

# City University of New York

*York College Department of Public Safety*

## 2021 Annual Security Report

*Includes crime and fire statistics for 2018, 2019, and 2020*

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### **York College**

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Jamaica, NY 11451

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**October 2021**

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## **College Overview**

York College, a component of The City University of New York, is a senior four-year college that offers bachelor's degrees in the liberal arts, sciences and professional majors totaling nearly 50 academic programs. The college academic programs are organized into three Schools: The School of Arts and Sciences, the School of Business and Information Systems, and the School of Health and Behavioral Sciences.

In addition, the Army Reserved Officer Training Corps (ROTC) and the CUNY Aviation Institute also offer academic programs at York. Situated on the west side of the campus is the Northeast Regional U.S. Food and Drug Administration Headquarters (FDA).

At the center of the campus is the Academic Core building where classrooms, lecture halls, laboratories, art studios, library, academic and administrative offices are located. The campus also boasts a 1,500 seat Performing Arts Center, the Health and Physical Education facility which features a gymnasium and swimming pool, the Classroom and Science buildings, York College Child and Family Center, Athletic field and parking facilities.

The campus is located in Jamaica, Queens, a borough of New York City with a population of approximately 2.2 million. The campus is situated on a 50-acre site and comprised of 6 buildings located on or contiguous to the campus.

The college enrolls approximately 8,000-degree program students who attend day and evening classes.

The college employs approximately 1175 full-time, part-time and adjunct faculty and staff members.

## **Policy Statements**

These policy statements provide information regarding York College security policies. Campus safety, parking, vehicle regulations, public safety services, and other information on Public Safety can be found on the York College website at: <http://www.york.cuny.edu/administrative/public-safety>

## **Annual Disclosure of Crime Statistics**

York College's 2021 Annual Security Report includes statistics for the previous three years about reported crimes that occurred on campus, in certain off-campus buildings owned, and controlled by York College, and on public property within or immediately adjacent to and accessible from the campus. These statistics are compiled from campus incident reports, reports from designated Campus Security Authorities and from the local NYPD precinct. The report also includes institutional policies concerning campus security, alcohol and drug use, crime prevention, the reporting of crimes, including those that involve sexual misconduct, emergency, and evacuation procedures. This data is reported to the United States Department of Education via an annual web-based data collection. This Annual Report is published prior to October 1st of each year and distributed to all students and employees via the college website. Current students and employees will be notified via email of the Annual Security and Fire Safety Report's publication. As required, this report is available to all students, faculty and staff annually. This report is posted on York College website at: <https://www.york.cuny.edu/administrative/public-safety>

To obtain a written copy of the report, please contact the Public Safety Department at 718-262-2222 or visit the Public Safety Office in Room 1M02 of the Academic Core building.

## **Public Safety Authority**

York College main campus grounds, the contiguous geographic perimeter of the main campus, the off-campus sites, the entry gates, and the parking areas are patrolled on a 24-hour basis by Public Safety Officers. Public Safety Officers are sworn law enforcement/NYS Peace Officers under Criminal Procedure Law 2.10 subsection 79 and have the power to make arrests in compliance with New York State Criminal Procedure Law Peace Officers Law. Public Safety Peace Officers receive training in accordance with the New York State Division of Criminal Justice Services (NYS DCJS) training requirements for Public Safety Officers. Officers also participate in continual in-service training to maintain state compliance. At York College, incidents of a criminal nature that are reported to a Peace Officer are referred, with the complainant's consent, to the New York City Police Department. The Public Safety Department conducts administrative investigations involving CUNY policies, rules and regulations. These investigations may involve students, staff, and visitors on college property. Appropriate referrals necessitating further review and action may be made to the Student Affairs and/or Human Resources.

York College Public Safety department consists of 1 Director of Public Safety, 2 Lieutenants, 1 Specialist, 4 Sergeants, 5 Corporals and 10 Peace Officers assigned to patrol the campus. Additionally, the college employs 18 full-time and 2 part-time Campus Security Assistants that are assigned to various fixed and patrol posts throughout the campus. Campus Security Assistants are New York State Licensed Security Guards without powers of arrest - other than those of a private citizen.

The Public Safety Department manages an electronic security surveillance system to ensure the safety of the college community. Supplementing these campus security systems are Emergency Assistance phones that are conspicuously located on campus grounds

## **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:

- Acting Director of Public Safety, Lieutenant Carlos R Suarez, A-Core 1M02, Tel. 718-262-2558
- Interim VP of Enrollment Management & Student Affairs Division, Karen Williams, Ed.D., Room 2F01, Tel. 718-262-2415
- Executive Counsel of Legal Affairs, Russell Platzek, A-Core 2H05, Tel. 718-262-2140
- Director of Health Services, Marva Fredricks, A-Core 1F01, Tel. 718-262-2040
- Executive Director of Human Resources, Sabrina Johnson, A-Core 2H01, Tel. 718-262-2135
- Director of Student Activities, Jean Phelps, A-Core 1E01, Tel. 718-262-2936
- Interim Chief Diversity Officer, Title IX Coordinator, Arletha "Lisa" Miles-Boyce, A-Core Room 2H04, Tel. 718-262-2137
- Interim Director of Athletics, Carl Christian, HPE building, Room HP 212, Tel. 718-262-5115
- International Education Liaison Director Hamid Bahri, A-Core 3C10, Tel. 718-262-2463

## Crime Reporting Procedures

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 Public Safety Department. The Department will expeditiously respond to the reported condition 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 Public Safety Department's emergency telephone line by dialing 2222 from any campus telephone or Emergency Phones. There are 15 Emergency Phones on campus.
2. Reporting the information to any member of the Public Safety Department or in person at the Public Safety Office located in the Room 1M02 of the Academic Core building.
3. Our counselors are strongly encouraged, when they deem it appropriate, to inform the persons they are counseling of all procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
4. Victims or witnesses may report crimes to persons designated as Campus Security Authorities, who will then forward only the report of the crime without divulging the name of victim or witness to the Department of Public Safety for inclusion in the annual crime report. Names and numbers of Campus Security Authorities are located in the next section of this report. The College recognizes the importance of confidentiality to victims and witnesses of crimes. For the purposes of providing crime statistics pursuant to the Clery Act in the College's annual crime report, victim and witness information will not be included. However, complete confidentiality cannot be guaranteed in all other contexts. The College reserves the right to notify the police when it believes that such reporting is necessary for the protection of the College community. In many cases, however, that notification will be done without divulging the victim's identity and will be done only for providing a campus-wide safety alert.
5. The College has established a confidential Tip Line as an alternate means by which individuals can relay valuable information in an anonymous manner. The College's goal is to provide a service to receive information from those individuals who are reluctant to become involved in reporting criminal activity and who realize that an injustice has occurred. The Anonymous Tip Line Number is 718-262-2222.
6. A Behavioral Intervention Team (BIT) has been created to identify, investigate, assess, refer, monitor and take action in response to behaviors exhibited by a member of the college community that may pose a threat. The purpose of BIT is to provide for the safety, health, and well-being of all its students, faculty, and staff. To obtain more information about BIT click the following link: <https://www.york.cuny.edu/administrative/public-safety/bit>
7. In the event you observe or are involved in an extreme or life-threatening situation call 911, the New York City emergency phone number. A call should also be made to the college Public Safety Department at 718-262-2222 to expedite and direct responding emergency personnel to your location.

## **Reporting and Prevention of Sexual Misconduct including Sexual Assault, Sexual Harassment, Stalking, Dating Violence and Domestic Violence**

The City University of New York Policy on Sexual Misconduct is attached to the end of this report. The Policy can also be accessed by clicking the following link: [CUNY Sexual Misconduct Policy](#).

Allegations of Sexual Misconduct including Sexual Harassment, Sexual Assault, Stalking, or Domestic and Dating Violence should be reported to one of the individuals listed below.

1. Title IX Coordinator: Arletha "Lisa" Miles-Boyce, A-Core Room 2H04, Tel. 718-262-2137  
Email: [amilesboyce@york.cuny.edu](mailto:amilesboyce@york.cuny.edu)
2. Interim VP of Enrollment Management & Student Affairs Division, Karen Williams, Ed.D., Room 2F01, Tel. 718-262-2415 Email: [Kwilliams29@york.cuny.edu](mailto:Kwilliams29@york.cuny.edu)
3. Acting Director of Public Safety Lieutenant Carlos R Suarez, A-Core Room 1M02, Tel. 718-262-2558 Email: [csuarez2@york.cuny.edu](mailto:csuarez2@york.cuny.edu)
4. Executive Director of Human Resources, Sabrina Johnson, A-Core 2H01, Tel. 718-262-2135  
Email: [SJohnson25@york.cuny.edu](mailto:SJohnson25@york.cuny.edu)

For more detailed information on [CUNY's Sexual Misconduct Policy](#) including community and campus specific resources, please also see CUNY policies, Getting Help, Understanding and Preventing Sexual Assault and Sexual Harassment at [Campus Title IX Webpages](#) and click on the campus you would like more information on.

### **Confidential Reporting Options**

If you are the victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may still want to consider making a confidential report. With your permission, a Public Safety officer can file a report on the details of the incident without revealing your identity (except if the incident involves allegations of Sexual Misconduct, which Public Safety employees must report to the Title IX Coordinator). The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, York College can keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution. Pastoral and professional counselors are encouraged to refer persons they are counseling to report crimes to Public Safety on a voluntary, confidential basis for inclusion in the annual security report by following this procedure.

Any on-campus crime witnessed by a University student or employee must be reported to the Department of Public Safety as soon as possible. The Department of Public Safety is responsible for reporting and follow-up investigation when an incident is reported. All University students, employees, and visitors should exercise responsibility for their own safety while on campus.

### **Civilian Complaints**

Complaints regarding security personnel should be forwarded to the Director of Public Safety. All such complaints will be fully investigated and appropriate corrective action taken.

## **Clery Crime Log**

All crimes that are reported to the York College Public Safety Department are annotated in the Public Safety Crime Log. All reportable criminal incidents are logged into the book provided that they occurred in the reportable geographic area of the college campus (on campus and public property), whether or not they are Clery-classified. 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 Clery Compliance Officer maintains the crime log and updates it on a daily basis. Any faculty, staff, student, visitor or vendor can view the crime log, which is kept in the Public Safety Office in room 1M02 in the Academic Core building during normal business hours. The log is in hardcopy format. The log contains incidents for the past 2 calendar years. If you wish to review entries as far back as 7 calendar years, please make this request in person or call the office at 718-262-2222. Your request will be granted within two regular business days. Information may be temporarily withheld from the log when it would jeopardize an ongoing investigation, jeopardize the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence.

## **Working Relationship with Other Law Enforcement Agencies**

The York College Public Safety Department maintains a cooperative relationship with local, state and federal law enforcement agencies. A written Memorandum of Understanding exists between CUNY colleges and the New York City Police Department (NYPD) in compliance with New York State Law. The NYPD provides the college with crime statistics for incidents that occurred within the geographical area of the campus in compliance with the Department of Education's Students Right to Know Act.

## **Investigations of Violent Felonies**

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

The Public Safety Department conducts investigations involving CUNY rules and policies. These investigations may involve students, staff and visitors of the college. If necessary, further review and action may be referred to the Office of the Vice President for Student Affairs, Human Resources or other administrative staff.

## **Hate Crime and Bias Related Incidents**

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

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

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.

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 the incident to the Public Safety Department. Victims of bias crime can also avail themselves of counseling and support services through the Office of Student Services.

There were (2) reported Hate Crimes for 2018 and none reported for 2019 and 2020.

## **Off Campus Organizations Crimes and Safety Hazard Monitoring**

York College does not have facilities for housing or sleeping. The College does not maintain any off-campus buildings or property. The College does not have any recognized off-campus student organizations, buildings or property.

## **Disclosure of Hearing Outcomes**

The University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

## **Security and Access to College Facilities** **Campus Facilities**

York College is a commuter school; there are no residences or dormitories on campus. To date, there are no off-campus student organizations. The College opens at 6:00am and closes 1 hour after

the last class at 11:30 pm. Access to campus buildings is limited to faculty, staff, students, guests and visitors who are conducting official college business.

All students, faculty and staff should possess a College ID card, which must be presented to a College official or Public Safety personnel upon request. The Library is open to students, faculty, staff, as well as other CUNY students. Library hours are posted in the calendar/hours tab on the web at <http://york.cuny.edu/library> during midterms and finals, the Library may have extended hours to accommodate students. The College reserves the right to refuse entry or remove anyone regardless of status for rule infractions or safety reasons.

During the 2020 Covid-19 pandemic, the campus was closed to all but essential personnel (Public Safety and Engineering Staff). Other personnel needing access would submit an email request to their department head for approval on a case by case basis and required the successful completion of the Everbridge COVID screening app, approval through the York College “Y Connect” app and a temperature screening.

### **Identification Cards**

New students, faculty and staff can obtain an identification card inside the Public Safety office in room 1M02. While on campus students, faculty, and staff must possess a York College ID Card. The ID card is the property of the York College and must be presented upon request of a College official. If your card is lost or stolen, please go to the Bursar office in room 1H01 to pay a replacement fee of \$10.00. Upon payment, bring your receipt to the Public Safety office. If you are no longer a student/faculty/staff, your ID card must be returned to the Public Safety Department.

### **College Issued Keys**

Administrators, faculty, and staff are issued keys and/or access cards to their respective offices and/or buildings. It is your responsibility to safeguard the keys and access cards issued to you. If you lose College keys, it must be reported to Public Safety so an incident report can be filed. All buildings are locked after scheduled classes or special events. During non-business hours, when the College is closed, entry to buildings is not allowed except with prior written authorization and approval by Department Chairperson.

### **Guests**

All visitors are expected to comport themselves in a manner consistent with an academic environment. Guests must identify themselves to Public Safety at the entry gate upon arrival. Public Safety will require a valid identification and the guest’s ID card will be scanned or the guest will be signed in. Guests will only be allowed in if they have official business. Guests are subject to the instruction of Public Safety personnel as well as Administrative staff. A guest attending an event will be asked to leave if they appear to be intoxicated or refuse to follow directives given by Public Safety or Administrative staff. Permission to enter onto the college property is revocable at any time. Persons not having a legitimate purpose to be on campus may be asked to leave by Public Safety personnel. Trespass warnings are posted at all common entrances. All vehicles parking on

campus must display a valid parking permit. Vehicles without permits should stop at one of the entrance gates to be granted permission on campus. We ask for your cooperation in promoting a safe and secure college environment. If you see something unusual or someone acting suspiciously, please report it to Public Safety immediately.

### **Security Considerations Used in the Maintenance of Campus Facilities**

The Public Safety Department is open 24 hours a day, 7 days a week. Central operations are located in the Public Safety office in room 1M02 where Public Safety Officers monitor 155 interior/exterior surveillance cameras, a key control system, the emergency phone line, and maintain a logbook of all the reported incidents, events and campus conditions. While conducting patrols, officers must report potential safety and security hazards as well as entry door problems, elevator malfunctions and Automated External Defibrillator (AED) operating conditions to the central operator.

The central operator keeps accountability of the officers/supervisors that are on duty and dispatches them as needed to different areas of the campus. The central operator is responsible for contacting appropriate personnel if a campus condition is reported (i.e. Buildings and Grounds, Environmental Health and Safety, Information Technology, etc.). Any conditions, which appear unsafe, should be directly reported to any Public Safety Officer as soon as possible. All Public Safety personnel carry two-way mobile radios programmed through a repeater to enhance effectiveness. A special two-way radio is also located at Central Operations that can communicate with other CUNY campuses. In addition, the campus has a public address system with two interior/exterior building speakers to communicate with the College.

Along with the Office of the Vice President of Administration and Finance, Campus Facilities, and Physical Plant Services, 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 special attention to landscape hazards as well as inadequate lighting. In addition, all Public Safety personnel report potential safety and security hazards as well as entry door problems, elevator malfunctions and Automated External Defibrillator (AED) operating conditions while on patrol.

### **Safety Escort Service**

The Department of Public Safety operates a safety escort service 24 hours a day, 365 days a year. If A college, affiliate can request an escort by dialing 718-262-2222 from any on campus phone or at 718-262-2220 from a cell phone. Escorts are provided only within and between York College-owned properties.

### **Emergency Phones**

There are 15 Emergency Phones located at strategic areas within the campus that are connected directly to the Public Safety Office.

### **Emergency Notification and Response**

The purpose of this policy is to establish emergency response and evacuation procedures for York College, as required by the Higher Education Opportunity Act of 2008. This policy applies to all students and employees of the college.

The Emergency Response Team is comprised of representatives from the following York College Departments: Information Technology, Student Development, Facilities Management, Finance,

Auxiliary Services, Human Resources, Legal Counsel, Student Health Center, University Communications and Marketing, Purchasing, Risk Management, and Public Safety.

For the purposes of this policy, a significant emergency or dangerous situation involves an immediate threat to the health or safety of students or employees occurring on campus. In the event of an emergency, York College will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the University community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees and visitors.

## **CUNY Alert**

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](http://www.cuny.edu/alert) and follow the instructions. Contact information for all registered students and employees is included in the CUNY Alert system, except for the contact information for those students who affirmatively choose to opt out of receiving CUNY Alert messages. If you have trouble accessing or modifying your contact information in CUNY Alert, please come to the IT help desk.

The system is activated via a web-based system controlled by the New York State Office of Emergency Management. CUNYAlert is the CUNY branded emergency alert system that is based on the NYAlert system operated by the New York State. CUNY makes every effort to inform affected CUNY Alert registered users of an emergency in a timely and appropriate manner. However, please be aware that CUNY is not responsible for, outdated or incorrect subscriber information, technical limitations such as overtaxed communications systems, transmission errors, and cellular telephone roaming and out of range areas that may delay, block, or prevent, the communications of messages to certain users. CUNY also is not responsible for any costs incurred by the user for any alert received or for any actions taken or not taken by the user or any third party in reliance of an alert.

CUNY is committed to respecting your privacy. In order to personalize your CUNY Alert settings, you must sign into your CUNYfirst account to edit the notification preferences. We do not collect any personal information about you unless you provide that information voluntarily. Any personal information you choose to provide us will only be used by CUNY to conduct official CUNY business. CUNY does not sell, rent, loan, trade or lease personal information collected on this site. For more information about the CUNY privacy policy, please visit <http://www.cuny.edu/website/privacy.html>.

CUNY Alert users are responsible for keeping their contact information current. In the event that phone alert, email or SMS messages are not found or rejected for incorrect or expired

information during a live alert, CUNY reserves the right to delete the problem entry or to deactivate a user's account.

As used in this policy, authorized Public Safety personnel are the Director of Public Safety, Deputy Director, Lieutenant, Sergeants, dispatchers and officers who have been trained in the use of the emergency notification system.

## **Emergency Notification Procedures**

Any individual on campus who has information about an emergency or dangerous situation that may affect the York College campus must notify the Department of Public Safety as soon as possible.

York College will initiate and provide, immediately, emergency notifications to the college community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees and visitors occurring on the campus.

The York College Department of Public Safety is responsible for confirming emergencies, in conjunction with college administrators, local first responders, and/or the National Weather Service, that may warrant the distribution of an emergency notification to the college community.

Emergency notification for incidents that may pose an immediate threat to health and safety will be made, immediately, unless issuing a notification will, in the professional judgment of responsible authorities and taking into account the safety of the college community, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

## **Timely Warnings**

The Timely Warning Notice specifically related to compliance with the federal Clery Act, requires colleges and universities to notify students and employees whenever there is a threat that a serious crime is ongoing or may be repeated-- so that campus community members can protect themselves from harm. The Clery Act defines certain specific crimes that require a timely warning notice to be issued when crimes are reported to Campus Security Authorities (CSA's) with significant responsibility for student and campus activities, campus safety, or the local police AND the reported crime(s) are believed to have occurred on campus, in or on non-campus buildings or property, or on public property contiguous to the campus.

Campus officials not subject to the timely warning reporting requirement include licensed or certified professional counselors and recognized pastoral counselors who are functioning in the role of providing confidential counseling to members of the York college community on behalf of the institution.

The Department of Public Safety will issue crime alerts for crimes occurring on York College Clery Geography (On Campus, Public Property, and Non-campus property), that present a serious or continuing threat to the campus community as required by the timely warning notice requirements of the Jeanne Clery Act to aid in the prevention of similar occurrences. Timely

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

Individuals on campus should notify the Department of Public Safety of crimes as soon as possible. The Department of Public Safety will gather all pertinent information about the nature of the crime from the reporting person and other available sources (these may include, but are not limited to: other witnesses, the campus surveillance system, the ID card access system, and the Department of Public Safety).

1. Based on the information available, the Director of Public Safety or his designee shall determine whether the crime presents a serious or continuing threat to the campus community. Crime Alerts are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:
  - a. Murder/Non-Negligent Manslaughter
  - b. Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case- by-case basis to determine if the individual is believed to be an ongoing threat to the college community)
  - c. Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Crime Alert, but will be assessed on a case-by-case basis)
  - d. Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the Chief of Campus Safety, or designee). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no longer the opportunity to distribute a Crime Alert as a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Crime Alert.
  - e. Major incidents of Arson
2. Timely Warnings may be issued for other Clery crimes as determined necessary by the Director of Public Safety, or his designee in his absence. Notices for other crime classifications and locations, even though not required by the law, may be issued as Public Safety Advisories.
3. Based on the information available, the Director of Public Safety or his designee shall determine the content of the Crime Advisory, the method by which to disseminate the warning to the campus community, and will issue/initiate the distribution of the Crime Advisory.
4. Crime Alerts will typically be issued to all current students and employees via email using the College email accounts. Crime Alerts may also be issued using some or all of the following methods of communication: posters, campus newspaper or the college website. The content of the Crime Alert may include but is not limited to the nature of the crime, the area where the crime occurred, a description of the suspect(s), and safety tips. It is the responsibility of the Director of Public Safety or his designee to determine whether a crime presents a serious or continuing threat to the campus community and issue a Crime Alert if necessary.

5. The Director of Public Safety's designee may include: the Deputy/Assistant Director of Public Safety, Lieutenant, and Sergeants after consulting with a higher authority.

### **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/or (4) School web-site notice.

The following personnel are authorized to make such announcements; President or his/her designee, Public Safety Director or his/her designee, etc. Again, please note that a circumstance may arise in which it would not be prudent or appropriate to issue an immediate notification if such release would compromise efforts to contain the emergency.

### **Emergency Response and Evacuation Procedures**

York College maintains an Emergency Response Plan that outlines responsibilities of campus units during emergencies. This plan outlines incident priorities, campus organization and specific responsibilities of particular units or positions. The plan is available online at:

<https://www.york.cuny.edu/file-repository/emergency-procedures-manual/view>

The main goal of the college Emergency Operations Plan is the preservation of life, protection of property, and the continuity of campus operations. Other objectives include but are not limited to:

- Delegation of responsibility to emergency personnel.
- Coordination of emergency operations with external agencies such as the NYPD, FDNY, NYC Emergency Management, etc.

The emergency response and evacuation procedures are tested at least twice each year. Students and employees are given information about the locations of the emergency exits in the buildings and are provided with the designated assembly areas for each facility for a short-term building evacuation. The Department of Public Safety does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, the location of the building being evacuated the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Public Safety staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

During an emergency, the College may use the Public Address system to advise the college community of procedures to be followed. The Public Safety Department is authorized to make such announcements. Public Safety personnel will also assist in directing building occupants to a safe location. The building will remain unoccupied until deemed safe to re-enter by emergency personnel.

### **Testing of Emergency Response and Evacuation Procedures**

The College conducts three (3) fire drills per year, one of which must be conducted during the first week of the summer session to ensure compliance with NY Education Law 807. During these drills, building occupants are familiarized with campus evacuation procedures. Each building has assigned fire/evacuation floor wardens who provide training and direction to the college community during drills and actual emergency events.

## **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 to assist with the evacuation process throughout the campus. Their job is to facilitate evacuations and common space assembly of all kinds and to pass information to the fire safety command station. Please comply with 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 FIRE PULLSTATION.**

1. Be familiar with the location of stairways, fire extinguishers, fire exits, and pull boxes in the buildings.
2. If a minor fire appears controllable, immediately contact (personally or preferably have someone else call) the Department of Public Safety at 718-262-2222. Locate a portable fire extinguisher. Then promptly direct the discharge of the fire extinguisher toward the base of the flame by squeezing the trigger and moving the hose in a side- to-side motion. Do not use water extinguishers on electrical fires.
3. In the case of large fires that do not appear controllable, immediately activate a fire pull station and, if time permits, call 718-262-2222 to report the exact location of the fire. If time permits, 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 100 feet away from the affected building. Keep streets, fire lanes, hydrants and walkways clear for emergency vehicles and crews. These essential personnel must be allowed to do their jobs.
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. If possible, 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.

## **Hostile Intruder**

When an intruder in a campus building is actively causing deadly harm or presents the threat of imminent deadly harm to people, immediately seek cover and contact 911 and the Public Safety Department, if at all possible. Remember only call 911 when it is safe to do so, give as many details as possible regarding location, number of assailants, means of aggression and other pertinent information. When a hostile intruder is actively causing deadly harm or the threat of imminent

deadly harm to people on the campus grounds, US Department of Homeland Security recommends the following course of action:

1. **EVACUATE** – if you can safely do so, run as fast as you can. Have an escape route and plan in mind. If outside, use buildings, trees, shrubs, and cars as cover. Leave your belongings behind. If you can get away from the immediate area of danger, summon help and warn others.
2. **HIDE OUT** - If you decide to hide, take into consideration the area in which you are hiding. Hide where you are out of the aggressor’s view. Stay as quiet and calm as possible. Block entry to your hiding place and lock the doors (if possible). Silence all electronic devices.
3. **TAKE ACTION** – Only do this as a last resort and only when your life is in imminent danger. If you choose to confront the aggressor, use all manner of materials at hand as weapons, including books, chairs, or any object near at hand. Act with physical aggression and throw items at the aggressor. You can 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.

### **Bomb Threat Response 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 must 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 718-262-2222. 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 evacuation. When evacuating the building, use only the stairs. Do not use elevators. Move well away from the building and follow the instructions of floor coordinators and emergency personnel on-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**

All medical emergencies should be reported immediately to Public Safety at 718-262-2222. Public Safety personnel are trained first responders and will render aid until emergency personnel arrives.

1. If the medical emergency is life threatening, Public Safety will respond with emergency equipment. Public Safety will notify 911. When available, a Public Safety EMT will be dispatched to the scene to provide patient assessment and care under NYC Basic Life Support treatment protocols. A Public Safety Officer will then escort arriving emergency personnel to the scene.
2. If a medical problem is non-life threatening, responding Public Safety officer will assess the victim and will escort/transport the victim to Health Services if they can safely be moved.
3. Aid will not be given to a patient who knowingly and willingly refuses it. If the victim refuses medical aid, the Public Safety Officer will document the victim's refusal of care and have the victim sign the written record. Any refusal to sign will be documented.

### **Mental Health Medical Emergencies**

The balance of the demands of school and personal life can be challenging. Counseling Services provides individual, group, and ESL support services to students currently enrolled at York College. Counseling sessions are confidential. Sessions generally last 45 minutes and are usually held once a week. The Counseling office is located in room 1G02 and their telephone number is 718-262-2297.

1. If there is no imminent physical danger, you can speak to a counselor in room 1G02. If a Counselor is not available, please contact Public Safety for additional resources.
2. Whenever an individual demonstrates or reports a risk of self-destructive or suicidal behavior, immediate assistance is needed and Public Safety should be notified immediately at 718-262-2222. Public Safety will take necessary measures to ensure their safety and refer them to appropriate resources.

### **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 718-262-2222. In the event of a building wide power failure, phones may not function. The office can be reached at Emergency Telephone line 718-891-5732 (only works if power is shut down). If no other emergency situation exists, you can come to the front Security Desk.
2. **In the event of loss of power in any building, an emergency generator will supply low-level light until power is restored.**
3. Having a flashlight attached to a key chain, belt clip or in a bag may be helpful even when not in the school. Never use candles.
4. During daylight, add as much natural lighting as possible by raising blinds.
5. Faculty with classes should remain where they are until notified otherwise.
6. During a power failure or possible power failure, **never use an elevator**. If you become trapped in an elevator during a power outage, use the emergency "Call for Help" button in the elevator to contact Public Safety. Wait for assistance. Don't panic.

7. Once power is restored, Public Safety will make an announcement using the College's public address system. Evacuation may not be necessary during a power failure.
- 8.

#### *Plumbing Problem/Flooding*

Cease using all electrical equipment. Notify Public Safety immediately. If necessary, vacate the area and prevent anyone else from entering. If a toilet overflows or water is accumulating in a given area, contact Buildings and Grounds at 718-262-2200.

#### *Gas Leaks*

Gas leaks are very rare but can be very serious. **If you smell gas, go to a safe area and contact Public Safety at 718-262-2222. 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 Spill Response or Nuclear Attack Procedures**

1. In the event of a biological chemical spill, York College Environmental Health and Safety Officer Ching-See Chan will be contacted at 718-262-2662. Buildings and Grounds and Public Safety will respond along with the EHS Officer who will determine the actions to follow.
2. Upon receiving confirmation of an imminent or ongoing biological or chemical spill that poses great risk to life at the College, the President or her designee shall declare a campus-wide emergency. This state of emergency may initiate a lockdown of the building and/or its total evacuation. Note: Notification will be made via college website, voicemail, emergency communication response system and/or CUNY-ALERT if at all possible.
3. Building occupants will be kept informed of changes as they develop by college officials. The following actions will be taken if necessary: (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 the most insulation and (d) updates on emergency will be given, if practicable, by the same methodologies as indicated above.

#### **Publication of Emergency Procedures**

Emergency response and evacuation procedures are published annually via the Annual Security Report. The Public Safety Department encourages members of the college community to use this report as a guide for safe practices both on and off campus. Paper copies are available by calling 718-262-2222 or in the Public Safety Department, located in room 1M02.

#### **Crime Prevention & Security Awareness Programs**

The Public Safety Department issues safety alert bulletins (paper/email) when deemed necessary 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 surrounding areas of the campus perimeter and providing additional response assistance. All persons reporting crimes to the Public Safety Department 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.

Crime prevention is a high priority for the Public Safety Department and the college community. The department encourages community members to be vigilant and aware of their surroundings, both on and off campus, and to take responsibility for their own safety and security and that of others. Crime

prevention seminars are scheduled each semester and members of the college community are encouraged to actively participate.

All incoming students receive information about campus crime prevention programs, CUNY's Sexual Misconduct Policy and awareness and prevention of sexual misconduct (as defined in CUNY's Policy on Sexual Misconduct)-during initial orientation. Along with the office of the Vice President of Administration and Finance, Campus Facilities, and Campus Planning, 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. The Public Safety Department also provides students, faculty, and staff with crime prevention information, along with other safety related material, during scheduled events on campus as well as via email safety bulletins. Some of the education programs offered include:

1. **Crime Prevention Brochures:** Brochures are available from the PSD to the college community in the Public Safety office as well as tabling events in the Breezeway throughout the semester. Topics include: personal safety, crime prevention tips, and ID theft prevention.
2. **New Student/Employee Orientation:** Public Safety officers meet with new students/employees during their orientation to provide them with an overview of the programs and services offered by the Department.
3. **Emergency Preparedness Training:** The Public Safety Department has NYS Division of Criminal Justice certified general topics instructors with special training and provides training to the college community for active shooter incidents, emergency evacuations, basic fire safety, medical emergencies, etc.
4. **Domestic Violence Workshops:** The Public Safety Department hosts various domestic violence workshops with the Office of the Mayor's Office to Combat Domestic Violence, the Brooklyn District Attorney's office, the NYPD Domestic Violence Unit and the Urban Justice Center.
5. **Fire Safety Prevention Training:** Fire safety training is provided to designated fire wardens on campus. In addition, the PSD will provide fire safety training to faculty/staff upon request.
6. **Child Safety Workshops:** The PSD provides training to the children in the Child Care Center on stranger danger, when to call 911 and emergency planning. The children are provided with safety coloring books and material to review with their parents.
7. **Security surveys and vulnerability assessments:** The PSD conducts security surveys and vulnerability assessments to identify areas of the campus that present vulnerabilities to the safety of the college community. Public Safety personnel report potential safety and security hazards, and non-operational conditions (elevator, doors, lighting, etc) for appropriate remediation.
8. **Operation Identification:** The PSD, along with the 103<sup>rd</sup> Precinct NYPD Crime Prevention Officer, will obtain identifying information to register portable valuables so that they can be returned to their rightful owner in the event they are recovered after being lost or stolen.
9. **Escort Service:** The PSD provides escorts to all students, faculty, and staff on campus. If you are working late on campus and would like an escort to the parking lot or bus stop, please call Public Safety at 718-262-2222 15 minutes prior to your departure time.
10. **Other Educational Programs:** The PSD can provide staffing for your educational programs free of charge on other topics not listed above. We offer a variety of programming on active

shooter, emergency preparedness sexual assault prevention and awareness, domestic violence, what is consent, Rape Aggression Defense (RAD), Workplace Violence and bystander intervention to name a few.

Please visit our website at <http://www2.cuny.edu/about/university-resources/emergency-preparedness/security/publicsafety/> for more information. To request an officer to speak at your event, contact us in advance at 718-262-2222.

## **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 which is 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, and 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 faculty and students, and 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, with respect to his/her education unit, shall:

- a. Have the affirmative responsibility of conserving and enhancing the educational standards of the college and schools under his/her jurisdiction;
- b. Be the advisor and executive agent of the Board and of his/her respective College Committee and as such shall have the immediate supervision with full discretionary power in carrying into effect the Bylaws, resolutions, and policies of the Board, the lawful resolutions of the several faculties;
- c. Exercise general superintendence over the concerns, officers, employees, and students of his/her educational unit.

### **HENDERSON RULES**

1. A member of the academic community shall not intentionally obstruct and/or forcibly prevent others from the exercise of their rights. Nor shall s/he interfere with the

institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, and community services.

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

University/College premises or as part of any University/college activities is prohibited.

## **PENALTIES**

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

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

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

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

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

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

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

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

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

the Education Law, or the Civil Service Law, or the applicable collective bargaining agreement, or the Bylaws or written policies of The City University of New York.

3. Any visitor, licensee, or invitee, engaging in any manner in conduct prohibited under the Bylaws, including the Henderson Rules 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 CAMPUS RULES**

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

### **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, damage to a building, or campus.

### **University Policy Relating to 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 a 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.

### **Who Needs to Know this Policy**

All CUNY senior management, students, prospective students, employees, and prospective employees.

### **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 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, regardless of whether the student is of lawful age. In order to make informed choices about the use of drugs and alcohol, CUNY students and employees are expected to familiarize themselves with the information provided by CUNY about the physiological, psychological, and social consequences of substance abuse.

### **CUNY Sanctions**

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

#### ***Students***

Students are expected to comply with the CUNY 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 resided 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 Federal Education 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.

Standards that clearly prohibit the unlawful possession, use, sale or distribution of illicit drugs and alcohol on college property or as part of any school activities can be found in the student handbook at <https://www.york.cuny.edu/student-development/counseling-center/student-handbook>

### ***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. Standards that clearly prohibit the unlawful possession, use, sale or distribution of illicit drugs and alcohol on college property or as part of any school activities can be found in the employee handbook at <https://www.york.cuny.edu/administrative/human-resources>

### **Drug/Alcohol Use Amnesty Policy**

CUNY encourages students to seek medical assistance related to drug and/or alcohol use without fear of being disciplined for such use. CUNY also encourages students under the influence of drugs and/or alcohol who may be the victims of, witnesses to, or otherwise become aware of violence (including but not limited to domestic violence, dating violence, stalking, or sexual assault) or sexual harassment or gender-based harassment to report that violence or harassment. Students who in good faith call for medical assistance for themselves or others and/or who receive medical assistance as a result of a call will not be disciplined for the consumption of alcohol or drugs as long as there are no other violations that ordinarily would subject the student to disciplinary action. Similarly, students who may be the victims of, witnesses to, or otherwise become aware of violence or sexual harassment or gender-based harassment and who report such violence or harassment and who report such violence or harassment will not be disciplined for the consumption of alcohol or drugs in the absence of other violations that ordinarily would subject the student to disciplinary action. However, if you are involved in the distribution of illegal drugs, sexual misconduct, causing or threatening physical harm, hazing or damage to property, amnesty may not apply. Additional information can be downloaded in PDF format by clicking the following link [CUNY Drug/Alcohol Use Amnesty Policy](#)

## **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:*

1. Any person under age 21 who is found to be in possession of alcohol with the intent to consume it may be punished by a fine and/or required to complete an alcohol awareness program and/or to provide up to 30 hours of community service. Alcoholic Beverage Control Law, § 65-c.
2. 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
3. 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
4. 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.
5. 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 nervous 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

### **Tobacco/Nicotine**

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

### **Steroids**

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

### **Alcohol**

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

### **Substance Abuse**

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

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

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

## **DRUG AND ALCOHOL PREVENTION PROGRAMS (DAAPP)**

### On-Campus Alcohol and Substance Abuse Resources

York College's Department of Student Development/Student Affairs has several services to help students in need of assistance for alcohol and substance use/abuse. They are the Student Wellness Center, Counseling Services and Health Services. These programs have information on alcohol & substance abuse and make referrals to outside mental health, health, and substance abuse treatment programs. In addition, counselors are available in the Student Wellness Center and Counseling Services to assist students.

The Student Wellness Center (SWC) in particular is a great resource to obtain educational material designed to heighten awareness about alcohol & substance use/abuse, tobacco addiction, and many other health related topics. In addition, the Student Wellness Center offers alcohol screenings and year round activities focusing on wellness.

Appointments for the Student Wellness Center or the Counseling Services offices can be made by calling 718-262-2272. Both offices welcome walk-ins (no appointment needed).

OFFICE	LOCATION	ROOM	TELEPHONE NUMBER
Student Counseling Center	Academic Core Building	1G02	718-262-2272
Health Services	Academic Core Building	1F01	718-262-2050
Drug and Alcohol Programs	Academic Core Building	1G02	718-262-2272
OFFICE	LOCATION	ROOM	TELEPHONE NUMBER

CUNY Employees can seek assistance through the CUNY Work Life Program at (800) 833-8707 or the following website: [CUNY Work/life Program](#)

### Off-Campus Alcohol and Substance Abuse Resources

PROGRAM NAME	ADDRESS	TELEPHONE NUMBER
Western Queens Recovery Services	61-20 Woodside Avenue Woodside NY 11377	(718) 672-1705
	44-04 Queens Boulevard 2 <sup>nd</sup> floor Sunnyside, NY 11104	(718)706-1663
Phoenix House Queens	34-25 Vernon Boulevard, Long Island City, NY 11106	(888) 671-9392

### 12 Step Recovery Programs

Narcotics Anonymous (212) 929-6262 <http://www.newyorkna.org/>

Cocaine Anonymous (212) 262-2463 <http://www.canewyork.org/>

Marijuana Anonymous (212) 459-4423 <http://www.ma-newyork.org/>

Alcoholics' Anonymous (212) 647-1680 <http://www.nyintergroup.org/>

Nicotine Anonymous (631) 665-0527 <http://www.nicotine-anonymous.org/>  
 Al-Anon/Alateen (888) 425-2666 <http://www.al-anonny.org>

**Detoxification and Outpatient/Inpatient Rehabilitation Facilities by County**

<b>KINGS</b>		
Bridge Back to Life Center, Inc.	175 Remsen St., 10 <sup>th</sup> Floor Brooklyn, NY 11201	(718) 852-5552
Kings County Hospital Center	591 Kingston Avenue Brooklyn, NY 11203	(718) 245-2630
Interfaith Medical Center	1545 Atlantic Avenue Brooklyn, NY 11213	(718) 613-4330
<b>NEW YORK</b>		
Bellevue Hospital Center	462 First Ave. New York, NY 10016	(212) 562-4141
Greenwich House, Inc	50B Cooper Square New York, NY 10003	(212) 677-3400
Mount Sinai West	1000 Tenth Ave New York, NY 10019	(212) 523-6166
<b>QUEENS</b>		
Flushing Hospital Medical Center	4500 Parsons Boulevard Flushing, NY 11355	(718) 670-5078
Samaritan Village, Inc.	144-10 Jamaica Ave. Jamaica, NY 11435	(718) 206-1990
Daytop Village, Inc.	316 Beach 65 <sup>th</sup> St. Far Rockaway, NY 11692	(718) 474-3800
<b>BRONX</b>		
St. Barnabas Hospital	4535 East 183 <sup>rd</sup> St. Bronx, NY 10457	(718) 960-6636
Montefiore Medical Center	3550 Jerome Ave., 1 <sup>st</sup> Floor Bronx, NY 10467	(718) 920-4067
Bronx-Lebanon Hospital Center	1276 Fulton Ave., 7 <sup>th</sup> Floor Bronx, NY 10456	(718) 466-6095
<b>RICHMOND COUNTY</b>		
Staten Island University Hospital	Center 375 Seguire Ave. Staten Island, NY 10309	(718) 226-2790
Richmond University Medical Center	1130 South Avenue Staten Island, NY 10314	(718) 818-5375

Camelot of Staten Island, Inc.	263 Port Richmond Ave. Staten Island, NY 10302	(718) 981-8117
<b>NASSAU COUNTY</b>		
Long Beach Medical	455 East Bay Dr. Long Beach, NY 11561	(516) 897-1250
North Shore University Hospital	400 Community Dr. Manhasset, NY 11030	(516) 562-3010
Nassau Health Care Corporation	2201 Hempstead Tpke East Meadow, NY 11554	(516) 572-9400

## **SEXUAL MISCONDUCT**

### **Reporting and Prevention of Dating Violence, Domestic Violence, Sexual Assault and Stalking**

CUNY prohibits the offenses of dating violence, domestic violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the university community. Toward that end, **York College** issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged reports. The City University of New York Policy on Sexual Misconduct is attached to the end of this report. The Policy can also be accessed by clicking the following link: [CUNY Sexual Misconduct Policy](#).

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: Arletha “Lisa” Miles-Boyce, A-Core Room 2H04, Tel. 718-262-2137 Email: [amilesboyce@york.cuny.edu](mailto:amilesboyce@york.cuny.edu)
- Interim VP of Enrollment Management & Student Affairs Division, Karen Williams, Ed.D., Room 2F01, Tel. 718-262-2415 Email: [kwilliams29@york.cuny.edu](mailto:kwilliams29@york.cuny.edu)
- Acting Director of Public Safety Lieutenant Carlos R Suarez, A-Core Room 1M02, Tel. 718-262-2558 Email: [csuarez2@york.cuny.edu](mailto:csuarez2@york.cuny.edu)
- Executive Director of Human Resources, Sabrina Johnson, A-Core 2H01, Tel. 718-262-2135 Email: [SJohnson25@york.cuny.edu](mailto:SJohnson25@york.cuny.edu)

### **Prevention Education Programs**

York College is committed to creating a community free from Sexual Misconduct. York College has developed materials and programs to educate its students, faculty and staff on the nature, dynamics, common circumstances and effects of Sexual Assault, Dating Violence, Domestic Violence and Stalking, and the means to reduce their occurrence and prevent them. These programs are

offered to incoming freshmen and transfer students during fall and spring orientation sessions. The Title IX Coordinator and the Vice President for Student Affairs offices provide this training to student activity groups, clubs, and athletic teams. Prevention education materials are distributed to all students during campus orientation activities.

SPARC, or the Sexual and Interpersonal Violence Prevention and Response Course, is mandated for all incoming and transfer students, and is offered to all other students through an easily accessible online portal. This program educates students on key information such as the definition of affirmative consent, where to go on campus if they, or someone they know, have been affected by Sexual Misconduct, and what resources are available to them for assistance. The course is custom tailored so that students will receive their specific campus's contact information for Public Safety, Title IX Coordinator, Campus Health Services, Mental Health Counseling Center, and Office of Student Affairs. Additionally, CUNY added an alcohol education module to make sure students understand the dangers of irresponsible alcohol consumption and how it relates to sexual violence. ESPARC, or the Employee Sexual Misconduct Prevention and Response Course, is a mandated annual training to inform employees how to identify, prevent, and respond to Sexual Misconduct in the workplace. In addition to educating employees on the various CUNY policies related to these topics, it also identifies where to go, and with whom to speak, if they, a student, a colleague, or subordinate, experiences Sexual Misconduct. Additionally, it gives examples of conduct that may constitute Sexual Harassment, and informs employees that they may also seek legal redress from outside agencies. Each campus's online course informs participants who is responsible at their specific campus for investigating Sexual Misconduct and provides up to date contact information for those individuals.

In addition, York College provides workshops throughout the year related 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 by Safe Horizon, the Urban Justice Center and Kings County District Attorney Victim Services Unit.

Faculty and staff are all welcome to attend the workshops as well. The Public Safety Department has a number of NYS Certified General Topics instructors which are the designated liaison for additional trainings on campus. The Public Safety Department is available to provide with such education programs upon request. The Public Safety Department conducts prevention education training on domestic violence, dating violence awareness, bullying, active shooter response, emergency preparedness, stranger danger for children in the Day Care Center and other general crime prevention topics. If you would like to schedule an education program for a specific group, please contact Public Safety at 718-262-2222 in advance.

More information and resources about campus safety, sexual assault and harassment, domestic/intimate partner violence, stalking and dating violence can be found at: [CUNY Title IX Website](#)

### **How to be an Active Bystander**

CUNY/College provides training on bystander intervention for incoming students and new employees. Bystanders play a critical role in the prevention of Sexual Misconduct. Bystanders are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. Training on

bystander intervention includes safe and positive options to prevent harm or intervene when there is a risk of Dating Violence, Domestic Violence, Sexual Assault or Stalking.

CUNY encourages employees, students and visitors to take reasonable and prudent actions to prevent or stop an act of Sexual Misconduct that they may witness, unless doing so would pose a safety risk to themselves or others. Although these strategies will depend on the circumstances, they may include direct intervention, calling law enforcement or seeking assistance from a person in authority. Bystander intervention strategies include:

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

In addition, CUNY encourages employees, students and visitors to report any incident of Sexual Misconduct that they observe or become aware of to the Title IX Coordinator, Public Safety or to the other offices referenced above. Individuals who take action in accordance with this paragraph will be supported by the college, and anyone who retaliates against them will be subject to discipline.

If you or someone else is in immediate danger, dial 911 (if on campus, call Public Safety at 718-262-2222).

### **Prevention and Risk Reduction**

York College also provides training on prevention and risk reduction to incoming students and new employees. Risk reduction are options designed to decrease perpetration and bystander inaction, increase empowerment for victims in order to promote safety and help individuals and communities address conditions that facilitate violence. Risk reduction options include:

1. Convey strongly that you expect your rights to be respected.
2. Meet new acquaintances in public places. Always have your own transportation or travel with trusted friends.
3. Keep money in your pocket or purse for phone calls, or pay for transportation if you must leave a situation abruptly.
4. 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.
5. Do not accept a drink from someone you do not know or trust. Do not drink from bowls or large common open containers.
6. Do not continue to drink from a beverage you left unattended.
7. Clearly define your sexual limit. If someone starts to offend you, be direct. Say no clearly when you mean no.
8. If you feel that you are being pressured into unwanted sex, say something as soon as you can, before the behavior goes any further.
9. 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.

10. Watch out for your friends and fellow students/employees. If you can do so safely, ask if they need help.
11. Speak up if you hear someone discuss plans to take sexual advantage of another person.
12. Offer to help a friend or fellow/student or employee make a report and seek assistance and support.
13. Avoid isolated areas.
14. Attend parties with friends. Arrange to leave with your friend.

### **Procedures Victims Should Follow in the Case of Alleged Dating Violence, Domestic Violence, Sexual Assault or Stalking**

The following information addresses what students should do if they experience Dating Violence, Domestic Violence, Sexual Assault or Stalking.

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

Public Safety will assist with notification of other law enforcement authorities and/or medical professionals if the student so chooses.

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

### **How to report Dating Violence, Domestic Violence, Sexual Assault or Stalking**

1. Call the Department of Public Safety's emergency telephone line extension 718-262-2222 from your cell phone. Or report the information to any member of the Department of Public Safety or in person at the Public Safety Office located in IM02.
2. Use one of the 15 Emergency Assistance call boxes located throughout the building.
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. Names and numbers of Campus Security Authorities are located on page 2 of this report. The College recognizes the importance of confidentiality to victims and witnesses of crimes. For the purposes of providing crime statistics pursuant to the Campus Security Act in the College's Annual Security 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 alert.
4. In the event that the situation you observe or are involved in is of an extreme or life-threatening nature, call 911. However, if you make a 911 call, also notify the Department of Public Safety. They will assist and direct the police along with other responding emergency personnel.
5. If you wish to report the allegations to the College/CUNY, contact one of the individuals listed below:
  - Title IX Coordinator: Arletha "Lisa" Miles-Boyce, A-Core Room 2H04, Tel. 718-262-2137 Email: [amilesboyce@york.cuny.edu](mailto:amilesboyce@york.cuny.edu)
  - Interim VP of Enrollment Management & Student Affairs Division, Karen Williams, Ed.D., Room 2F01, Tel. 718-262-2415 Email: [kwilliams29@york.cuny.edu](mailto:kwilliams29@york.cuny.edu)
  - Acting Director of Public Safety Lieutenant Carlos R Suarez, A-Core Room 1M02, Tel. 718-262-2558 Email: [csuarez2@york.cuny.edu](mailto:csuarez2@york.cuny.edu)

- Executive Director of Human Resources, Sabrina Johnson, A-Core 2H01, Tel. 718-262-2135 Email: [SJohnson25@york.cuny.edu](mailto:SJohnson25@york.cuny.edu)

### **Options about the involvement of law enforcement and campus authorities**

Students, employee or other community members may choose to report Sexual Misconduct to local law enforcement and/or state police (“outside law enforcement”). However, York College does not require that a complainant report Sexual Misconduct to outside law enforcement; nor will York College do so without the complainant’s agreement, except in exceptional circumstances. The college may report Sexual Misconduct to outside law enforcement without the complainant’s consent when the college determines that the respondent poses a serious continuing threat to the physical safety of the complainant or another person.

If a student, employee or other community member chooses to report Sexual Misconduct to outside law enforcement, York College will provide assistance. Each college Public Safety office must have an appropriately trained employee available at all times to provide the complainant with information regarding options to proceed, including information regarding the criminal justice process and the preservation of evidence. Campus Public Safety officers can also assist the complainant with reporting allegations both on and off-campus and in obtaining immediate medical attention and other services.

### **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?**

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

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

In order to give consent, one must be of legal age (17 years or older). Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

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

### **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 an act 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. In addition, regardless of previous sexual activity, if someone refuses sexual contact, the failure to respect that limit constitutes non-consensual sex.

### **Complainant's Rights**

Individuals who have experienced Sexual Misconduct have the right to report allegations to the college or to decide not to do so. Students who report Sexual Misconduct have all of the rights contained in the Students' Bill of Rights (copy attached).

Complainants also have these rights:

- a. To notify campus Public Safety and/or outside law enforcement, or to choose not to report.
- b. To have emergency access to a college official trained to interview victims of sexual assault and able to provide certain information, including reporting options and information about confidentiality and privacy. The official will, where appropriate, advise about the importance of preserving evidence and obtaining a Sexual Assault Forensic Examination ("SAFE") as soon as possible. The official will also explain that the criminal process uses different standards of proof and evidence, and that any questions about whether an incident violated criminal law should be addressed to a law enforcement official or a district attorney's office.
- c. To disclose the incident to a college representative who can offer confidentiality or privacy and assist in obtaining services. See Section VI, above.
- d. To describe the incident only to those campus officials who need the information in order to properly respond and to repeat the description as few times as practicable (subject to the procedures outlined in CUNY's Policy on Sexual Misconduct, Sections XI and XII).
- e. To have allegations of Sexual Misconduct investigated in accordance with CUNY's Policy on Sexual Misconduct.
- f. To have privacy preserved to the extent possible.
- g. To receive assistance and resources on campus, including confidential and free on-campus counseling, and to be notified of other services available on and off campus, including the New York State Office of Victim Services.
- h. To disclose the incident to the college's Human Resources Director or designee (if the respondent is a college employee) or request that a confidential or private resource assist in doing so.
- i. To disclose the incident confidentially and obtain services from state and local governments.

- j. To receive assistance from the campus or others in filing a criminal complaint, initiating legal proceedings in family court or civil court, and/or seeking an Order of Protection or the equivalent. In New York City, this assistance is provided by Family Justice Centers located in each borough.
- k. To receive assistance with effecting an arrest when an individual violates an Order of Protection, which may be provided by assisting local law enforcement in effecting such an arrest.
- l. To withdraw allegations or involvement from the process at any time

## **College and Community Counseling and Support Services for those affected by Sexual Misconduct**

### **On-Campus Assistance**

CUNY is committed to providing assistance, support and resources to those affected by Sexual Misconduct. Anyone who has experienced Sexual Assault, Domestic Violence or Dating Violence is encouraged to contact the Title IX Coordinator to obtain assistance in accessing medical and counseling services, or to obtain supportive measures, such as changes to the student's academic program. There are a wide range of supportive measures and accommodations available to those affected by Sexual Misconduct, for example, the Office of Public Safety can assist a complainant getting to and from campus classes, filing a police report and obtaining an order of protection against the respondent.

Section VIII-A of CUNY's Policy on Sexual Misconduct provides a written discussion about the range of supportive measure and accommodations available and information about how to request accommodations. As detailed in CUNY's Policy on Sexual Misconduct, supportive measures and accommodations are available regardless of whether a victim chooses to report allegations to the [College], campus law enforcement or outside law enforcement. Any accommodations or protective measures will remain confidential to the extent that maintaining such confidentiality would not impair the ability of [College] to provide the accommodation or protective measure.

### **College Support Services**

#### **On- Campus Resources**

- Title IX Coordinator: Arletha "Lisa" Miles-Boyce, A-Core Room 2H04, Tel. 718-262-2137 Email: [amilesboyce@york.cuny.edu](mailto:amilesboyce@york.cuny.edu)
- Interim VP of Enrollment Management & Student Affairs Division, Karen Williams, Ed.D., Room 2F01, Tel. 718-262-2415 Email: [Kwilliams29@york.cuny.edu](mailto:Kwilliams29@york.cuny.edu)
- Acting Director of Public Safety Lieutenant Carlos R Suarez, A-Core Room 1M02, Tel. 718-262-2558 Email: [csuarez2@york.cuny.edu](mailto:csuarez2@york.cuny.edu)
- Executive Director of Human Resources, Sabrina Johnson, A-Core 2H01, Tel. 718-262-2135 Email: [SJohnson25@york.cuny.edu](mailto:SJohnson25@york.cuny.edu)

#### **Counseling for Employees**

CUNY Work Life Program (800) 833-8707

#### **Contacting outside agencies**

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

### **Off-Campus Resources**

- For immediate help, call 911
- The New York City Police Department Sex Crimes Report Line 212-COP-RAPE 24 hour hotline, all female detectives, give advice about what can be done, information on the legal process, initiate investigations or provide referrals for counseling.
- National Sexual Assault Hotline 800-656-HOPE (4673) Free, confidential, 24 hour hotline.
- New York State Coalition Against Sexual Assault 800-942-6906 or 800-818-0656 New York State Hotline for victims of Sexual Assault and domestic violence.
- <http://www.nyscadv.org/>
- NYC Victims Services Agency: open 24 hours, seven days a week 212-577-7777 Provides crisis intervention for crime victims.
- The New York City Anti Violence Project empowers gay, lesbian, bisexual, transgender, queer and HIV affected communities to end all forms of violence through organizing and education. The Anti-Violence Project provides support, counseling and advocacy. The 24-hour hotline is 212-714-1141.
- New York State Office of Victim's Services [www.ovs.ny.gov](http://www.ovs.ny.gov)
- NYC Mayor's Office to Combat Domestic Violence/Family Justice Centers <http://www1.nyc.gov/site/ocdv/programs/family-justice-centers.page>

### **The City University of New York Policy on Sexual Misconduct**

A copy of the City University of New York Policy on Sexual Misconduct is attached to this report and can be viewed by clicking the following [link CUNY Policy on Sexual Misconduct](#).

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, which includes Sexual Assault, Dating Violence, Domestic Violence and Stalking, is a form of discrimination prohibited by Title IX.

Title IX Sexual Harassment is defined by the United States Department of Education to mean conduct on the basis of sex that occurs in York College's education program or activity against a person in the United States and that satisfies one or more of the following: (1) a York College employee conditioning the provision of an aid, benefit or service of CUNY on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, *and* objectively offensive that it effectively denies a person equal access to York College's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in CUNY's Policy on Sexual Misconduct.

CUNY's Policy on Sexual Misconduct prohibits Sexual Misconduct, whether or not it falls within the scope of Title IX Sexual Harassment, defined above. Prohibited Sexual Misconduct includes Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence, Stalking and Voyeurism, as those terms are defined in CUNY's Policy on Sexual Misconduct. Sexual Misconduct is prohibited regardless of whether it occurs on or off campus.

## **Investigation and Disciplinary Procedure for Allegations of Dating Violence, Domestic Violence, Sexual Assault and Stalking pursuant to CUNY's Policy on Sexual Misconduct**

The specific procedures that apply to the investigation and discipline of Sexual Misconduct allegations (including Domestic Violence, Dating Violence, Sexual Assault and Stalking) vary based on the circumstances of each case and are outlined fully in CUNY's Policy on Sexual Misconduct, attached to this report.

Generally, the Title IX Coordinator is responsible for conducting investigations in a prompt, thorough and impartial manner. Parties to an investigation have the right to an investigation process where the burden of proof and burden of gathering evidence sufficient to reach a determination of responsibility rests on the college and not on the parties, although the parties will be provided the opportunity to offer evidence during an investigation. Parties have the right to be accompanied by an advisor of their choice, who may assist and advise throughout the process, including during all related meetings and hearings.

Depending on the specific circumstances of a case, available resolution options may include informal resolution or a formal investigation and hearing. Sanctions for student respondents who are found responsible for Sexual Misconduct range from a warning to suspension or expulsion from CUNY.

### **Consent**

Consent is analyzed and defined differently in criminal law and pursuant to CUNY's Policy on Sexual Misconduct.

#### ***In New York State criminal law, lack of consent results from:***

- (a) Forcible compulsion; or
- (b) Incapacity to consent; or
- (c) Where the offense charged in sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or
- (d) Where the offense charged is rape in the third degree as defined in subdivision three of section 130.25, or criminal sexual act in the third degree as defined in subdivision three of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.

#### **CUNY's Policy on Sexual Misconduct requires affirmative consent to sexual activity.**

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

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

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

## **Definitions of Sexual Assault, Dating Violence, Domestic Violence and Stalking under New York State Law**

*This information is provided for educational and awareness purposes. Please note that CUNY procedures and standards differ from those of criminal law. These definitions are also different than the definitions used for reporting pursuant to the Clery Act.*

### *Sexual Assault*

The term Sexual Assault is not defined by New York State Penal Law. However, 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, criminal sexual act or sexual abuse by contact without the consent of the victim or where the victim is incapable of giving consent.

### ***In New York State, lack of consent results from:***

- (a) Forcible compulsion; or
- (b) Incapacity to consent; or
- (c) Where the offense charged in sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or
- (d) Where the offense charged is rape in the third degree as defined in subdivision three of section 130.25, or criminal sexual act in the third degree as defined in subdivision three of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.

### *Stalking*

A person is guilty of stalking in the fourth degree (Penal Law 120.45) when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct: (1) is likely to cause reasonable fear of materials 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 materials 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, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her 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.

Stalking in the fourth degree is a class B misdemeanor and punishable by up to 6 months in jail. The New York State Penal Law also defines Stalking in the third degree (120.50); Stalking in the second degree (120.55) and Stalking in the first degree (120.60); which are classified based on severity of the conduct and other aggravating factors.

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.

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

<i>Crime</i>	<i>Illegal Conduct</i>	<i>Criminal Sanctions</i>
<b><i>Rape in the first degree (PL§ 130.35)</i></b>	<i>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.</i>	<b><i>Is a class B felony, with penalties up to 25 years in prison.</i></b>
<b><i>Rape in the second degree (PL§ 130.30)</i></b>	<i>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</i>	<b><i>Is a class D felony, with penalties up to 7 years in prison.</i></b>
<b><i>Criminal sexual act in the first degree (PL § 130.50)</i></b>	<i>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.</i>	<b><i>Is a class B felony, with penalties up to 25 years in prison.</i></b>
<b><i>Forcible touching (PL§ 130.52)</i></b>	<i>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</i>	<b><i>Is a class A misdemeanor, with penalties up to 1 year in jail.</i></b>
<b><i>Sexual abuse in the first degree (PL § 130.65)</i></b>	<i>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.</i>	<b><i>Is a class D felony, with penalties up to 7 years in prison.</i></b>

<p><b><i>Aggravated sexual abuse in the first degree (PL § 130.70)</i></b></p>	<p><i>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.</i></p>	<p><b><i>Is a class B felony, with penalties up to 25 years in prison.</i></b></p>
<p><b><i>Aggravated sexual abuse in the third degree (PL § 130.66)</i></b></p>	<p><i>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 years old.</i></p>	<p><b><i>Is a class D felony, with penalties up to 7 years in prison.</i></b></p>
<p><b><i>Facilitating a sex offense with a controlled substance (PL § 130.90)</i></b></p>	<p><i>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.</i></p>	<p><b><i>Is a class D felony, with penalties up to 7 years in prison.</i></b></p>

## **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 Department. To obtain information about a Level 2 or Level 3 registered sex offender, you may:

1. Contact the police department in the jurisdiction in which the offender resides and/or in which the college is located
2. Contact Public Safety at 718-262-2222
3. Contact the Division's sex offender registry web site – [www.criminaljustice.ny.gov/nsor/index.htm](http://www.criminaljustice.ny.gov/nsor/index.htm) and then click on "Search the Sex Offender Registry" or by dialing 800-262-3257

Searching for Level 1 sex offenders (or those with a pending risk level):

1. Call the Division's sex offender registry at (800) 262-3257 with the name and at least one other identifier (an exact address, date of birth, driver's license number, or a social security number) and DCJS will tell you if that individual is a registered sex offender in New York.

## **Missing Students**

York College does not own or control any on-campus student housing facilities. There are no student housing facilities on-campus. Below is the City University Policy on Missing Students:

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 purpose of this policy is to establish procedures for York's response to reports of missing students, as required by the Higher Education Opportunity Act of 2008. This policy applies to students who reside in campus housing.

For purposes of this policy, a student may be considered a "missing student" if the student's absence is contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include, but not be limited to, a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, is drug dependent, is in a life-threatening situation, or has been with persons who may endanger the student's welfare. In the event a student under 18 years of age and not emancipated, York must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. For all missing students, York will notify

the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing. Regardless if the student is above the age of 18, or is an emancipated minor the Director of Public Safety or his designee shall make a missing person report.

## **ADDITIONAL LINKS TO CUNY POLICIES AND PROCEDURES**

[CUNY Sexual Misconduct Policy](#)

[Equal Opportunity and Non-Discrimination Policy](#)

[Student Bill of Rights](#)

[CUNY Campus Workplace Violence Policy](#)

[Domestic Violence and the Workplace](#)

[Reasonable Accommodations and Academic Adjustments](#)

Hardcopies of these policies are also included in the York College Student Handbook 2017- 2018 available at <https://www.york.cuny.edu/student-development/counseling-center/student-handbook>

The City University of New York Medical Amnesty/Good Samaritan Policy encourages students to seek medical assistance related to drug and alcohol use without fear of being disciplined for such use. For more information on this policy go to the following webpage: [Drug/Alcohol Use Amnesty Policy](#)

TO FOLLOW ARE THE {COLLEGE} CRIME STATISTICS FOR THE 2015-2017 CALENDAR YEAR. 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. NYPD 103<sup>rd</sup> Precinct (Local Precinct)

# York College Crime Statistics 2018, 2019, 2020

## The City University of New York (CUNY)

York College - Department of Public Safety (DPS)

Crime Statistics	2018	All On-Campus Property				Non-Campus Property				Public Property				GRAND TOTAL	On Campus Residential Only			
		Reported to			SUB TOTAL	Reported to			SUB TOTAL	Reported to			SUB TOTAL		Reported to			Section TOTAL
		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS			DPS	NYPD	*Non DPS	
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	1	0	0	1	0	0	0	0	1	2	0	3	4	0	0	0	0	0
Aggravated Assault	3	0	0	3	0	0	0	0	1	4	0	5	8	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses																		
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Arrests	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Drug Abuse Violations Referrals	3	0	0	3	0	0	0	0	0	0	0	0	3	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Arrests	0	0	0	0	0	0	0	0	0	1	0	1	1	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	5	0	0	5	0	0	0	0	3	3	0	6	11	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	3	0	0	3	0	0	0	0	0	0	0	0	3	0	0	0	0	0

\* Denotes Report to other campus authorities

Hate Crimes Reported: 2

Unfounded Crimes Reported: None

Crime Statistics	2019	All On-Campus Property				Non-Campus Property				Public Property				GRAND TOTAL	On Campus Residential Only			
		Reported to			SUB TOTAL	Reported to			SUB TOTAL	Reported to			SUB TOTAL		Reported to			Section TOTAL
		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS			DPS	NYPD	*Non DPS	
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	2	9	0	11	11	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	1	7	0	8	8	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	3	0	3	3	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	1	0	0	1	0	0	0	0	0	2	0	2	3	0	0	0	0	0
Sex Offenses																		
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	4	0	0	4	0	0	0	0	0	0	0	0	4	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation Referrals	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Drug Abuse Violations Arrests	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Drug Abuse Violations Referrals	10	0	0	10	0	0	0	0	0	0	0	0	10	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	2	0	0	2	0	0	0	0	0	0	0	0	2	0	0	0	0	0
Stalking	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0

\* Denotes Report to other campus authorities

Hate Crimes Reported: None

Unfounded Crimes Reported: None

Crime Statistics	2020	All On-Campus Property				Non-Campus Property				Public Property				GRAND TOTAL	On Campus Residential Only			
		Reported to			SUB TOTAL	Reported to			SUB TOTAL	Reported to			SUB TOTAL		Reported to			Section TOTAL
		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS			DPS	NYPD	*Non DPS	
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses																		
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation Referrals	2	0	0	2	0	0	0	0	0	0	0	0	2	0	0	0	0	0
Drug Abuse Violations Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Referrals	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

\* Denotes Report to other campus authorities

Hate Crimes Reported: None

Unfounded Crimes Reported: None

## Reported Hate Crimes 2018, 2019, 2020

In 2018, there were two reported hate crimes. Derogatory comments about Muslim women were written in a men's bathroom on campus. A male individual unlawfully watched and took photos of females as they utilized restrooms.

In 2019 and 2020 there were no reported hate crimes.

## Unfounded Statistics

There were no unfounded crimes for the years 2018, 2019, & 2020

## Definitions of Geography

### On-Campus

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and any building or property that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

**Note:** *Statistics for university student housing facilities are recorded and included in both the all on-campus category and the on-campus residential only category.*

### Non-Campus Building or Property

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

### Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. The York College crime statistics do not include crimes that occur in privately owned homes or businesses adjacent to the campus buildings.

## Uniform Crime Reporting (UCR) Federal Definitions related to Clery

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

### *Rape*

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

### *Fondling*

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

*Incest*  
Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

*Statutory rape*  
Statutory rape is sexual intercourse with a person who is under the statutory age of consent.

*Stalking*  
Stalking is “engaging in a course of conduct directed at a specific person that would cause a reasonable person to—  
a) Fear for his or her safety or the safety of others; or  
b) Suffer substantial emotional distress”. 42 U.S.C 13925 (a).

For the purpose of this definition:

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

*Domestic Violence*  
The term Domestic Violence is not defined by New York State Penal Law, although various criminal acts defined by the New York State Penal Law may qualify as a “family offense” when committed by an intimate partner. An intimate relationship includes family or household members and other types of close relationships, such as people who are legally married or divorced, people with a child in common, including adopted children, people related by marriage, like in-laws, people related by blood, like brothers, parents, cousins, unrelated people who live, or have lived together for period of time and/or unrelated people in, or were in an intimate relationship (current or former), like same-sex couples and teens who are dating. <http://nycourts.gov/CourtHelp/Safety/DVbasics.shtml>

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 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 act under the domestic or family violence laws of [New York]”. 42 U.S.C 13925(a).

*Dating Violence*  
The term Dating Violence is not defined by New York State Penal Law, although various criminal acts defined by the New York State Penal Law may qualify as a “family offense” when committed by an intimate partner, which includes people in an intimate relationship (current or former). Intimate relationships do not have to be sexual. For more information see <http://nycourts.gov/CourtHelp/Safety/DVbasics.shtml>

According to federal statute, “dating violence” means violence committed by a person—  
a) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and  
b) Where the existence of such a relationship shall be determined based on a consideration of the following factors:  
i. The length of the relationship

- ii. The type of relationship
- iii. The frequency of interaction between the persons involved in the relationship, 42 U.S.C 13925 (a).

## YORK COLLEGE CAMPUS MAP



**1. Academic Core Building**  
94-20 Guy R. Brewer Boulevard

**2. Performing Arts Center**  
94-45 Guy R. Brewer Boulevard

**3. Health and Physical Education Building**  
160-02 Liberty Avenue

**4. Science Building**  
**5. Classroom Building**

**6. Athletic Field**  
**7. FDA Building**

**8. East Parking Lot**  
**9. South Parking Lot**

**10. Child Care Center**  
94-20 160th Street

### **PUBLIC TRANSPORTATION**

- A.** Jamaica Center Subway Station
- B.** Jamaica Center Bus Terminal
- C.** Jamaica LIRR Station  
(8 blocks West at Sutphin Boulevard)

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