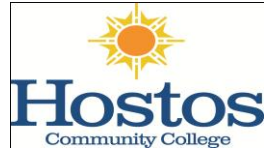


Annual Security Report 2014

Eugneio Maria De Hostos
Community College
500 Grand Concourse
Bronx, New York 10451

Chief Arnaldo Bernabe
Director of Public Safety
718-518-6888



Annual Security Report 2014

College Overview

Hostos Community College's Annual Security Report includes statistics for the previous three years (2011-2013) concerning reported crimes that occurred on campus, in certain off-campus buildings owned or controlled by Hostos Community College, and on public property within, or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and other matters.

Statistical information and data gathered from records of the Public Safety Department, Campus Security Authorities and the NYPD are included in this report. As required, information regarding a notice of the availability of the Annual Security Report is distributed annually by October 1st. A notice of the availability of the report is also provided to prospective students and employees. A hard copy of this report may be obtained by sending a self-stamped addressed envelope to 500 Grand Concourse, Bronx, New York, 10451.

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

The fiscal crisis of the mid-1970's resulted in an effort to merge Hostos with another institution as a cost-saving measure. This effort was rebuffed by strong college and community opposition which led the State Legislature to include a guarantee of Hostos' existence in the Landes Higher Education Act, passed on June 9, 1976. To meet growing interest in the college, the campus now has six buildings, three of which have been specially designed to meet the institution's need. Hostos takes pride in its well-equipped science, math, writing, and computer labs, its excellent physical education facilities, and its state-of-the-art theatres.

The campus is located in the Mott Haven section of the Bronx, a borough of New York City with a population of approximately 1.39 million. The campus is situated on the Grand Concourse on a 15-acre site and comprised of 8 buildings located on/ or contiguous to the campus.

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

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

The Continuing Education & Workforce Development Department at Hostos Community College

The Continuing Education & Workforce Development Department at Hostos Community College offers educational, career, and personal development opportunities designed to address the needs of the South Bronx and Upper Manhattan communities. Some class offerings are free; most are available at a reasonable cost. The program offers non-credit courses and certificate programs for adults, children and teens on weekdays, evenings, Saturday and

Sunday. For more information, please contact (718) 518-6656. Email: cedu@hostos.cuny.edu. 560 Exterior Street (East 149th Street between Exterior Street and River Avenue), Bronx, New York 10451 Phone: (718) 518-6656

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

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

Crime Reporting Procedure

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

1. Calling the Department of Public Safety's emergency telephone line (718) 518-6888 or Extension 6911 which may be dialed within the college's telephone system.
2. Reporting the information to any member of the Department of Public Safety or in person at the Public Safety Office located in the East Academic Building, Room C-030.

All counselors are strongly encouraged when they deem it appropriate to inform the persons they are counseling of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

3. Victims or witnesses may report crimes to persons designated as Campus Security Authorities, who will then forward only the report of the crime without divulging the name of victim or witness to the Department of Public Safety for inclusion in the annual crime report.
4. 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 only for the purpose of providing a campus-wide safety alert.
5. In the event that the situation you observe or are involved in is of an extreme or life-threatening nature, call 911, the New York City Police Department's emergency phone number. If you make a 911 call, please also notify the Department of Public Safety. They will also respond to assist and direct the police and other emergency personnel to the reported emergency.
6. The Department of Public Safety maintains a crime log which is located at the Public Safety Dispatch Center. The Public Safety Dispatch Center is located in the 450 Grand Concourse building adjacent to the elevator bank in the cellar. All crimes reported to the Department of Public Safety are recorded in the daily crime log 60 days from the date of the report. The crime log for the most recent 60-day period is open to public inspection, upon request, during normal business hours. Anyone may have access to the log, whether or not they are associated with the institution. This includes the media.

Campus Security Authorities

The following persons are designated as Campus Security Authorities:

- *Vice President of Student Development & Enrollment Management*
Nathaniel Cruz, 718-518-4264, Savoy Building, Room D-102H,
- *Dean of Student Life*
Johanna Gomez, 718-518-6556, C-Building, Room C-330
- *Vice President of Continuing Education & Workforce Training & Development, Office of the President*
Carlos Molina, 718-518-6658, A-Building, Room A-335
- *Director of Athletics*
Krishnawattie Dass, 718-518-6551, C-Building, Room C-383
- *Director of Student Activities*
Jerry Rosa, 718-518-6561, C-Building, Room - C-371
- *Director of Human Resources*
Shirley Shevach, 718-518-6655, C-Building, Room - B-215
- *Director of C.L.I.P*
Fatiah Makloufi, 718-518-6657, C-Building, Room - C-533
- *Program Coordinator of CUNY S.T.A.R.T Program*
Joshua Goldblatt, 718-518-6851, A-Building, Room - A-226
- *Director of ASAP*
Laura McGowan, 718-518-6625, C-Building, Room - C-511R
- *Manager of Student Wellness*
Fabian Wander, 718-518-6567, C-Building, Room – C-330
- *Director of Liberty Partnership Program*
Jose Encarnacion, 718-518-4189, C-Building, Room – C- 491
- *Sub Student Leadership Coordinator*
Jason Libfeld, 718-518-6541, C-Building, Room – C-392
- *Director of College Now Program*
Elizabeth Wilson, 718-518-6839, C-Building, Room - C-360

Members of the college community may make reports of crimes and security incidents to these Campus Security Authorities. Each year, the Public Safety Department requests data via official letter request and/ or email from these authorities for inclusion in the Annual Clery Report.

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

Allegations of sexual harassment 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 Eugene Sohn, room A-336, 718-518-4284, esohn@hostos.cuny.edu

Chief Student Affairs Officer Johanna Gomez, room C-330, 718-518-6556, jgomez@hostos.cuny.edu

Director of Public Safety Chief Arnaldo Bernabe, room C-030, 718-518-6880, abernabe@hostos.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://www.hostos.cuny.edu/about/legal/security-report.html>) click "Title IX Campus Information."

Public Safety and Security Services/ Departmental Composition

Hostos Community College's main campus grounds, the contiguous geographic perimeter of the main campus and the parking areas are patrolled on a 24-hour basis by Public Safety Officers. Public Safety Officers are

sworn law enforcement / NYS Peace Officers under Criminal Procedure Law 2.10 subsection 79 and have the power to make arrests, issues criminal court summonses and conduct criminal investigations. The Hostos Community College Department of Public Safety is responsible for investigating all crimes and incidents that occur on campus. Incidents of a criminal nature that are reported to a Campus Peace Officer are at times referred via the complainant to the NYPD. The department currently consists of a Chief / Director, 2 Lieutenants, 2 Specialists, 6 Sergeants, 1 Corporal and 24 Patrol Officers. All are sworn NYS Peace Officers. Additionally, the college employs 13 Campus Security Assistants. At any given time, contract security officers may be used to fill vacancies. Campus Security Assistants and contract security officers are licensed New York State Security Guards and do not have arrest powers (outside of the powers of a private citizen).

Closed Circuit Television

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

Public Address System

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

Campus Safety Escort

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

CUNY-NYPD Memorandum of Understanding

The City University of New York which includes Hostos Community College has a Memorandum of Understanding with the NYPD which covers emergencies, non-emergencies and investigative responses by the NYPD. In accordance with this MOU (Memorandum of Understanding) between the NYPD and the City University of New York dated March 6, 1992, New York City Police officers are not to enter City University property in non-emergency responses unless it has been requested or approved by a College official authorized to make such a request. While the authority of police officers entering the campus on an emergency basis is recognized, the University recommends that police officers notify the designated college officials and/or their designees whenever they must enter university property.

Off-Campus Crimes and Safety Hazard Monitoring

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

Off Campus Residence/ Organizations

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

Emergency Notification & Response The college participates in the University-wide CUNYALERT System. To sign up, please visit the following URL at www.cuny.edu/alert. Upon activation by the college, this system sends messages during emergencies via email, text message and telephone (land-line/cellular). This system is tested monthly for administrative users and one (1) full scale test of the system to all users (students/faculty/staff) annually. New students and employees are also provided with information on signing up for CUNYALERT at orientations. A notification will be sent upon confirmation of a significant emergency

unless such notification presents an undue safety risk. Emergency notifications may be delivered in multiple means to include: The CUNY Alert System, college global email distribution list, public address announcement, public safety website postings. The college's emergency evacuation procedure can be found at <http://www.hostos.cuny.edu/publicsafety/erpl>. The college administration and the Public Safety Department will notify the campus community when there is at least the potential that a very large segment of the community will be affected by a situation, or when a situation affects the campus as a whole. The Department of Public Safety will conduct ongoing assessments of the specific situation and notify the entire or segments of the campus community if the situation warrants such action. The department of public safety and college administration will determine how much information is appropriate to disseminate at different points in time throughout the situation. The college and the Department of Public Safety without delay, and while taking into account the safety of the community will determine the content of the notification and will initiate the notification system, unless issuing a notification would, in the professional judgment of responsible authorities, compromise efforts to assist a victim or contain, respond to or otherwise mitigate the emergency.

Members of the college and/or community at large requesting confirmation on the status of an emergency situation should call the Department of Public Safety at 718-518-6888 and/or the college **Office of Communications and Public Relations at 718-518-6872**.

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

Senior VP of Administration & Finance, Esther Rodriguez- Chardavoyné

Director of Public Safety, Chief Arnaldo Bernabe

Assistant VP of Information Technology, Varun Seghal

Department of Public Safety

Department of Information Technology

Department of Communications and College Relations Office

Timely Warning Notice

The Department of Public Safety will be responsible for issuing timely warning notices on campus which are triggered by Clery Crimes that have already occurred but represent an ongoing threat. The Department of Public Safety will issue a timely warning notice for any Clery Crime committed on the campus Clery geography that is reported to the public safety department or the local law enforcement agency and is considered by the college to represent a serious or continuing threat to students and employees.

The Department of Public Safety maintains a working and professional relationship with the New York City Police Department and communicates both in person and via written communication during the normal course of business in cases of serious emergencies all public safety supervisors can contact the NYPD/911 system via two-way radios.

Evacuation Drills

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

Public Safety Awareness & Crime Prevention Programs

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

All Members of the college community are encouraged to attend crime prevention seminars that are conducted by the Department of Public Safety. Crime prevention seminars are scheduled each semester and members of the college community are encouraged to participate for their own safety and the safety of others. All incoming students receive information about campus crime prevention programs during initial orientation meetings scheduled at the beginning of each semester. To obtain more information on crime prevention, please contact the Department of Public Safety at (718) 518-6888.

Additionally, a member of the Public Safety Department is designated as Crime Prevention Officer and assigned to conduct follow-up investigations for all crimes committed on campus. This officer also advises and makes recommendations to complainants and victims regarding the prevention of future criminal acts.

Along with the Office of the Senior Vice President of Administration and Finance and the Dean of Facilities Management, the Director of Public Safety conducts ongoing reviews of campus grounds and facilities. Special emphasis is placed on the need to ensure safe accessibility to buildings with particular attention to landscaping hazards as well as inadequate lighting.

All public safety personnel, while on patrol, report potential safety and security hazards as well as door problems and elevator malfunctions. Hazards and potential unsafe conditions can be reported by a member of the college community by contacting the Department of Public Safety at (718) 518-6887.

Access to College Facilities

Access to campus buildings and grounds is a privilege extended to students, faculty, staff and guests. The college is open Monday through Saturday, 7:00 a.m. to 10:30 p.m. The college is also open from 7:00 a.m. to 6:00 p.m. on Sundays. Registered students, active faculty and staff with proper authorization are permitted into the buildings at all times during the normal hours of operation. Active faculty and / or staff members who require access at other times must notify their Unit Director / Chairperson and or Vice President via e-mail or other written form. A copy of this notification must also be forwarded to the Director of Public Safety. The college encourages an open environment with limitations to assure adequate protection of all members of the college community. At night and during times when the campus is officially closed, college buildings are secured. The general public can attend cultural and recreational events on campus with access limited to the facilities in which the events are held.

In an effort to enhance the safety and security of the college community, turnstiles have been installed in the 450 Grand Concourse, 475 Grand Concourse, 500 Grand Concourse and 120 East 149th Street Buildings. All students, faculty and staff are required to scan their Hostos I.D. card when entering the campus in order to gain access. All other persons requesting access to the college must display a valid picture identification card prior to being signed in. Examples of a valid photo I.D. card are driver's license, NYS non-driver's identification card, passport, military identification card, social services identification card, city and / or state employment identification card, etc.

The ID room is located at 500 Grand Concourse, room BC-46A. The hours of operation are Monday, Wednesday, Thursday and Friday from 10:00am-6:00pm and Tuesday from 9:00am-5:00pm. It is closed daily from 2:00-3:00pm. The college identification and security access system are maintained and tested by both the Departments of Public Safety and Information Technology.

An attempt to announce visitors will be made by the Public Safety Officers at their assigned post prior to access being granted. Orders of Protection filed with the Department of Public Safety on campus are enforced by Campus Peace Officers. In doing so, the Public Safety Department has implemented screening practices that may prevent the violation of an Order of Protection on campus and other crimes such as stalking and / or incidents of domestic violence.

College visitors are prohibited from going to areas other than the area they are authorized to visit. Visits or activity in areas other than the area signed in for requires clearance and must be made in compliance with the college's visitor and/or use of campus facility procedures. Only registered CUNY students and active employees of the City University of New York are authorized to visit the Hostos Community College library. An exception to this rule requires approval from the Chief Librarian and/or an Officer of the College and must be forwarded in written form to the Public Safety Office.

The computer labs in the East Academic building are exclusively for the use of registered students and active employees of Hostos Community College. The Physical Education Complex can only be used by registered students and / or active employees of Hostos Community College. An exception to this rule requires approval from the Physical Education Complex Supervisor and/ or an Officer of the College which must be forwarded in written form to the Public Safety Office.

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

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.

These items may include, but are not limited to: any firearm, deadly weapon, explosive device, fireworks, nunchucks, metal knuckles, Billy Club, any other deadly weapon or prohibited knife, while on any property owned or leased by the college.

Note: Any armed law enforcement agent / official authorized to carry a firearm that requires access to the college campus must identify themselves to a member of the College Public Safety service and inform them that they are in possession of a firearm.

In accordance with an MOU (Memorandum of Understanding) between the NYPD and the City University of New York dated March 6, 1992, New York City Police officers are not to enter City University property in non-emergency responses unless it has been requested or approved by a College official authorized to make such a request. While the authority of police officers entering the campus on an emergency basis is recognized, the University recommends that police officers notify the designated college officials and/or their designees whenever they must enter university property.

College Regulations / Code of Conduct

RULES AND REGULATIONS FOR THE MAINTENANCE OF PUBLIC ORDER PURSUANT TO ARTICLE 129-A OF THE EDUCATION LAW (THE "HENDERSON RULES.")The tradition of the University as a sanctuary of academic freedom and center of informed discussion is an honored one, to be guarded vigilantly. The basic significance of that sanctuary lies in the protection of intellectual freedom: the rights of professors to teach, of scholars to engage in the advancement of knowledge, of students to learn and to express their views, free from external pressures or interference. These freedoms can flourish only in an atmosphere of mutual respect, civility, and trust among teachers and students, only when members of the University community are willing to accept self-restraint and reciprocity as the condition upon which they share in its intellectual autonomy.

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

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

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

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

"THE PRESIDENT. The president, with respect to his education unit, shall:

a. Have the affirmative responsibility of conserving and enhancing the educational standards of the college and schools under his jurisdiction;

b. Be the advisor and executive agent of the Board and of his respective College Committee and as such shall have the immediate supervision with full discretionary power in carrying into effect the Bylaws, resolutions, and policies of the Board, the lawful resolutions of the several faculties;

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

1. RULES

1. A member of the academic community shall not intentionally obstruct and/or forcibly prevent others from the exercise of their rights. Nor shall he interfere with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational and community services.

2. Individuals are liable for failing to comply with lawful directions issued by representatives of the University/college when they are acting in their official capacities. Members of the academic community are required to show their identification cards when requested to do so by an official of the college.

3. Unauthorized occupancy of University/college facilities or blocking access to or from such areas is prohibited. Permission from appropriate college authorities must be obtained for removal, relocation and use of University/college equipment and/or supplies.

4. Theft from or damage to University/college premises or property, or theft of or damage to property of any person on University/college premises is prohibited.

5. Each member of the academic community or an invited guest has the right to advocate his position without having to fear abuse, physical, verbal or otherwise, from others supporting conflicting points of view. Members of the academic community and other persons on the college grounds shall not use language or take actions reasonably likely to provoke or encourage physical violence by demonstrators, those demonstrated against or spectators.

6. Action may be taken against any and all persons who have no legitimate reason for their presence on any campus within the University/college or whose presence on any such campus obstructs and/or forcibly prevents others from the exercise of the rights or interferes with the institution's educational processes or facilities or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational and community services.

7. Disorderly or indecent conduct on University/college owned or controlled property is prohibited.

8. No individual shall have in his possession a rifle, shotgun or firearm or knowingly have in his possession any other dangerous instruments or material that can be used to inflict bodily harm on an individual or damage upon a building or the grounds of the University/college without the written authorization of such educational institution. Nor shall any individual have in his possession any other instrument or material which can be used and is intended to inflict bodily harm on any individual or damage upon a building or the grounds of the University/college.

9. Any action or situation which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization is prohibited.

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

11. The unlawful possession, use or distribution of alcohol by students or employees on University/college premises or as part of any University/college activities is prohibited.

2. PENALTIES

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

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

3. Any visitor, licensee or invitee, engaging in any manner in conduct prohibited under substantive Rules 1-11. shall be subject to ejection and/or arrest by the civil authorities.

4. Any organization which authorized the conduct prohibited under substantive rules 1-11 shall have its permission to operate on campus rescinded.

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

In order to ensure the continued enhancement of the positive image and reputation of all members of the college community and in the interest of promoting student and faculty welfare at the college, the following Code of Behavior is in effect at Hostos Community College.

1. Use of alcoholic beverages is prohibited on campus except for the consumption of wine at special events approved by the Office of the President.
2. Any student violating any law or regulation established by the College, University, City, State or Federal Government (including the use of drugs), shall be subject to the formal disciplinary procedures as outlined in Articles 15.3 to 15.5 of the Board of Higher Education Bylaws and Sanctions as listed in the Board of Higher Education Bylaws and Article 129A of the Education Law (CUNY Henderson Rules). The initiation of disciplinary procedures requires notice to the student pursuant to 15.3 of the Board of Higher Education Bylaws.

In emergency or extraordinary circumstances, immediate suspension can be effectuated pending a hearing within (7) seven school days. All other persons who violate New York State or Federal laws including those that govern gambling activities, the use of alcohol and the possession, distribution or consumption of any controlled substance will be subject to arrest.

University Policy Relating to Drugs and Alcohol

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

and local laws concerning the unlawful possession, use and distribution of drugs and alcohol. The following standards of conduct are in effect at CUNY:

The unlawful manufacture, distribution, dispensation, possession or use of drugs or alcohol by anyone on CUNY property (including residence halls), in CUNY buses or vans or at CUNY-sponsored activities is prohibited. In addition, CUNY employees are prohibited from illegally providing drugs or alcohol to CUNY students. Finally, no student may possess or consume alcoholic beverages in any CUNY residence hall, regardless of whether the student is of lawful age.

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

Any employee found to have violated the 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 reprimand, suspension without pay or termination.

Alcohol and Substance Abuse Program

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

Students may be referred to the Dean of Students or the Counseling Center by members of the instructional staff or may seek assistance directly.

Strategies for Education and Prevention of Alcohol and Substance Abuse

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

College Resources

Linda Alexander-Wallace, Director of Counseling Services
Savoy Building, 120 East 149th Street, Room D-1011
Telephone: 718-518-4432

Counselors are available in the Counseling Department located in the Savoy building. They provide a comprehensive package of activities and professional services, including crisis intervention, that will assist students to achieve academic, personal and career development and aid in student retention and success. Students may refer themselves for personal counseling. All discussions are confidential. A counselor is also an important college resource of information about agencies and services in the local community. They can be contacted at 718-518-4319.

Self-Help and Referral Services

Alcoholics Anonymous World Services, Inc.,
475 Riverside Drive at West 120th St. 11th Floor
New York, NY 10115
Telephone: (212) 870-3400
Website: www.aa.org

The Greater NY Al-Anon Family Intergroup, Inc.
4 West 43rd, Suite 617
New York, NY 10036
Telephone: (212) 941-0094
Website: www.nycalanon.org

CANY Cocaine Anonymous New York, Inc.
48 W 21st Street, Suite 905

New York, New York 10010
Telephone: (212) 929-7300
Website: www.canewyork.org

New York State of Alcoholism and Substance Abuse Services (OASAS)

501 7th Avenue
New York, NY 10018
Telephone: (646) 728-4544
Website: www.oasas.ny.gov

The Center on Addiction and the Family

164 W. 74th Street
New York, NY, 10023
Telephone: (646) 505-2061
Website: www.coaf.org

Narcotics Anonymous / Bronx Area of Narcotics Anonymous

Telephone: (800) 992-0401 / (212) 929-6262
Website: www.na.org / www.bronxareana.com

Heroin Hotline

Telephone: (866) 788-5707
Website: www.officialheroinhotline.com

Treatment Programs

BASICS Bronx Addiction Services

Outpatient Program
1064 Franklin Avenue
Bronx NY 10456
Telephone: (718) 861-5650

Bronx Alcohol Crisis Center

1500 Waters Place Building 13
Bronx, New York 10461
Telephone: (718) 904-0026 ext. 323
Web Site: oasas.state.ny.us

Daytop Village Inc

Bronx Outreach Center
16 Westchester Square
Bronx NY 10461
Phone: (718) 822-1217 Hotline: (800) 232-9867
Web Site: davtop.org

Lincoln Medical and Mental Health Center

Chemical Dependency Outpatient Clinic
349 East 140th Street
Bronx NY 10454
Phone: (718) 993-3100 ext. 113

Samaritan Village Inc

Residential Drug Free Program
1381 University Avenue
Bronx NY 10452
Phone: (718) 681-9300

South Bronx Mental Health Council

781 East 142 Street
Bronx NY 10454
Phone: (718) 993-1400

VIP Community Services

1910 Arthur Avenue, 4th Floor
Bronx NY 10457
Phone: (718) 583-5150
Web Site: vipservices.org

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

“Under the provisions of (Title IX) of the Education Amendments of 1972 (Title IX), 20 USC§ 1681 et. Seq., implementing regulations 34 CFR Part 106, discrimination on the basis of sex education programs and 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 any sort is a form of discrimination prohibited by Title IX. The U.S. Department of Education’s Office for Civil Rights defines this type of harassment as unwelcome conduct of a sexual nature that can include unwelcome sexual advances, request for sexual favors and other verbal, non-verbal, or physical conduct of a sexual nature. Harassing conduct, implicating of dating of domestic violence, social or electronic stalking and other adverse activity, creates a “hostile environment” when sufficiently severe or pervasive to limit or interfere with a student’s ability to participate in educational activities”.

Allegations of sexual harassment 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 Eugene Sohn, room A-336, 718-518-4284, esohn@hostos.cuny.edu

Chief Student Affairs Officer Johanna Gomez, room C-330, 718-518-6556, jgomez@hostos.cuny.edu

Director of Public Safety Chief Arnaldo Bernabe, room C-030, 718-518-6880, abernabe@hostos.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://www.hostos.cuny.edu/about/legal/security-report.html>) click “Title IX Campus Information.”

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” includes felony or misdemeanor crimes of violence committed by an intimate partner or former intimate partner of the victim. Intimate partner includes persons legally married to one another, persons formerly married to one another, persons who have a child in common, regardless of whether such persons are married or have lived together any time, couples who live together or have lived together, or persons who are dating or who have dated in the past, including same sex couples. New York State has multiple laws addressing domestic violence, and the definition is broad. Generally, domestic and intimate partner violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic and intimate partner violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound someone.

Dating Violence

“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Like domestic violence, dating violence includes a pattern of abusive behavior that one person intentionally uses to gain or maintain power and control over another person. Dating violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound someone.

The length of the relationship, the type of relationship and the frequency of contact, whether in person or by other forms of communication, are factors that help determine whether a dating relationship exists.

Stalking

“**Stalking**” is a pattern of behavior directed at a specific person that would cause a reasonable person to feel fear or emotional distress.

Stalking generally refers to repeated behaviors that harass or threaten the victim, such as following a person, appearing at a person’s home or place of business, making repeated and/or harassing calls, leaving written messages or objects, or contacting someone repeatedly via electronic means (i.e. the internet or text messaging).

Unlike other crimes, which normally consist of a single illegal act, stalking is a series of actions that, when taken individually, may be perfectly legal. For instance, sending a birthday card or flowers or standing across the street from someone’s house is not a crime. When these actions are part of a course of conduct that would cause a reasonable person to be afraid or to feel emotional distress, they are illegal.”

Reporting and Prevention of Sex Offenses

In compliance with the New York Education Law, the College provides the following information about sexual assault, encourages the reporting of any incident of sexual assault and other sexual offenses, and sets forth measures to facilitate its prevention. Possible sanctions for sex offenses (forcible or non-forcible) follow an on-campus disciplinary procedure (if the accused is found guilty by the Faculty Student Disciplinary Committee); can range from admonition, warning, censure, disciplinary probation, restitution, suspension, ejection and complaint to civil authorities.

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

Reporting Procedures

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

1. Report the incident to the Department of Public Safety (718) 518-6888. A formal report will be made of the allegation and a copy of the report will be forwarded to the Office of Student Affairs; or
2. Report the incident to the College’s Dean for Student Affairs/Student Development, who at the student’s request, will contact the Department of Public Safety to commence an appropriate investigation; or
3. A student can call the New York City Police Department or 911, or go directly to a hospital. It is important to note that if you are a victim of a sex offense, **do not destroy any evidence (including clothing) and do not take a shower or bath.**
4. It is important that such physical evidence be preserved in order to assist with 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.

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

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

• Who is a perpetrator?

Many people think that sexual assaults are only perpetrated by vicious strangers 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, religion, ethnicity, class or national origin. Though women and girls are primary targets of these crimes, men and boys are sexually victimized too, and have been found to suffer the same aftermath as women. Regardless of whether the victim was abusing alcohol and/or underage, she or he is still the victim of the sex offense.

• When is there lack of consent?

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

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

• Who is responsible for a sexual attack?

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

Prevention Education Programs-University Policy

Each CUNY College is required to develop materials and programs to educate its students, faculty and staff on the nature, dynamics, common circumstances and effects of sexual assault, domestic/intimate partner violence and stalking, and the means to reduce their occurrence and prevent them. The prevention education should seek to provide the most recent and relevant information, such as education pertaining to bystander intervention, the importance of peer networks and the significance of fostering a community of responsibility.

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

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

Disciplinary Procedure

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

On-Campus Assistance

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

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

College and Community Counseling and Support Services for Sex Offense Victims

On-Campus Resources

1. Department of Public Safety: East Academic Building, Room C-030 (718)-518-6888

2. Counseling Center: Savoy Building, Room D-101 (718)-518-4319

3. Health Services: Allied Health Building, Room A-334C (718)-518-6542

4. Department of Student Affairs: East Academic Building, Room C-330 (718)-518-6552

Off-Campus Resources

5. Manhattan District Attorney, Sex Crimes Unit (212) 335-9373

6. Queens District Attorney, Sex Crimes Unit (718) 286-6505

7. Bronx District Attorney, Crime Victims Assistance Unit (718) 590-2115; Domestic Violence Services (718) 590-2323

8. Brooklyn District Attorney, Sex Crimes Unit (718) 250-3170

9. Staten Island District Attorney, Sex Crimes Unit (718) 556-7130

10. 212 COP-RAPE:

The New York City Police Department Sex Crimes Report Line, open 24 hours, is answered by a female detective at all times. It takes telephone reports of sex crimes, refers victims to counseling and other community services, provides information on police procedures, etc.

11. NYC Task Force Against Sexual Assault (212) 274-3210

This service is open Monday-Friday, 9:00 a.m. through 5:00 p.m. and provides free literature and referrals to counseling.

12. NYC Victims Services Agency (212) 577-7777

This service is open 24 hours, seven days a week and provides crisis intervention for crime victims.

13. The Gay and Lesbian Anti-Violence Project (212) 807-0197

This service is open 10:00 a.m. through 8:00 p.m. Monday through Thursday, and 10:00 a.m. through 6:00 p.m. on Friday. It provides short term crisis counseling, advocacy services, and referrals for long term counseling.

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

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

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

Campus Sex Crimes Prevention Act

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

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

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

- Contact the Division's sex offender registry web site – www.criminaljustice.state.ny.us/nsor/sor-about.htm And then click on "Search for Level 3 Sex Offenses;" or
- Access the Division's Level 3 subdirectory electronically or via CD – ROM at the college's public safety department or the local law enforcement agency for the jurisdiction in which the offender resides.

City University of New York/Hostos Community Workplace Violence Prevention Policy

POLICY STATEMENT

The City University of New York (the "University" or "CUNY") is committed to the prevention of workplace violence and will respond promptly to any threats and/or acts of violence. For purposes of this Policy, Workplace Violence is defined as any physical assault or acts of aggressive behavior occurring where an employee performs any work related duty in the course of his or her employment, including but not limited to:

- (i) An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- (ii) Any intentional display of force which would give an employee reason to fear or expect bodily harm;

(iii) Intentional and wrongful physical contact with an employee without his or her consent that entails some injury;

(iv) Stalking an employee in a manner which may cause the employee to fear for his or her physical safety and health when such stalking has arisen through and in the course of employment.

Workplace Violence presents a serious occupational safety hazard to CUNY and its employees. The University will respond promptly to threats and/or acts of violence. All employees are responsible for helping to create an environment of mutual respect and for assisting in maintaining a safe and secure work environment and will participate in the Annual Workplace Violence Prevention Training Program. Individuals who violate this policy may be removed from University property and are subject to disciplinary and/or personnel action up to and including termination, consistent with University policies, rules and collective bargaining agreements, and/or referral to law enforcement authorities for criminal prosecution.

Incidents involving Workplace Violence will be given the serious attention they deserve. Employees are responsible for reporting any incidents of Workplace Violence of which they become aware. The procedure for reporting incidents of suspected or alleged Workplace Violence can be found in the campus specific Workplace Violence Prevention Programs at Paragraph 7. The procedure for reporting complaints of a potential violation of the CUNY Workplace Violence Prevention Policy and Programs can be found in the campus specific Workplace Violence Prevention Programs at Paragraph 9.

The University, at the request of an employee or student, or at its own discretion, may prohibit members of the public, including family members, from seeing an employee or student on University property unless necessary to transact University-related business. This policy particularly applies when an employee or student anticipates that an act of violence may result from an encounter with said individual(s). Employee participation in the implementation of this Policy will be provided through their authorized employee representatives, who will be invited to participate in: (1) Scheduled physical risk assessment site evaluation(s) to determine the presence of risk factors which may place employees at risk of workplace violence; (2) the development and annual review of a Workplace Violence Prevention Program promulgated by each College for the implementation of the Policy; (3) the annual review of the *Campus Workplace Violence Incidents Report* prepared annually by each College; and (4) as appropriate, following a serious incident of Workplace Violence.

Policies on Non-Discrimination, and Against Sexual Harassment

I. Policy on Equal Opportunity and Non-Discrimination

The City University of New York ("University" or "CUNY"), located in a historically diverse municipality, is committed to a policy of equal employment and equal access in its educational programs and activities. Diversity, inclusion, and an environment free from discrimination are central to the mission of the University.

It is the policy of the University to recruit, employ, retain, promote, and provide benefits to employees and to admit and provide services for students without regard to race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender, gender identity, marital status, partnership status, disability, genetic information, alienage, citizenship, military or veteran status, pregnancy, unemployment status, or status as a victim of domestic violence/stalking/sex offenses, or any other legally prohibited basis in accordance with federal, state and city laws.

It is also the University's Policy to provide reasonable accommodations when appropriate to individuals with disabilities, individuals observing religious practices, or employees who are victims of domestic violence/stalking/sex offenses.

This Policy also prohibits retaliation for reporting or opposing discrimination, or cooperating with an investigation of a discrimination complaint.

Prohibited Conduct Defined

Discrimination is treating an individual differently or less favorably because of his or her protected characteristics—such as race, color, religion, gender, national origin, or any of the other bases prohibited by this Policy.

Harassment is unwelcome conduct based on a protected characteristic that has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or abusive work or academic environment. Such conduct can be verbal, written, visual, or physical.

Retaliation is adverse treatment of an individual because he or she made a discrimination complaint, opposed discrimination, or cooperated with an investigation of a discrimination complaint.

II. Policy Against Sexual Harassment

Sexual harassment, a form of sex discrimination, is illegal under federal, state, and city laws, and will not be tolerated within the University. Members of the University community who believe they have been sexually harassed are strongly encouraged to report the allegations as promptly as possible. Delay in making a complaint of sexual harassment may make it more difficult to investigate the allegations.

Sexual Harassment Defined

Sexual harassment consists of unwelcome sexual advances or requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing;
- Submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or abusive work or academic environment.

Sexual harassment can occur between individuals of different sexes or of the same sex. Although sexual harassment most often exploits a relationship between individuals of unequal power (such as between a faculty member and student, supervisor and employee, or tenured and untenured faculty members), it may also occur between individuals of equal power (such as between fellow students or co-workers), or in some circumstances even where it appears that the harasser has less power than the individual harassed (such as a student sexually harassing a faculty member).

Examples of Sexual Harassment

Sexual harassment may take different forms. Using a person's response to a request for sexual favors as a basis for an academic or employment decision is one form of sexual harassment. Examples of this type of sexual harassment include, but are not limited to, the following:

- Requesting or demanding sexual favors in exchange for employment or academic opportunities (such as hiring, promotions, favorable grades, or recommendations);
- Submitting unfair or inaccurate job or academic evaluations or grades, or denying training, promotion, or access to any other employment or academic opportunity, because sexual advances have been rejected.

Other types of unwelcome conduct of a sexual nature can also constitute sexual harassment, if sufficiently severe or pervasive that the target finds, and a reasonable person would find, that an intimidating, hostile or abusive work or academic environment has been created. Examples of this kind of sexual harassment include, but are not limited to, the following:

- Sexual comments, teasing, or jokes;
- Sexual slurs, demeaning epithets, derogatory statements, or other verbal abuse of a sexual nature;
- Graphic or sexually suggestive comments about an individual's attire or body;
- Graphic or sexually suggestive gestures;
- Inquiries or discussions about sexual activities;

- Pressure to accept social invitations, to meet privately, to date, or to have sexual relations;
- Sexual touching, brushing up against another in a sexual manner, cornering, pinching, grabbing, kissing, or fondling;
- Coerced sexual intercourse or sexual assault.

Consensual, Intimate Relationships

1. 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.

2. 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 a consensual 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.

Retaliation

This Policy prohibits retaliation for reporting or opposing sexual harassment, or cooperating with an investigation of a sexual harassment complaint.

III. Discrimination, Sexual Harassment and Retaliation Complaints

The City University of New York is committed to addressing discrimination and sexual harassment complaints promptly, consistently and fairly. There shall be procedures for making and investigating such complaints, which shall be applicable at each unit of the University.

IV. Academic Freedom

These policies shall not be interpreted so as to constitute interference with academic freedom.

V. Responsibility for Compliance

The President of each college of the University, the CUNY Executive Vice Chancellor and Chief Operating Officer, and the Deans of the Law School and Graduate School of Journalism will have ultimate responsibility for overseeing compliance with these policies at their respective units of the University.

In addition, each dean, director, department chairperson, executive officer, administrator, or other person with supervisory responsibility must promptly consult with the Chief Diversity Officer if they become aware of conduct that may violate this policy.

All members of the University community are required to cooperate in any investigation of a discrimination, sexual harassment, or retaliation complaint.

Policies adopted by CUNY Board of Trustees on November 26, 2012.

These Policies supersede CUNY's prior non-discrimination and sexual harassment policies and became effective upon adoption.