

 **BMCC** Start Here. *Go Anywhere.*

BOROUGH OF MANHATTAN COMMUNITY COLLEGE

**STUDENT HANDBOOK**

**2022-2023**



### Main Campus: Chambers St. Building

199 Chambers Street, New York, NY 10007



### BMCC Express

255 Greenwich Street, New York, NY 10007



### Fiterman Hall

245 Greenwich Street, New York, NY 10007



### Center for Continuing Education & Workforce Development

25 Broadway, 8th Floor, New York, NY 10004



### Murray Building

70 Murray Street, New York, NY 10007



199 Chambers Street  
New York, NY 10007  
(212) 220-8000  
[www.bmcc.cuny.edu](http://www.bmcc.cuny.edu)

[facebook.com/CUNY.BMCC](https://www.facebook.com/CUNY.BMCC)  
[bmcc\\_cuny](https://twitter.com/bmcc_cuny)  
[bmcc\\_cuny](https://www.instagram.com/bmcc_cuny)

## MISSION STATEMENT

Borough of Manhattan Community College is a diverse teaching and learning community committed to advancing equity and the intellectual and personal growth of students. Working to strengthen a culture of care inside and outside the classroom, we share a passion for learning with students from around the world. We strive to increase degree completion, successful transfer, career achievement and service and leadership within our community, New York City, and beyond.

## VISION STATEMENT

BMCC will be nationally recognized for improving student learning and success, excellence in research and knowledge creation, and for advancing socioeconomic mobility through the transformative power of education. BMCC faculty and staff are committed to strengthening our culture of care and take responsibility for creating the conditions under which all students can learn and all members of the BMCC community can thrive. Teaching and learning at BMCC, both inside and outside the classroom, is culturally responsive and sustaining, deeply engaging, and celebrates the rich diversity of experience and knowledge that the entire community brings to the College. Our students, faculty, staff, and alumni share great pride for BMCC, and for our role in creating a better, more equitable New York City.

## VALUES

**Belonging:** Creating an environment in which all members feel welcome, that they are valued, and that they can succeed.

**Community:** Celebrating the uniqueness of individuals and groups; encouraging connection and participation; taking responsibility and caring for each other.

**Equity:** Working as an engine of upward social mobility to reduce barriers and improve academic, career and personal success for all, particularly for individuals and groups with less advantage.

**Teaching and Learning:** Creating exceptional teaching and learning environments inside and outside the classroom; valuing the experience and knowledge students bring to the classroom, and engaging them in the construction of knowledge.

**Transformation:** Promoting intellectual, socioeconomic, and personal growth of students and communities; empowering students to improve their lives and the lives of their families; advancing justice through education.

*Borough of Manhattan Community College is accredited by the Middle States Commission on Higher Education, 3624 Market Street, Philadelphia, PA 19104, (267-284-5000), [www.msche.org](http://www.msche.org). The Middle States Commission on Higher Education is an institutional accrediting agency recognized by the U.S. Secretary of Education and the Council for Higher Education Accreditation.*

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## Directory At A Glance

Academic Department	Chairperson/Director	Room	Phone
Academic Literacy and Linguistics	Prof. Levinson	N-499D	1403
Accounting	Prof. Wolfson	S-621	8190
Allied Health Sciences	Prof. Flannery	N-799E	8336
Business Management	Prof. Palit	F-730A	8394
Computer Information Systems	Prof. Wei	F-930I	8385
English	Prof. Pamplin	N-751	8281
Ethnic and Race Studies	Prof. Matthews	S-642	1221
Health Education	Prof. Rennis	N-799R	5200
Mathematics	Prof. Peskoff	N-599N	1335
Media Arts and Technology	Prof. Stein	S-622G	8383
Modern Languages	Prof. Henao	F-601S	8112
Music and Art	Prof. Yau	F-1130P	7240
Nursing	Prof. Eng	S-730B	8234
Science	Prof. Hernandez	N-699M	1305
Social Sciences, Human Services, and Criminal Justice	Prof. Bishop	N-651F	1229
Speech Communication and Theatre Arts	Prof. Chen	S-628R	8091
Teacher Education	Prof. Medina	N-616C	1260



<b>Support Services Office</b>	<b>Chairperson/Director</b>	<b>Room</b>	<b>Phone</b>
Academic Advisement & Transfer Center	C. Thomas	S-108N	8317
Accessibility Office	D. Gilles	S-350D	8180
Admissions	L. Kasper	S-310	1265
Advocacy and Resource Center	D. Harte	S-235	8195
Athletics, Recreation & Intramurals	M. Ruiz	N-255	8260
Bursar Office	R. Julien	S-330	1302
Center for Career Development	D. Rivas	S-342	8170
Co-Curricular Transcript	H. Mars	S-234	8160
College Discovery Program	P. Perez	S-335	8152
Computer Labs, Open Access	K. Kanellopoulos	S-604	8122
Counseling Center	N. Hajizadeh	S-335K	8143
CUNY EDGE	A. Rodriguez	M-1216B	8486
Early Childhood Center	C. Scott-Croff	N-375	8250
Evening/Weekend Program	A. McKain	S-715A	8325
Federal Work-Study	M. Jardine	N-365GV	1438
Financial Aid	A. Khasidova	N-365	1430
Health Services	M. Hutmaker	N-380	8256
International Student Services	L. Yi-Elkin	S-310	1265
Learning Resource Center	G. Farrell	S-510	1383
LGBTQ+ Services	M. Hutmaker	S-350	8130
Library	K. Dreyer	S-410	1442
New Student Programming	S. Laskar	S-136	8121
Peer Mentoring Program	D. DellaPorta	S-136H	5581
Public Safety	M. Korn	N-196	8080
Registrar	M. Alam	S-315	1290
Scholarship Services	S. Gyamfi	N-365	8133
Service Desk	S. Grant	S-112	8002
Student Activities	H. Mars	S-234	8160
Student Affairs	M. Craig	S-350	8130
Student Affairs Success Programs	T. James	S-136	6316
Study Abroad Program	J. Levin	S-103G	5013
Testing	M. Barber	S-103	8085
Veterans' Resource Center	W. Cotto	S-115M	5363
Women's Resource Center	T. Velasquez	S-340	8165

# Section 2:

## How Do I?



## Student ID Card

Your Student ID card is required to enter all BMCC campus buildings. Your Student ID card also enables you to gain access to other CUNY campuses. With your BMCC Student ID card, you can leverage discounts at several local establishments and online services. Take your Student ID photo and pick up your Student ID card at the IT Service Desk in room S-141.

## Computers

### What is CUNYfirst?

CUNYfirst stands for “Fully Integrated Resources and Services Tool.” This is a student information system that contains your entire academic record. Activities such as registering and paying for classes can be done through CUNYfirst.

### What is the BMCC Portal?

The BMCC Portal is the single access point to various applications and resources such as the scholarship application, Federal Work Study information, Library databases and much more. Your BMCC account will give you access to the BMCC Portal as well as Wi-Fi on campus, iCafe, Library, classrooms and lab computers, library databases and E-Books.

This password will expire every 180 days.

First-time users should follow the directions below to active their BMCC account.

Step 1: Go to [www.bmcc.cuny.edu](http://www.bmcc.cuny.edu)

Step 2: Click on BMCC Portal in the upper right-hand corner

Step 3: Click on Account and Password Help

Step 4: Fill in the required fields and activate your BMCC account and email.

For instructions on how to configure your BMCC email on your phone or mobile device please go here [servicedesk.bmcc.cuny.edu](http://servicedesk.bmcc.cuny.edu).

### How do I get a student email account?

Your BMCC email address is automatically created within two business days of registering for classes and settling your tuition bill. A CUNY-wide partnership, Microsoft Office 365 officially houses all BMCC student email accounts. You can access your BMCC email by logging in to <https://outlook.office365.com>. Your student email is the primary source of communication from the college.

First-time users should follow the directions below to active their BMCC Email Account.

Step 1: Go to [www.bmcc.cuny.edu](http://www.bmcc.cuny.edu)

Step 2: Click on BMCC Portal in the upper right-hand corner

Step 3: Click on Account and Password Help

Step 4: Fill in the required fields and activate your BMCC Account and Email.

### What is the CUNY Portal?

CUNY Portal is your gateway to all CUNY services: college websites, information about applying or transferring to CUNY, university-wide events, obtaining ePermits, Blackboard\*, CUNY shopping discounts, free software downloads and more.

## To Log in to CUNY Portal

Step 1: Go to [www.cuny.edu](http://www.cuny.edu) and click on Portal Login.

Step 2: Enter Your username and password. Click on Login.

Once you log in, a personalized page called “My Page” is available to access Blackboard and other resources.

*If you do not have a CUNY Portal account, click on the “Create New Account” on the login screen and follow the instructions to create your account.*

*\*If no classes are listed on your Blackboard homepage and you have registered, please visit the E-Learning Center in room S-510A or call (212) 220-8000 ext. 1243.*

## Does BMCC have a wireless network?

BMCC offers free wireless access at the 199 Chambers Street, Murray Street, and Fiterman locations, and also in Washington Market Park.

Below is a listing of all available wireless networks on campus:

- “BMCC-SECURED” (this is the preferred network)
- “BMCC-UNSECURED”
- “BMCC-FreeWifi” (Wi-Fi network to use when in Washington Market Park, outside of Fiterman Hall, and World Trade Park only)

**BMCC-UNSECURED:** Basic authentication, no encryption, bandwidth limitation, filtering, session limit, inactivity time-out, and users need to log in every 24 hrs. For faculty, staff, and students.

**BMCC-SECURED:** 802.1x authentication, full encryption, higher throughput, one-time login, no inactivity time-out and users stay connected for 30 days. For faculty, staff, students and guests.

**BMCC-FreeWifi:** A wireless network that is ONLY available in Washington Park and around Fiterman Hall outdoor areas, including the park in front of World Trade Tower 7. No authentication is needed and users only need to accept BMCC’s security policy.

Visitors to the BMCC campus can connect to BMCC-UNSECURED and a user can claim the account from the Self-Service Guest Portal.

For help with connecting and troubleshooting your wireless connection, please visit the Service Desk in room S-141.

## Registration

Visit [www.bmcc.cuny.edu/cunyfirst](http://www.bmcc.cuny.edu/cunyfirst) for more information on using CUNYfirst.

1. Login to CUNYfirst at: [www.bmcc.cuny.edu/cunyfirst/student.jsp](http://www.bmcc.cuny.edu/cunyfirst/student.jsp)  
*Note: Important campus updates will be posted on your CUNYfirst page once you log in.*
2. Once you log in, follow the navigation below to begin adding classes to your shopping cart: HR/Campus Solutions > Self Service > Enrollment > Enrollment: Add Classes.
3. Choose your registration term (e.g., Fall 2022) and select Continue.
4. Click the green search button to search the schedule of classes.

5. Under Search Criteria, select at least 2 search fields (subject, course number). To further refine your search, select **Additional Search Criteria**. Select **Search**.
6. Review the search result and choose the sections that best fit your schedule. Once you have made your selection, choose **Select Class**.
7. Review the class details and select **Next** to add the class to your Shopping Cart. Keep adding classes to your Shopping Cart until you have selected all the classes needed for registration. Your Shopping Cart is also accessible under the **Plan** tab at the top of the page.

*NOTE: Adding classes to your shopping cart does not confirm enrollment. Complete the next 2 steps to confirm enrollment.*

8. Review the classes in your Shopping Cart and then click **Proceed to Step 2 of 3**.
9. Confirm your classes by clicking **Finish Enrolling**.

## Tuition

### How do I receive the Resident Tuition Rate?

You may qualify for the resident tuition rate if you meet the following conditions:

1. Continuously maintained your principal place of residence in New York State for a period of at least twelve consecutive months immediately preceding the first day of classes, and:
2. Continuously maintained your principal place of residence in New York City for at least the last six months immediately preceding the first day of classes.

To see if you qualify for BMCC's New York City residency tuition rate visit, [www.bmcc.cuny.edu/admissions/residency](http://www.bmcc.cuny.edu/admissions/residency)

### How do I pay my tuition bill?

1. Login to CUNYfirst at: <https://home.cunyfirst.cuny.edu>.
2. Select **HR/Campus Solutions** from the left menu.
3. Navigate to Self Service > Student Center.
4. In the Finances section, click the **Account Inquiry** link to see the details of the Account Summary.

**Note: Financial Aid information will be available 2 to 3 business days after your registration activity.**

Under the Account Inquiry Tab, you will be able to view your pending financial aid. If you have pending financial aid that will cover your tuition and fee charges, you do not need to proceed with the additional payment steps.

5. If you need to make a payment, select **Make a Payment**.
6. Enter dollar amounts in the Payment Amount column and select next.  
Payment should be made in full.
7. Enter Payment Details and select next.
8. Confirm Payment and Submit.

# Financial Aid

## How do I receive information about financial aid?

BMCC's financial aid website at [www.bmcc.cuny.edu/finaid](http://www.bmcc.cuny.edu/finaid) serves as the most comprehensive student resource for financial aid information of all types. You can:

- Learn about the various award programs and their eligibility requirements.
- Receive step-by-step guidance through the application and award process.
- File your financial aid application online.
- Check your application and award status.
- Conduct your own scholarship searches.

You may also contact the Financial Aid Office during regular business hours for one-on-one assistance. Be sure to check your BMCC student e-mail frequently for important financial aid updates!

## What types of financial aid are offered at BMCC?

Grants, loans, work-study, and scholarships are the most common sources of financial aid for BMCC students. Learn more about each type of financial aid listed below at [www.bmcc.cuny.edu/finaid](http://www.bmcc.cuny.edu/finaid).

### Grants

Money that does not have to be repaid.

- Federal Pell Grant (PELL)
- Federal Supplemental Educational Opportunity Grant (FSEOG)
- New York State Tuition Assistance Program (TAP)
- New York State Aid for Part-Time Study (APTS)

### Loans

Money that you borrow and must pay back with interest.

- Federal Direct Loan (subsidized & unsubsidized)

### Work-Study

Money that you earn from a job obtained through the Financial Aid Office.

### Scholarships

Money awarded based on financial need or academic merit.

## What kinds of scholarships are available?

BMCC awards hundreds of scholarships to students each year. Consult the Scholarship Office for a complete listing or visit: [www.bmcc.cuny.edu/scholarships](http://www.bmcc.cuny.edu/scholarships). Significant numbers of BMCC students benefit from BMCC Foundation, Inc. Scholarships, Out In Two Scholarships, and others.

## How do I apply for financial aid?

Apply for most types of federal and state financial aid by completing a Free Application for Federal Student Aid (FAFSA) at: [www.fafsa.gov](http://www.fafsa.gov). If you file your FAFSA-on-the-Web, you will be able to link directly to TAP-on-the-Web so that you may apply for New York State tuition assistance grants.

Online filing allows you to receive your application results in as little as 72 hours.

## What if I need access to a computer?

If you need access to a computer, use the campus open access web labs, or contact IT Services at [servicedesk@bmcc.cuny.edu](mailto:servicedesk@bmcc.cuny.edu).

## When should I apply for financial aid?

You can apply any time after October 1 for the next school year to ensure that you're

eligible for student aid. If you haven't filed your applications early enough, you will have no pending financial aid to put towards your tuition charges and may have to settle the charges from your own resources until processing of your financial aid application is completed.

### **Do I have to reapply for financial aid every year?**

Yes. Financial aid is awarded for a single academic year and is based on your family's economic situation during the previous year. Continuing students must reapply as early as possible in the spring semester for the following academic year.

### **Financial Aid Application Deadlines**

Try to meet the deadlines posted below. You may still apply for financial aid if you miss these deadlines, but funds from some sources may not be available to late filers. Some award programs with limited funding are awarded on a first-come, first-served basis.

#### **For Spring Admission**

##### **August 30**

File your FAFSA on the Web now! You should always try to use the IRS Data Retrieval option at FAFSA-on-the-Web to have your income tax information imported from IRS records to your application automatically. File TAP on the Web using the "Optional Feature -- Start your state application" link on the FAFSA Confirmation Page.

##### **September 30**

If you did not apply for TAP when you filed your FAFSA, go to TAP on the Web. Use this link to apply for TAP, but do so only after you have received your Federal Student Aid Report results from your FAFSA.

### **Financial Aid Award Deadlines**

- **Federal Award Programs**—with few exceptions, issues with your FAFSA must be resolved and resolvable with the Financial Aid Office by your last day of attendance in any award period (usually the semester).
- **Federal Direct Loan Requests**—must be received by the Financial Aid Office no later than three weeks before the end of the fall or spring terms.
- **New York State TAP**—Issues with your NYS TAP application must be resolved by June 30 of the award year.
- **Aid for Part-Time Study (APTS)**—An application must be on file before the end of the third week of your first semester of attendance within the award year.

The deadlines posted above are meant to give you enough time to have your applications processed and any problems with your application information corrected before your tuition bill due date. Allow at least 4-6 weeks processing time for your financial aid application(s).

If the Bursar's Office does not have enough information about your pending financial aid, you may have to settle the bill from your own resources until processing of your financial aid applications is completed.

Often, the Financial Aid Office must request additional information or documents to complete the processing of your application. Please respond promptly to any requests for additional information. Most delays in processing result from delayed responses. Don't wait until the day your bill is due. It can take 4 weeks or longer to process you for an award AFTER you submit additional information.

### **How to view financial aid in CUNYfirst Self-Service?**

The Student Center will provide information about your financial aid awards by term.

Step 1: Login to CUNYfirst.

Step 2: Select **HR/Campus Solutions** from the left menu.

Step 3: Navigate to **Self Service** followed by **Student Center**.

Step 4: Click the Financial Aid tab to view your awards.

Financial Aid information will be available on your account 2 to 3 business days after your registration activity is completed. You will also be able to view your estimated financial aid budget for the academic year and the scheduled disbursement dates of each award.

### **Academic Performance and Financial Aid Eligibility**

The federal and state financial aid programs require that you register for and maintain enrollment in your classes in order to receive financial aid awards. You are also expected to make satisfactory progress toward your degree in order to keep receiving your awards. The following is a summary of the enrollment and academic performance requirements for the federal and state financial aid programs.

### **Enrollment Requirements (Getting Your Aid)**

#### *Basic Enrollment Conditions*

**Federal Pell Grant:** Maintain enrollment from 1 to 18 credits/equated credits per semester. (Dollar amounts are pro-rated to your enrollment status at the end of the add/drop period.)

**Federal Loans, Work-Study & Supplemental Grant:** Establish and maintain enrollment in at least 6 credits or equated credits each semester.

**New York State Tuition Assistance Program (TAP):** Enroll full-time in a minimum of 12 credits or equated credits per semester.

**Part-Time TAP (PTAP):** Enroll part-time in a minimum of 6 to 11 credits or equated credits per semester (must earn 24 degree credits in the year preceding the 1st award)

**NYS Aid for Part-Time Study (APTS):** Enroll part-time in at least 6 to 11 credits or equated credits per semester (available to part-time students not receiving PTAP).

#### *Additional Enrollment Conditions*

**All Federal Aid Programs:** 30-hour limit on payment for remedial [non-ESL] classes.

**All Federal Aid Programs:** Courses taken must count for the degree.

**TAP:** Must include in full-time course load at least 3 degree credits in the 1st TAP semester and 6 degree credits every TAP semester thereafter.

**PTAP or APTS:** Must include at least 6 degree credits each PTAP or APTS semester.

**All NYS Aid Programs:** Courses counted toward the minimum full-time/part-time enrollment requirement MUST count for the degree.

#### *Repeating Failed Courses*

**All Federal Aid Programs:** Payments are available for repeating failed courses (subject to maintaining satisfactory progress).

**All NYS Aid Programs:** Payments are available for repeating failed courses (subject to maintaining satisfactory progress).

#### *Repeating Courses Previously Passed*

**All Federal Aid Programs:** Payments are available for a one-time repeat of any course previously passed.

**All NYS Aid Programs:** Payments are NOT AVAILABLE for repeating any class for which an acceptable passing grade was received.



## Satisfactory Progress Requirements (Keeping Your Aid)

### *When Academic Progress Is Measured*

**All Federal Aid Programs:** Measured once a year after spring term.

**All NYS Aid Programs:** Measured after each term.

### *Progress Conditions*

**All Federal Aid Programs:** Must meet the college's minimum retention standard or be granted academic probation.

**All Federal Aid Programs:** May attempt no more than 150% of courses needed for your current degree (that is, may attempt no more than 90 credits to earn 60).

**All Federal Aid Programs:** You must successfully complete a certain percentage of the total number of credits that you attempt according to the following table:

### Associate Degree

Credits Attempted	12	18	24	30	36	42	48	54	60	66	72	78	84	90
Credits Earned	0	2	4	6	13	19	23	27	33	39	44	49	55	61

**All NYS Aid Programs:** Must complete a certain % of coursework each semester a NYS payment is received.

Semester	1	2	3	4	5	6
% to complete	50%	50%	75%	75%	100%	100%

**All NYS Aid Programs:** Must earn credits toward the degree and attain a minimum GPA each semester the equivalent of a full-time NYS payment is received.

*Note: Students enrolled in a remedial program of study will be evaluated using the first chart without regard to the academic year TAP was first received.*

### 1st Payment Received before 2007-08 through 2009-10

Semester	1	2	3	4	5	6
Credits for degree	0	3	9	18	30	45
Minimum GPA	0	.5	.75	1.3	2.0	2.0

### 1st Payment Received in 2010-11 or thereafter

Semester	1	2	3	4	5	6
Credits for degree	0	6	15	27	39	51
Minimum GPA	0	1.3	1.5	1.3	2.0	2.0

## Is financial aid available for the winter and summer sessions?

The Spring Term will consist of two sessions: a winter session and a spring session. Enrollment in either or both the winter session and the spring session may be considered eligible enrollment for payment of Federal Pell Grant. New York State tuition assistance is not available for the winter session.

You may now receive Pell Grant for attendance in the summer session without affecting your ability to receive Pell in the fall and spring terms.

- You may also request Federal Direct Loan assistance for attendance in the summer session. Make sure you have filed a FAFSA for the new academic year.
- You may be eligible for a summer TAP award if you earned 24 degree credits in the prior fall and spring terms and have reapplied for TAP for the new academic year.

The college may be able to offer you a waiver of summer or winter session tuition under certain conditions. Check with the Academic Advisement and Transfer Office for more information.

Note that information about summer awards may not always be available at the time you register for summer classes. Although the Bursar attempts to defer summer tuition based on the best available financial aid information, it may not always be possible to do so. You may have to pay your tuition from other resources and receive a financial aid refund from the College at a later time.

For more information about your eligibility for winter and summer financial aid, read our information guide posted on our website.

### **How does withdrawing from classes affect my financial aid?**

Financial aid is awarded with the expectation that you will attend your classes for the entire period for which the aid was awarded. Withdrawing from class can have both short-term and long-range effects on your financial aid eligibility. An immediate short-term effect can be the elimination or reduction of your eligibility for a payment or payments in your current semester. Since withdrawals will not generally eliminate your tuition charges for the term, you may discover that your withdrawal causes you an unexpected financial hardship. There may also be long-range effects on your financial aid eligibility due to withdrawing from class. For example, you may not be able to meet one of the satisfactory academic performance requirements next semester or several semesters from now because of class withdrawals that happened in the current semester.

Before you withdraw from a class or classes, we suggest that you speak with your instructors and an academic advisor. Decisions related to your academic program should not be based solely on financial considerations, and an advisor can perhaps lead you to a solution that doesn't require you to withdraw.

## **Tips on How to Succeed in College**

### **Curriculum Planning**

Curriculum planning, rather than semester planning, allows you to see the bigger picture and map out your academic career at BMCC. Curriculum planning will force you to ask yourself what you want to accomplish at BMCC and how long it will take to reach those goals. You should meet with an academic or faculty advisor and plan your academic career as soon as possible.

### **Making Academic Changes**

Before making an academic change, make sure you have researched the consequences of your decision. Speak with a professor, an advisor, a counselor, or anyone you feel comfortable speaking with, but make sure you get the facts first. What are some examples of academic changes?

- Withdrawing from courses
- Dropping courses
- Change of major
- Change of semester program
- Registering for courses outside of your curriculum
- Transferring to another college

# DegreeWorks

**DegreeWorks** is an online advisement system that provides you with details about the courses and requirements you have taken and those which are still required for graduation. Users can access DegreeWorks by visiting <https://degreeworks.cuny.edu> and use their CUNYfirst username and password to log on.

## DegreeWorks Features

Step-by-Step instructions for DegreeWorks:

Step 1: Go to <https://degreeworks.cuny.edu>

Step 2: Enter your CUNYfirst Username and Password and click the login button.

Step 3: On the landing page, click on the DegreeWorks link for BMCC.

Step 4: Students will be taken to their own customized audit.

Note: If you experience issues in accessing DegreeWorks, please email [dwhelp@bmcc.cuny.edu](mailto:dwhelp@bmcc.cuny.edu).

## DegreeWorks Features

### Worksheet Tab

This tab displays the student's degree progress based on the major listed on the student's file. This also displays the student's remedial placement information, student groups and academic notes.

### What If Tab

What-If audits allow you to check into other majors using your current class history. You can use this tab if you are thinking of changing your major and would like to know where you stand in the new curriculum.

### Planner Tab

The Planner contains a grid organized by academic term. Advisors can plan student's future course offerings for as many as six semesters. Students can only view a planned schedule.

### Notes Tab

Often advisors would like to make a permanent note of what was discussed and what needs to be done next. They may also want to see what has been discussed with the student by a previous advisor. The Notes feature of Degree Audit can be used for this.

### GPA Calculator Tab

There are three different GPA calculators: Graduation, Term, and Advice. The calculators, in conjunction with current DegreeWorks functions, can help students in realistic goal setting at the beginning of the term, precise calculation of their end-of-term GPA using students' actual academic information, and accurate mapping of students' paths for achieving honors, avoiding probation, or satisfying personal academic aspirations.

### Look Ahead Tab

Students can use this tab to see exactly how a future course can be applied to their graduation requirements. This is similar to running a Planner Audit. Students mostly use this tab since they do not have access to process an audit from Planner.

### Help

The dynamic Help button, at the upper right-hand corner of the screen, includes a detailed description of all the functions and features. If you need further help, please email the DegreeWorks implementation team at: [dwhelp@bmcc.cuny.edu](mailto:dwhelp@bmcc.cuny.edu).

## Graduation & Transfer Checklist

1. Register for your last semester's courses and make sure you will complete all of your program requirements.
2. Apply for graduation. (Check the Academic Calendar for the deadlines.)
3. A graduation evaluation will be mailed from the Registrar's Office.
4. Receive your graduation audit from the Registrar's Office.
5. Research the requirements for your intended transfer institution.
6. File a transfer application by the appropriate deadlines. Please visit [www.cuny.edu](http://www.cuny.edu) for the transfer deadline for fall and spring admission to CUNY senior institutions. For all other institutions, please check directly with them.
7. Request an official BMCC transcript be sent to your intended institution if you are applying for a non-CUNY institution.

## Grades - ABCDF? 4.0? What's 3.2?

### How do I compute my Grade Point Average (GPA)?

After you complete a course, you receive a letter grade. Most letter grades have a numerical point value (see Grading System Chart below).

### Grade Conversion Chart

Grade	=	Quality Points
A		4.0
A-		3.7
B+		3.3
B		3.0
B-		2.7
C+		2.3
C		2.0
C-		1.7
D+		1.3
D		1.0
D-		0.7
F		0.0

## How to Calculate Your GPA

To calculate your semester GPA (grade point average), follow these easy five steps, also called DMAAD.

1. Determine the point value for each grade earned (remedial courses don't calculate into GPA).
2. Multiply the point value by the number of credits. This will give you your earned points.
3. Add the total number of credits attempted.
4. Add the total quality points.
5. Divide the total quality points by the total number of credits attempted to get your GPA.

### GPA Calculation Example

Course	Final Grade	Quality Points		Credits		Points Earned
English I	B+	3.3	x	3	=	9.9
Accounting I	A	4.0	x	4	=	16.0
Intro. to Business	WU	0.0	x	3	=	0.0
Art Survey I	A-	3.7	x	2	=	7.4
Fundamentals of Speech	B	3.0	x	3	=	9.0
Health Education	F	0.0	x	2	=	0.0
<b>Totals</b>				<b>17</b>		<b>42.3</b>

$$\begin{array}{rclclcl} & \text{Total Points Earned} & & 42.3 & & \\ \text{GPA} = & & = & & = & 2.49 \\ & \text{Credits Attempted} & & 17.0 & & \end{array}$$

If you wish further explanation regarding grade point average, see your academic advisor in the Academic Advisement and Transfer Center or your faculty advisor.

For a full view of the grading policies, go to: [www.bmcc.cuny.edu/academics/policies/grading-policies/](http://www.bmcc.cuny.edu/academics/policies/grading-policies/).

Final grades are given at the end of the semester for each course. Grades assigned at the completion of a course are as follows:

Grades	Definition	Index
A	93 – 100%	4.0
A-	90 – 92%	3.7
B+	87 – 89%	3.3
B	83 – 86%	3.0
B-	80 – 82%	2.7
C+	77 – 79%	2.3
C	73 – 76%	2.0
C-	70 – 72%	1.7
D+	67 – 69%	1.3
D	63 – 66%	1.0
D-	60 – 62%	0.7
F	Failure	0.0
R	Course must be repeated; minimum level of proficiency not attained.	–
S	Satisfactory	–
U	Unsatisfactory (counts as Failure)	0.0
W	Student withdrew from class between 4th and 10th week; non Failure.	–
Z	No grade submitted by the instructor.	–
CR	Transfer credit from another institution or course taken on permit	–
NC	No credit granted. Restricted to credit-bearing courses, first-time freshmen and Nursing students.	–
WA	Administrative Withdrawal (assigned by the Registrar's Office for administrative reasons, e.g. lack of immunization)	–
WD	Drop Withdrawal (assigned by the Registrar's Office for drops during 2nd and 3rd week of classes)	–
WN	Never attended (instructor initiates this grade during commencement of attendance for not attending at all during the first week of classes)	–
WU	Withdrew Unofficially (Same as "F". If a student stopped attending at any time during the term then he/she should receive a WU grade)	0.0
AUD	Audit. Course not taken for credit or grade.	–
INC	Term's work is incomplete. The "INC" grade reverts to a "FIN" if a change is not made by the following deadlines: Spring and Summer terms- November 1; Fall term- March 15.	–
FIN	"F" from incomplete.	0.0
PEN	Grade Pending disciplinary action	0.0

<sup>1</sup> An "NC" grade can be assigned to a first semester freshman who has completed a course with a "D-, D, D+" (with the student's permission) or an "F" grade. An "NC" grade can also be assigned to a Nursing course one time only during the 2nd-4th clinical semesters, when a student has earned a grade lower than "C." Students who transfer to another institution should note that "NC" grades may be treated as "F" grades.

## Academic Success Guide

The information contained in this section highlights several important aspects of academic life at BMCC. These aspects are presented to help you focus on achieving academic success.

### Classroom Etiquette

Now that you are a college student enrolled at BMCC, you are expected to present yourself and act the way a responsible college student is to behave in and outside of the classroom. Proper college decorum helps the BMCC college community maintain a safe and scholarly environment conducive to academic success and college life.

In addition, classroom protocol requires that students respect themselves, fellow students, professors, and staff by following simple rules, such as:

- You should come to class on time.
- When problems occur between members of the BMCC community, seek the proper venue for resolving conflict.
- If you have been unavoidably detained and are arriving late for class, try to enter the classroom as quietly as possible in order not to disturb the class in session.
- While in class, you must silence cellphones and other devices.
- Keep noise levels down throughout the building. Disruptions in and out of the classroom will not be condoned.

### Transfer Information

When should you begin thinking about and preparing for transfer to another college? The moment you enroll at BMCC! Early preparation and planning lead to more desirable results. Here are some of the benefits of early transfer preparation:

- You will be able to research different schools and find exactly the one that fits you both academically and socially.
- You will be able to search and apply for available scholarships.
- You will feel more in control of the transfer process.
- You can speak with admissions and transfer counselors from the different schools you are looking to transfer to.

**Now that you know the benefits, here are the transfer steps:**

- Research the major of your choice as soon as possible.
- Stop by the Academic Advisement & Transfer Center, room S-108, to see which 4-year college(s) offers your major.
- Check to see if BMCC has any articulation agreements in that major, or with the college you are interested in. (An articulation agreement formally partners an associate degree program with a baccalaureate degree program. The agreement maximizes the number of credits the student transfers to the senior college and allows for a seamless transfer).
- Attend a BMCC Transfer Fair or Individual College Visits to meet with a college representative for details about your intended program and general college information.
- Make sure all BMCC program and college requirements are or will be completed.
- Have the college application and essay, if required, completed BEFORE the deadline.
- Request that an official BMCC transcript be sent to the college(s) of your choice from the Registrar's Office.

## **Degree Completion and Transfer Benefit**

Whether you wish to transfer to a CUNY senior college or a private or public institution, completing your associate degree at BMCC will go a long way to assuring your future academic success. Here are five other top reasons to consider:

5. You have something to walk away with! You will have more than just a high school diploma or a GED.
4. You have an “insurance policy” on a completed body of work! Schools are more likely to take all of your credits.
3. You save an awful lot of money by completing the first leg of your education here.
2. You become a more desirable candidate to other colleges and employers because you complete your degree!
1. Because when you “Start Here,” and complete your degree requirements, you can “Go Anywhere.”

## **Articulation Agreements and How They Work**

In order to further support the smooth transition from a two-year to a four-year college, the Academic Affairs Office works diligently to foster articulation agreements with senior institutions. Although these agreements do *not* guarantee admission to a particular school, they do guarantee that all degree courses will be accepted if the guidelines are strictly followed. For a complete list of BMCC’s current articulation agreements listed by majors, please visit our website at:

[www.bmcc.cuny.edu/academics/advisement/articulation-agreements/](http://www.bmcc.cuny.edu/academics/advisement/articulation-agreements/)

## **Sister College Recruitment**

BMCC has developed strong relationships with Wellesley, Mt. Holyoke and Smith Colleges, three of the five prestigious sister colleges located in New England. These colleges visit our campus annually to recruit from our large group of academically successful female students who are 24 years and older. Some of these programs offer special housing and scholarship awards for those who qualify. For more information on this program, please contact the Academic Advisement and Transfer Center at [eadvisement@bmcc.cuny.edu](mailto:eadvisement@bmcc.cuny.edu).

## **The Community College Transfer Opportunity Program (CCTOP)**

CCTOP makes it easier for you to transfer from any of the participating community colleges, including BMCC, to New York University - Steinhardt School of Education, Silver School of Social Work and School of Continuing and Professional Studies-Paul McGhee Division. This is done by offering transfer agreements that allow you to maximize the number of credits you can transfer, scholarships to help you meet the cost of tuition, and an advisor to answer all of your questions and help you make a successful transition to NYU. For more information on this program, please contact [eadvisement@bmcc.cuny.edu](mailto:eadvisement@bmcc.cuny.edu).

## **Transfer Application Process**

Now that you have decided which school(s) you want to apply to, where do you go from here? Once you have researched your choice school(s) and determined that you meet the minimum requirements, get an application! All you have to do after that is fill out the application and request your official transcripts.

The CUNY application can be accessed online at [www.cuny.edu](http://www.cuny.edu). Many, if not most, colleges prefer that you fill out their applications online; however, you can request the applications from the individual colleges directly.



Finally, if you have any questions or need help completing your applications, the Academic Advisement & Transfer Center is here to help you any way they can. Just stop in room S-108 and speak with one of their advisors.

## E-Advisement

E-advisement is a service offered to BMCC students who are seeking online advisement. Inquiries are answered within 48 hours (during regular advisement periods). Please go to [www.bmcc.cuny.edu/advisement/e-advisement.jsp](http://www.bmcc.cuny.edu/advisement/e-advisement.jsp) to utilize this service.

## Academic Audit

During your next to last semester, you will be invited to meet with an advisor to make sure you are on-track to graduate. At that time, you will be made aware of the need for completing any remaining degree requirements (including courses and remedial requirements).

## Student Engagement & Success

### How do I get involved on campus?

BMCC offers a wide range of opportunities for students to get involved outside of the classroom. For instance, time and space is set for student clubs to meet every Wednesday from 2 p.m.-3:50 p.m. Don't see a club or activity that you are interested in? Visit the Student Activities Office, room S-230 to talk about starting a new club or activity!

### Student Clubs & Organizations

- Academic Clubs
- Creative Clubs
- Diversity/Multicultural Clubs
- Media Organizations
- Political Clubs
- Professional Clubs
- Religious Clubs
- Social Services Club
- Sports Clubs

### Success Programs

- Achievers
- Building Outstanding Leaders of Tomorrow (BOLT)
- Coaching Officers to Acquire Critical club Habits (COACH)
- Co-Curricular Transcript (CCT)
- Conexiones & Connections
- Degree Under Three (DU3)
- First Year Experience (FYE) Workshops
- IMPACT Peer Mentoring Program
- National Society of Leadership & Success (NSLS)
- Panther Partners Program (First-Generation College Student Coaching)
- Phi Theta Kappa (PTK)
- Refining Each Ascending Leader (REAL)

- Sister2Sister Mentoring Program
- Urban Male Leadership Academy (UMLA)

### Experiential Programs

- Alternative Spring Break
- Career Explorers
- CPR Training
- Fit Mind Workshops
- Internships
- Mental Health First Aid Certification
- MoneyWorks
- Partners Lending Universal Support (PLUS)
- Undergraduate Research
- Study Abroad
- Student Government Association

### BMCC Athletics

- Men's Baseball
- Men's & Women's Basketball
- Men's & Women's Soccer
- Women's Volleyball
- Men's & Women's Cross Country

# Section 3:

## Services



### **Academic Advisement and Transfer Center (AATC)**

Room S-108 • Phone (212) 220-8315 • [aatc@bmcc.cuny.edu](mailto:aatc@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/advisement](http://www.bmcc.cuny.edu/advisement)

Connect with AATC to explore your interests and career goals, develop an educational plan, monitor academic progress, get referrals to campus resources and get support for successful transfer to a 4-year college.

### **Accelerated Study in Associate Programs (ASAP)**

Room M-1412 • Phone (212) 346-8660 • [asap@bmcc.cuny.edu](mailto:asap@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/asap](http://www.bmcc.cuny.edu/asap)

ASAP is an academic program that helps students earn an associate degree within three years. The program provides academic, financial and personal support that include an academic advisor, tutoring, MetroCard, textbook assistance and scholarships for financially eligible students.

### **Office of Accessibility**

Room N-360 • Phone (212) 220-8180 • [accessibility@bmcc.cuny.edu](mailto:accessibility@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/accessibility](http://www.bmcc.cuny.edu/accessibility)

If you have a documented disability and require accommodations, the Office of Accessibility can assist you. Accommodations, such as extended time testing, readers, sign-language interpreters, note-taking services and textbooks on tape are assigned on an individualized basis, according to CUNY Documentation Guidelines.

### **Admissions**

Room S-310 • Phone (212) 220-1272 • [admissions@bmcc.cuny.edu](mailto:admissions@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/admissions](http://www.bmcc.cuny.edu/admissions)

The Admissions Office is the entrance point for all new students. At BMCC, you will be able to choose from more than 50 different academic programs. With learning options that include evening, weekend and online courses, there will be something just right for you. The office also evaluates transfer credits for entering transfer students.

### **Advocacy Resource Center**

Room S-230 • Phone (212) 220-8195 • [arc@bmcc.cuny.edu](mailto:arc@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/arc](http://www.bmcc.cuny.edu/arc)

Students can receive assistance in addressing barriers affecting their ability to succeed in college. The Advocacy and Resource Center/ARC (formerly Single Stop) offers food assistance, tax preparation, emergency funds, health insurance and other services. In addition, all services offered at the Center are FREE!

### **Athletics, Recreation, and Intramurals**

Room N-255 • Phone (212) 220-8260 • [athletics@bmcc.cuny.edu](mailto:athletics@bmcc.cuny.edu)  
[www.bmccathletics.com](http://www.bmccathletics.com)

#### **Intercollegiate Athletics**

BMCC's intercollegiate athletic program consists of baseball, men and women's basketball, men and women's soccer, women's volleyball and E-Sports. The college is a member of both Region XV of the National Junior College Athletic Association and the City University of New York Athletic Conference. Students can join the Esports program and compete against other NJCAA schools in individual or team video gaming titles.

#### **Intramurals**

BMCC students may participate in intramural volleyball, basketball and soccer leagues.

In addition, students, faculty, and staff may use the open gym for recreational badminton, basketball, soccer, table tennis, tennis and volleyball.

### **Recreation**

A modern fitness center is equipped with weight training equipment and aerobic machines. Students may also use the modern, Olympic-style swimming pool, or participate in various group fitness classes.

### **BMCC Academy of Leadership & Service**

Room S-230 • Phone (212) 220-8160 • [osa@bmcc.cuny.edu](mailto:osa@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/studentactivities/index-leadership-new.jsp](http://www.bmcc.cuny.edu/studentactivities/index-leadership-new.jsp)

Visit the BMCC Academy of Leadership & Service to learn about leadership training, volunteer opportunities, peer mentoring and other programs.

### **Bursar**

Room S-330 • Phone (212) 220-1300 • [bursar@bmcc.cuny.edu](mailto:bursar@bmcc.cuny.edu) &  
[tap@bmcc.cuny.edu](mailto:tap@bmcc.cuny.edu) • [www.bmcc.cuny.edu/bursar](http://www.bmcc.cuny.edu/bursar)

The Bursar's office is responsible for the billing, tuition and fees, and processing of refunds and certification of TAP at BMCC.

*To learn more about paying your tuition bill, go to the "How Do I" section of this handbook.*

### **Cafeteria/MBJ Food Services**

2nd Floor South • Phone (212) 220-8000 ext 7260 • [mbjfoodservice@bmcc.cuny.edu](mailto:mbjfoodservice@bmcc.cuny.edu)

The cafeteria, located on the second floor of the Chambers Street building, serves hot and cold food at reasonable rates. It also provides catering services for student activities and club events. Barclay Street café offers grab and go meals and snacks located on Fiterman Hall first floor.

### **Campus Bookstore**

2nd Floor, Main Lobby • Phone (212) 267-3474 • [www.bmcc.bncollege.com](http://www.bmcc.bncollege.com)

Textbooks, supplies, tee-shirts, etc. may be found at the campus bookstore.

### **Center for Career Development**

Room S-342 • Phone (212) 220-8170 • [career@bmcc.cuny.edu](mailto:career@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/career](http://www.bmcc.cuny.edu/career)

The Center for Career Development provides comprehensive employment and career counseling services that assist students in developing an effective career plan, including career exploration, career skill-building workshops, employer workshops and career fairs.

### **Co-Curricular Transcript (CCT)**

Room S-230 • Phone: (212) 220-8160 • [cct@bmcc.cuny.edu](mailto:cct@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/cct](http://www.bmcc.cuny.edu/cct)

The Co-Curricular Transcript (CCT) is a comprehensive record of one's own participation and achievements outside of the classroom while enrolled at Borough of Manhattan Community College (BMCC). When coupled with the academic transcript, a holistic representation of the student's total education, both inside and outside of the classroom, will be created.

### **College Discovery Program (CD)**

Room S-335 • Phone (212) 220-8152 • [cdp@bmcc.cuny.edu](mailto:cdp@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/cd](http://www.bmcc.cuny.edu/cd)

College Discovery (CD) is an Opportunity Program offered in CUNY community colleges. Students who qualify are provided with specialized counseling, tutoring, and additional funds for books, travel, or meals. Upon transferring to four-year colleges, students are eligible for SEEK programs in CUNY, HEOP in SUNY and EOP in private colleges.

### **Office of Compliance and Diversity**

Room S-735 • Phone (212) 220-1236 • [ocd@bmcc.cuny.edu](mailto:ocd@bmcc.cuny.edu) • <https://www.bmcc.cuny.edu/about-bmcc/compliance-diversity/>

BMCC is committed to ensuring a discriminatory-free environment, where all individuals are treated fairly and with respect. Individuals across the BMCC campus can file a complaint of unlawful discrimination or harassment with the Office of Compliance and Diversity (OCD). Students can also contact Public Safety for support at (212) 220-7080. OCD is responsible for enforcing policies, including the CUNY policy on sexual misconduct, the CUNY policies and procedures on equal opportunity and non-discrimination and the CUNY procedures for implementing reasonable accommodations and academic adjustments. Copies of these policies, as well as the notice of non-discrimination, appear in this handbook on pages (69-70) and can also be found on the OCD website. Links to the policies can be found here: <https://www.bmcc.cuny.edu/about-bmcc/compliance-diversity/policies/>

If you need assistance filing a complaint of unlawful discrimination/harassment, obtaining a reasonable accommodation, or if you have any questions regarding the policies enforced by the OCD, please contact the office.

### **Instructional Technology: Open Access Computer Labs**

Room S-140 • Phone (212) 220-8122 • [www.bmcc.cuny.edu/it](http://www.bmcc.cuny.edu/it)

Open access computer labs available for: completing class assignments, accessing the internet, accessing blackboard and courseware, writing papers, conducting research, checking email, online registration and technical assistance. Please bring your validated BMCC ID card and check the College website for updates to the schedule.

### **Computer Lab Locations:**

Chambers Street, 199 Chambers Street, Room S-115B  
Murray Street Building, 70 Murray Street, Room M-1109  
Fiterman Hall, 245 Greenwich Street, Room LL03

### **Conexiones & Connections**

Room S-136 • [connections@bmcc.cuny.edu](mailto:connections@bmcc.cuny.edu) • [www.bmcc.cuny.edu/conexiones](http://www.bmcc.cuny.edu/conexiones)  
[www.bmcc.cuny.edu/connections](http://www.bmcc.cuny.edu/connections)

Conexiones & Connections provides an intentional community of support for Latinx students from their first day of class through graduation. Bilingual advisors and peer mentors curate culturally relevant co-curricular activities that empower students to meet their educational and personal goals. Each student receives guidance to make the connection between their major and career interests. The summer engagement programs strengthen students' networking, leadership and problem-solving skills. As they approach graduation, Conexiones students work with alumni success coaches to research and transfer to their preferred senior colleges.

### **Counseling Center**

Room S-343 • Phone (212) 220-8140 • [counselingcenter@bmcc.cuny.edu](mailto:counselingcenter@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/counseling](http://www.bmcc.cuny.edu/counseling)

The Counseling Center supports the academic success of currently enrolled students by providing personal and academic counseling to students and consultation to faculty and staff. Counselors assist students in addressing psychological and adjustment issues including test anxiety, stress/time management, general anxiety and depression that can impact academic performance and slow progress toward graduation. The Center works collaboratively with students, faculty and staff to create and maintain a campus environment that encourages and supports well-being.

### **CUNY EDGE**

Room M-1216B • Phone (212) 346-8486 • [cunyedg@bmcc.cuny.edu](mailto:cunyedg@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/academics/success-programs/cuny-edge](http://www.bmcc.cuny.edu/academics/success-programs/cuny-edge)

CUNY EDGE is a program that aims to support the specific needs of students who are receiving government assistance while pursuing an undergraduate degree.

### **CUNY Start I Math Start**

Room M-1018 • Phone (212) 346-8398  
[www.bmcc.cuny.edu/cunystart](http://www.bmcc.cuny.edu/cunystart) | [cunystart@bmcc.cuny.edu](mailto:cunystart@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/mathstart](http://www.bmcc.cuny.edu/mathstart) | [mathstart@bmcc.cuny.edu](mailto:mathstart@bmcc.cuny.edu)

CUNY Start is an intensive reading/writing, math and college success program that helps students to reduce or eliminate their developmental coursework. CUNY Start costs \$75 and allows students to save their financial aid for credit courses at CUNY. Math Start is an 8-week CUNY Start program that prepares students to reduce or eliminate their developmental coursework exclusively in math. The cost for Math Start is \$35.

### **Early Childhood Center**

Room N-375 • Phone (212) 220-8250 • Fax (212) 748-7462  
[www.bmcc.cuny.edu/ecc](http://www.bmcc.cuny.edu/ecc)

The provision of high-quality early care and education services is offered to student-parents. Accredited by the National Association for the Education of Young Children (NAEYC); the program is also licensed by the Department of Health and Mental Hygiene (DOHMH) and the Office of Children and Family Services (OCFS).

### **E-Learning Center**

Room S-510A • Phone (212) 220-1243 • [elearning@bmcc.cuny.edu](mailto:elearning@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/elearning](http://www.bmcc.cuny.edu/elearning)

Fully online, online, and hybrid courses give students flexibility in scheduling academic work with personal commitments. To see a list of e-learning courses, help using Blackboard, and instructions for completing BMCC's e-learning orientation, please visit the e-learning website.

### **Enrollment Services/Panther Station**

Phone (212) 220-8000 x7320 • [www.bmcc.cuny.edu/panther-station](http://www.bmcc.cuny.edu/panther-station)

Enrollment Services provides students, and their families, with information and guidance on their enrollment questions, relating to admissions, financial aid, and registrar. Enrollment Services includes the Panther Station (One-Stop Enrollment Center), Contact Center, and Lab Services who assist students in-person, by phone, and online to ensure a positive enrollment experience.

## **Evening/Weekend Program**

Room S-715A • Phone (212) 220-8325 • [eveningweekend@bmcc.cuny.edu](mailto:eveningweekend@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/evening\\_weekend](http://www.bmcc.cuny.edu/evening_weekend)

Evening/Weekend and Off-Site Programs provide options for students who are unable to attend school during weekdays so that you can obtain your degree by taking classes in the evening and/or on the weekend.

## **Financial Aid**

Room S-225 • Phone (212) 220-1430 • Fax (212) 346-8515  
[finaid@bmcc.cuny.edu](mailto:finaid@bmcc.cuny.edu) • [www.bmcc.cuny.edu/finaid](http://www.bmcc.cuny.edu/finaid)

Financial aid is the money that comes from the federal, state, and city governments that helps students meet the costs of tuition, textbooks, fees, etc.

## **Health Services**

Room N-380 • Phone (212) 220-8256 • Fax (212) 220-2367  
[healthservices@bmcc.cuny.edu](mailto:healthservices@bmcc.cuny.edu) • [www.bmcc.cuny.edu/student\\_services/health-services](http://www.bmcc.cuny.edu/student_services/health-services)

Health Services Office will provide students with first aid treatment, health-related counseling, evaluation of medical emergencies, and referral services on an individual basis.

## **International Student Services**

Room S-115N • Phone (212) 776-7179 • [internationalstudents@bmcc.cuny.edu](mailto:internationalstudents@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/international](http://www.bmcc.cuny.edu/international)

The International Student Services Office (ISSO) will provide guidance on your F-1 (student) status and how to maintain a valid BMCC I-20. It also collects SEVIS information as mandated by the Department of Homeland Security.

## **Lactation**

The Respite Room in the Women's Resource Center provides a nurturing completely private space for lactating and expressing milk. For more information, please see the WRC Lactation page: <https://www.bmcc.cuny.edu/lactation>

## **Locations**

Main Campus*	Room S-340K
Murray Building	Room M-317
Fiterman Building	Room F-910

## **Hours**

Seven Days a week 9 a.m.-11 p.m. or depending on class schedule and building hours. Reservations/Appointments are required, walk-in's are subject to availability.

*\*Staff is only onsite at the WRC location Mon.-Fri. from 9 a.m.-5 p.m.*

## **How to make an appointment**

- Contact the Women's Resource Center via email: [wrc@bmcc.cuny.edu](mailto:wrc@bmcc.cuny.edu) or phone: (212) 220-8165 or stop by our office in Room S-340 to request an appointment in the location(s) of your choice.
- Appointments can be one time or reoccurring in 30 minute intervals
- To provide access to space, appointment information will be shared with Public Safety for any reservations made after 5p.m. Mon.-Fri. in the WRC, anytime during the weekend in the WRC, and for all appointments in Fiterman and Murray locations
- For cancellations or rescheduling, please contact the WRC immediately

## **There are other locations available around campus:**

Students contact Health Services, Room N-380; Phone (212) 220-8255,  
Email: [healthservices@bmcc.cuny.edu](mailto:healthservices@bmcc.cuny.edu)



### **Learning Academy (BLA)**

Room M-1413 • Phone (212) 346-8640 • [bmccla@bmcc.cuny.edu](mailto:bmccla@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/learningacademy](http://www.bmcc.cuny.edu/learningacademy)

The BMCC Learning Academy (BLA) is a community-oriented success program that offers supportive personalized advisement, exciting learning communities, success seminars and interactive career and transfer guidance.

### **LGBTQ+ Services**

Room S-350 • Phone (212) 220-8130 • [safezone@bmcc.cuny.edu](mailto:safezone@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/safezone](http://www.bmcc.cuny.edu/safezone)

LGBTQ+ students can receive support through several programs including the BMCC Safe Zone, Rainbow Panthers Student Club, and programs and events throughout the year. Safe Zone provides support by training students, faculty and staff to be understanding advocates for the LGBTQ+ students.

### **Library, A. Philip Randolph Memorial**

Rooms S-410 & S-430 • Phone (212) 220-1451 • [library@bmcc.cuny.edu](mailto:library@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/library](http://www.bmcc.cuny.edu/library)

The Library contains over 100,000 books, more than 100 print magazine/journal subscriptions, over 100,000 electronic journals, magazines, and newspapers, and over 500,000 electronic books. Some of the library's services include: Remote Access to hundreds of online resources • Online and In-Person Research Help • Textbooks • Assistive Technology • Leisure Reading Collection • Free online access to the New York Times and Wall Street Journal • DVDs for seven day loan • Streaming media databases • Group Study Rooms • Tablets for three day loan • Laptops for three hour loan • Study space • Free scanning

### **National Society of Leadership and Success**

Room S-230 • Phone (212) 220-8160 • [nsls@bmcc.cuny.edu](mailto:nsls@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/student-affairs/nsls/](http://www.bmcc.cuny.edu/student-affairs/nsls/)

The National Society of Leadership and Success is the nation's largest leadership honor society and they engage students in a semester-long process of leadership development to become fully inducted into the Society.

### **New Student Programs**

Room S-136 • Phone (212) 776-6215 • [newstudentprograms@bmcc.cuny.edu](mailto:newstudentprograms@bmcc.cuny.edu)

New Student Programs provides all new and incoming students support in transitioning to the BMCC community. They offer programs such as Panther Partners, Family GPS orientation, F.Y.E, and Panther GPS New Student Orientation.

### **Peer Mentoring Programs**

Room S-136 • [impactmentors@bmcc.cuny.edu](mailto:impactmentors@bmcc.cuny.edu) • [www.bmcc.cuny.edu/student-affairs/peer-mentoring/](http://www.bmcc.cuny.edu/student-affairs/peer-mentoring/)

The IMPACT Peer Mentoring program provides support to help students make connections and feel empowered to chart their own course to success in college and beyond.

### **Public Safety**

Room S-211 • Phone (212) 220-8075 • Fax (212) 220-2374  
[safety@bmcc.cuny.edu](mailto:safety@bmcc.cuny.edu) • [www.bmcc.cuny.edu/safety](http://www.bmcc.cuny.edu/safety)

**Emergency: (212) 220-8080 or 911 (also blue call boxes are located around the campus)**



The BMCC Public Safety Service is here to provide a safe, secure, and comfortable environment for students, faculty, staff, and visitors.

*For more information on Domestic Violence Policies, go to the “Policies” section of this handbook.*

### **Registrar**

Room S-315 • Phone (212) 220-1290 • Fax (212) 220-1254  
[registrar@bmcc.cuny.edu](mailto:registrar@bmcc.cuny.edu) • [www.bmcc.cuny.edu/registrar](http://www.bmcc.cuny.edu/registrar)

The Registrar's Office maintains your academic records, schedule of classes, registers you for courses, issues transcripts to colleges and employers, and certifies you for certain benefits.

*For a step-by-step description on how to use the CUNYfirst for Web Registration, go to the “How Do I” section of this handbook.*

Please be sure you print and keep all of your CUNYfirst records.

### **Scholarships, Awards and Other Opportunities Office**

Room S-225A • Phone (212) 220-8133 • [www.bmcc.cuny.edu/scholarships](http://www.bmcc.cuny.edu/scholarships)

BMCC offers a number of scholarship awards, and other opportunities for BMCC students.

### **Service Desk**

Room S-141 • Phone (212) 220-8379 • [servicedesk@bmcc.cuny.edu](mailto:servicedesk@bmcc.cuny.edu)  
<https://servicedesk.bmcc.cuny.edu/TDClient/Home/>

The Service Desk will assist you with ID Cards, BMCC portal, Email access, CUNYfirst, Office 365, etc. It is meant to provide students with technical assistance while keeping their busy schedules in mind.

There are several ways to get assistance from the Service Desk:

1. Visit the website which contains a host of information and system alerts: <https://servicedesk.bmcc.cuny.edu/TDClient/Home/>
2. Get answers to frequently asked questions at our touch screen kiosks deployed throughout the campus or by accessing the BMCC Solution Center via BMCC portal: <https://mybmcc.bmcc.cuny.edu>
3. Email us at [servicedesk@bmcc.cuny.edu](mailto:servicedesk@bmcc.cuny.edu) from your BMCC Student Email (never provide your social security number and/or your DOB in an email)
4. Call us at (212) 220-8379 or visit us in room S-141 in the 199 Chambers Street building

*For more information, see the computer information in the “How Do I” section of this handbook.*

### **Help us help you!**

If you do have questions, contact the Service Desk and explain the problem in as much detail as possible. Include any error messages, time of day error occurred, and the software that you are using. The Service Desk staff can resolve your technical problems much more expediently if you email us from your BMCC Student Email account (never provide your SS# and/or your DOB via email). In-person service is also available in room S-141.

## **Office of Student Activities (OSA)**

Room S-230 • Phone (212) 220-8160 • [osa@bmcc.cuny.edu](mailto:osa@bmcc.cuny.edu)

[www.bmcc.cuny.edu/studentactivities](http://www.bmcc.cuny.edu/studentactivities)

The Office of Student Activities (OSA) provides engaging programs, community service, and leadership training opportunities. They also support student-organized events and encourage students to participate in campus life. OSA is home to the BMCC Academy of Leadership & Service. The Academy is composed of the following programs: Building Outstanding Leaders of Tomorrow (B.O.L.T.), Student Partners Lending Universal Support (Student P.L.U.S.), Coaching Officers to Acquire Critical club Habits (C.O.A.C.H.), Refining Each Ascending Leader (R.E.A.L.), Civic Leadership Program, The Leadership GEM Series and Career Explorers Program.

## **Student Affairs Success Programs**

Room S-136 • Phone (212) 776-6316 • [studentsuccess@bmcc.cuny.edu](mailto:studentsuccess@bmcc.cuny.edu)

Student Success fosters the growth and development of continuing students at the College to prepare them for graduation, transfer and career success. To support these outcomes, Student Success offers co-curricular engagement opportunities and provides personal and academic support to probation students, high achieving students, DREAMers, financial literacy cohorts and more. We partner with offices across the College to help students solve problems, celebrate successes and take ownership of their BMCC experience.

## **Student Government Association (SGA)**

Room S-242 • Phone (212) 220-8208 • [sga@bmcc.cuny.edu](mailto:sga@bmcc.cuny.edu)

[www.bmcc.cuny.edu/sga](http://www.bmcc.cuny.edu/sga)

The Student Government Association (SGA) represents BMCC students in the academic, cultural, and social affairs of the College.

## **Tutorial/Learning Assistance Programs**

BMCC offers a variety of learning labs and resources that are specifically designed to offer you assistance in particular academic subjects or skills.

### **Basic Skills English Lab**

Room S-510R • Phone (212) 220-8295 • [www.bmcc.cuny.edu/english/index.jsp](http://www.bmcc.cuny.edu/english/index.jsp)

The Basic Skills English Lab offers tutoring for students taking English 088, 095 and 100.5. We will help you get more fluent with your writing, train you how to find and fix your own errors, as well as show you strategies that will help you pass your final writing and the CATW.

### **College Discovery Tutorial Program (Learning Resource Center)**

Room S-510 • (212) 220-8152 • [cdtutoring@bmcc.cuny.edu](mailto:cdtutoring@bmcc.cuny.edu)

[www.bmcc.cuny.edu/cd/index.jsp](http://www.bmcc.cuny.edu/cd/index.jsp)

Students in College Discovery are required and expected to participate in academic coaching and tutoring. We provide individual and small group academic support with certified tutors and coaches.

### **English as a Second Language Lab**

Room S-510J • Phone (212) 220-1422

<https://www.bmcc.cuny.edu/academics/departments/academic-literacy/esl-lab/>

The ESL Lab offers English language and academic writing support as well as tutoring for multilingual students enrolled in ESL, CRT 100.5, LIN 100.5, and ENG 101 courses. Tutoring consists of individual, small-group, walk-ins, E-tutoring (<https://bmcc.upswing.io>) and preparation for CUNY CATW Writing Exam. Here are instructions to help you use

the Upswing online tutoring site (<https://www.bmcc.cuny.edu/students/writing-center/instructions-for-using-upswing/>).

### **Learning Resource Center Instructional Computer Labs**

Room S-510L • Phone (212) 220-1381/1382 • [lrc@bmcc.cuny.edu](mailto:lrc@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/lrc](http://www.bmcc.cuny.edu/lrc)

We offer instructional computer lab hours for students who wish to work independently, attend computer training workshops, receive support for classroom-related computing activities and course-specific software.

### **Learning Resource Center Tutorial Program**

Room S-510 & F-511 • Phone (212) 220-1383 • [lrc@bmcc.cuny.edu](mailto:lrc@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/lrc](http://www.bmcc.cuny.edu/lrc)

The LRC provides tutorial services and workshops train students on how to help other students effectively study and read their textbooks.

### **Math Lab Tutorial Program**

Room S-535 • Phone (212) 220-1366 • [mathtutoring@bmcc.cuny.edu](mailto:mathtutoring@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/math/index.jsp](http://www.bmcc.cuny.edu/math/index.jsp)

The Math Lab offers tutoring and technological resources to support students in all of BMCC's mathematics courses. Tutoring is offered on a drop-in basis; students need not make appointments.

### **Online Tutoring**

Room S-510 • Phone (212) 220-8359 • [onlinetutoring@bmcc.cuny.edu](mailto:onlinetutoring@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/onlinetutoring](http://www.bmcc.cuny.edu/onlinetutoring)

Online tutoring provides live online tutorial sessions from anywhere they have internet access, as well as E-tutoring (email tutoring) services.

### **Nursing Tutorial Lab**

Room S-745 • Phone (212) 220-8230 • [nursingtutoring@bmcc.cuny.edu](mailto:nursingtutoring@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/nursing](http://www.bmcc.cuny.edu/nursing)

The Nursing Tutorial Lab offers reference guides and assistance in drug calculation, required nursing courses, and preparation of nursing care plans.

### **Department of Academic Literacy & Linguistics**

Room N-499 • Phone (212) 220-1396 • [ALL@bmcc.cuny.edu](mailto:ALL@bmcc.cuny.edu)  
<https://www.bmcc.cuny.edu/academics/departments/academic-literacy/reading-lab/>

The Reading Lab offers support and tutoring for students enrolled in ACR Reading courses. The Reading Lab helps students strengthen their reading comprehension skills. The Reading Lab currently provides online tutoring through Upswing. Use your BMCC student email username and password to log in. Here are instructions to help you use the new online system: <https://www.bmcc.cuny.edu/students/writing-center/instructions-for-using-upswing/>

### **The Writing Center**

Room S-510 • Phone (212) 220-1384 • [writingcenter@bmcc.cuny.edu](mailto:writingcenter@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/writingcenter](http://www.bmcc.cuny.edu/writingcenter)

At the Writing Center, students can bring their projects to get pointers on how to make their writing (academic or professional) more clear, concise and reflective. By helping students to overcome difficult writing tasks, we hope to make them more resilient, independent learners, better able to engage society and create success.

Students can visit regularly and bring writing assignments from class or from their

professional or academic life, such as cover letters or scholarship essays. We encourage students to begin working with the Writing center as early as possible.

### **Veterans Resource Center**

Room S-115M • Phone (212) 220-5363 • [wcotto@bmcc.cuny.edu](mailto:wcotto@bmcc.cuny.edu)

<http://www.bmcc.cuny.edu/student-affairs/veterans-resource-center/>

The VRC serves the needs of prospective and enrolled service members, veterans, and dependents to receive education benefits under various Department of Veterans Affairs educational programs.

### **Women's Resource Center**

Room S-340 • Phone (212) 220-8165 • [wrc@bmcc.cuny.edu](mailto:wrc@bmcc.cuny.edu)

[www.bmcc.cuny.edu/wrc](http://www.bmcc.cuny.edu/wrc)

The Women's Resource Center (WRC) sponsors activities relating to women, family life, and community. Special programs, workshops, as well as individualized sessions are designed to address issues such as leadership development, wellness, gender identification, domestic violence, parenting, relationships, and academics. People of all genders are encouraged to participate in our programs.

## **Special Academic Programs**

BMCC offers a number of programs for you to explore a subject or topic beyond the classroom.

### **The Chi Alpha Epsilon National Honor Society/Gamma Nu Chapter**

Room S-335 • (212) 220-8152 • [cdp@bmcc.cuny.edu](mailto:cdp@bmcc.cuny.edu) • [www.bmcc.cuny.edu/cd](http://www.bmcc.cuny.edu/cd)

Eligible students enrolled in the College Discovery (CD) Program are encouraged to join the Gamma Nu Chapter of the Chi Alpha Epsilon (XAE) National Honor Society. Chi Alpha Epsilon is a national academic honor society for students enrolled in Special Opportunity Programs such as CD, SEEK, EOP, HEOP and others.

### **Exploring Transfer Summer Program at Vassar College**

Room N-651 • (212) 220-1210 [coconnor@bmcc.cuny.edu](mailto:coconnor@bmcc.cuny.edu) • <https://eter.vassar.edu/>

The ET program is a five-week long summer residential program at Vassar College in Poughkeepsie, NY, that introduces community college students to academic life at a liberal arts college. Room and board is free and students take two courses, also free of charge, which can count toward their BMCC degree.

### **Honors Contract**

Room S-715 • (212) 220-8320 • [mgeddis@bmcc.cuny.edu](mailto:mgeddis@bmcc.cuny.edu)

[www.bmcc.cuny.edu/academics/honors/honors-contract](http://www.bmcc.cuny.edu/academics/honors/honors-contract)

The Honors Contract provides eligible students the opportunity to collaborate with a professor on a project to extend their knowledge of the theoretical and practical aspects of the course while enhancing their critical thinking, writing and presentation skills.

### **Honors Program**

Room S-715 • (212) 776-6508 • [jschneiderman@bmcc.cuny.edu](mailto:jschneiderman@bmcc.cuny.edu) • [www.bmcc.cuny.edu/academics/honors](http://www.bmcc.cuny.edu/academics/honors)

The BMCC Honors Program provides eligible students with rigorous academic challenges beyond course requirements. Students will work closely with faculty and will expand their writing, critical thinking and analytical skills.

### **Internships and Experiential Learning**

Room S-746A & S-750 A, D, H • (212) 776-6410 • [experience@bmcc.cuny.edu](mailto:experience@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/experiential](http://www.bmcc.cuny.edu/experiential)

The Office of Internships and Experiential Learning supports students in developing and enhancing hands-on skills, and in obtaining global experiences through domestic and international opportunities which include internships, study abroad and service-learning. Students will have an advantage in their academic and professional pursuits and be more marketable to prospective employers.

### **Phi Theta Kappa (Alpha Kappa Chapter)**

Room: N-651Z • [aderizans@bmcc.cuny.edu](mailto:aderizans@bmcc.cuny.edu) • [www.bmcc.cuny.edu/academics/honors-and-awards/phi-theta-kappa-student-honor-society](http://www.bmcc.cuny.edu/academics/honors-and-awards/phi-theta-kappa-student-honor-society)

Phi Theta Kappa is the official honor society for two-year colleges, as recognized by the American Association of Community Colleges. Membership carries a wealth of benefits, including unique scholarships, leadership, service, and fellowship opportunities and the chance to work with BMCC's best and brightest on truly meaningful projects. If you have completed 12 or more credits at BMCC, and have achieved a GPA of 3.50 or higher, come join us!

### **Study Abroad Program**

Room S-750A • (212) 776-6429 • [jlevin@bmcc.cuny.edu](mailto:jlevin@bmcc.cuny.edu)  
[www.bmcc.cuny.edu/academics/success-programs/study-abroad](http://www.bmcc.cuny.edu/academics/success-programs/study-abroad)

Take a course for academic credit outside of the United States. In recent years, BMCC's Study Abroad Program has taken students to Asia, Europe and Latin America. Students may take a course in English or the local language. The program is open to all majors. Eligible students receive the BMCC Association Scholarship to help fund this opportunity. View the website for more information.

# Section 4:

# Libraries



## BMCC's A. Philip Randolph Library

The BMCC A. Philip Randolph Library, located on the fourth floor at 199 Chambers Street, is named after the African-American labor leader and social activist A. Philip Randolph (1889-1979).

The Library contains over 120,000 volumes of books, more than 100 print magazine/journal subscriptions, over 90,000 electronic journals, magazines, and newspapers, and over 400,000 electronic books. The Library also has several online film databases and over two thousand DVDs available for loan. The Main Library (S-410) and the Group Study Area (S-430) offer seating for over 600 students. The Library also has two group study rooms that can be reserved online.

### Some helpful tips for using library services and resources:

- Go to the Circulation Desk in the Main Library (S-410) to activate your card in order to borrow books and find articles in databases.
- Self-service copy machines and scanners are available.
- Tablets are available for three-day loan and can be checked out a half-hour after the library opens.
- Laptops are available for three-hours.
- Scientific calculators can be borrowed for one month; graphing calculators can be borrowed for seven days.
- DVDs can be borrowed for seven days.
- Research help is available both in-person and online.
- Students can use textbooks being used in class for two hours in the library.
- Older editions of textbooks may be available to be checked out.

### CUNY Libraries

As a BMCC student, you are entitled to full library privileges at all CUNY colleges. Books from other CUNY colleges may be obtained through intercollege lending services or by visiting the individual campus libraries. All you need to gain access to other CUNY campus libraries is your valid student ID.

# Senior College Libraries

## **Baruch College**

### **William and Anita Newman Library**

151 East 25 Street  
New York, NY 10010  
(646) 312-1026

*baruch.cuny.edu/library*

## **Brooklyn College**

### **Brooklyn College Library**

2900 Bedford Avenue  
Brooklyn, NY 11210  
(718) 951-5342

*library.brooklyn.cuny.edu*

## **City College of New York Libraries**

### **Morris R. Cohen Library**

North Academic Center  
160 Convent Avenue  
New York, NY 10031  
(212) 650-7611 or 7612

*library.ccny.cuny.edu/main/*

## **Architecture Library**

Spitzer School of Architecture  
South Campus, Room 101  
141 Convent Avenue  
New York, NY 10031  
(212) 650-8766

## **Art Visual Resources Library**

Compton Gothals Hall, Room 245A  
1619 Amsterdam Avenue  
New York, NY 10031  
(212) 650-7175

## **Center for Worker Education Library**

Room 7-28, 7th Floor  
25 Broadway  
New York, NY 10004  
(212) 925-6625 x228

## **Dominican Institute Library**

North Academic Center, 2nd Floor  
1605 Amsterdam Ave  
New York, NY 10031  
(212) 650-7170

## **Music Library**

Shepard Hall, Room 160  
259 Convent Avenue  
New York, NY 10031  
(212) 650-7174

## **Science and Engineering Library**

Marshak Building, Room J29  
160 Convent Avenue  
New York, NY 10031  
(212) 650-5712

## **College of Staten Island**

### **College of Staten Island Library**

2800 Victory Boulevard  
Staten Island, NY 10314  
(718) 982-4010

*library.csi.cuny.edu*

## **Hunter College Libraries**

### **Leon and Toby Cooperman Library**

East Building, Room E-216  
695 Park Avenue  
New York, NY 10065  
(212) 772-4143

## **Health Professions Library**

Brookdale Campus  
425 East 25th Street  
New York, NY 10010  
(212) 481-5117

## **Schools of Social Work and Public Health Library**

2180 Third Avenue @ 119th Street  
New York, NY 10035  
(212) 396-7654

## **Zabar Art Library**

North Building  
695 Park Avenue, Room 1608 North  
(212) 772-5054

## **John Jay College of Criminal Justice**

### **Lloyd Sealy Library**

899 10th Avenue  
New York, NY 10019  
(212) 237-8246/7

*www.lib.jjay.cuny.edu*

## **Lehman College**

### **Leonard Lief Library**

250 Bedford Park Boulevard West  
Bronx, NY 10468  
(718) 960-8580

*www.lehman.cuny.edu/library*



**Medgar Evers College****Charles Evans Inness Memorial Library**

1650 Bedford Avenue

Brooklyn, NY 11225

(718) 270-4873/4880

*www.mec.cuny.edu/library***New York City College of Technology****Ursula C. Schwerin Library**

300 Jay Street

Brooklyn, NY 11201

(718) 260-5485

*library.citytech.cuny.edu***Queens College****Benjamin S. Rosenthal Library**

65-30 Kissena Boulevard

Flushing, NY 11367

(718) 997-3700

**Queens College Art Library**

Rosenthal Library, Level Six

65-30 Kissena Boulevard

Flushing, NY 11367

**Queens College Music Library**

Music Building, Room 225

65-30 Kissena Boulevard

Flushing, NY 11367

(718) 997-3900

**York College****York College Library**

94-20 Guy R. Brewer Boulevard

Jamaica, NY 11451

(718) 262-2034

*york.cuny.edu/library*

## Community College Libraries

**Borough of Manhattan****Community College****A. Philip Randolph Memorial Library**

199 Chambers Street, Room S-410

New York, NY 10007

(212) 220-1499

*lib.bmcc.cuny.edu/lib***Bronx Community College****Bronx Community College Library**

2155 University Avenue

Bronx, NY 10453

*bcc-libweb.bcc.cuny.edu***Guttman Community College****Guttman Community College Information****Commons**

50 West 40th Street

New York, NY 10018

(646) 313-8091

*library.guttman.cuny.edu/library***Hostos Community College****Hostos Community College Library**

475 Grand Concourse, A308

Bronx, NY 10451

(718) 518-4222

*commons.hostos.cuny.edu/library***Kingsborough Community College****Robert J. Kibbee Library**

2001 Oriental Boulevard

Brooklyn, NY 11235

(718) 368-5632

*www.kbcc.cuny.edu/kcclibrary***LaGuardia Community College****Library Media Resources Center**

31-10 Thomson Avenue, room E101

Long Island City, NY 11101

(718) 482-5425

*library.laguardia.edu/home***Queensborough Community College****Kurt R. Schmeller Library**

222-05 56th Avenue

Bayside, NY 11364

(718) 631-6227

*qcc.libguides.com/libraryhome*

# Section 5:

## Policies



## **Amplification**

Use of bullhorns, public address, or any unauthorized amplification equipment is prohibited.

## **Bicycles and other Personal Mobility Devices**

Bicycles and other personal mobility devices (including, but not limited to skateboards, roller skates, in-line skates, hoverboards, self-balancing hoverboards, scooters, electric scooters, Segways and mini-Segways) are not permitted to be operated on college property or inside college buildings at any time. Bicycle racks are available at the Harrison Street and North Moore Street entrances of the main building and at the Park Place entrance inside Fiterman Hall. The racks are provided for your convenience and use on a daily basis; however, the college cannot accept responsibility or liability for the security of the bicycle. Bicycles may not be attached to any other fixture or structure of the college or interfere with pedestrian traffic. The college reserves the right to clip the locks of and dispose of any bicycles left overnight or attached to unauthorized fixtures.

## **Cellphones and Other Devices**

The use of cellphones is prohibited in classrooms, labs, the library, all theatres, and any other areas where instruction or an organized function is taking place. In addition, students are prohibited from playing electronic devices that can audibly play music without headphones on the college premises. The use of drones and other remote control devices for personal use is prohibited on campus and in college buildings.

## **Children on Campus**

The college has an obligation to its students, faculty, staff, and visitors to conduct its operations and maintain its facilities in a manner consistent with its mission as an institution of higher education. For this reason, young children who are not registered in the Early Childhood Center should not be brought to campus, and, of course, may not attend classes with their parent or guardian.

There may be occasions when brief visits by children of students may be necessary. Children may visit college offices and facilities, other than classrooms, for limited periods of time when their parent or guardian is conducting routine business at the college. Regular repeated visits by children are not permitted.

In no case, are children permitted in labs, shops, construction/repair sites, or other areas where potential hazards exist. Children brought on campus must be directly supervised at all times by their parent or guardian.

## **Class Participation**

Participation in the academic activity of each course is a significant component of the learning process and plays a major role in determining overall student academic achievement. Academic activities may include, but are not limited to, attending class, submitting assignments, engaging in in-class or online activities, taking exams, and/or participating in group work. Each instructor has the right to establish their own class participation policy, and it is each student's responsibility to be familiar with and follow the participation policies for each course.

## **Drugs and Alcohol**

*For a full view of all University policies, please go to [www.cuny.edu](http://www.cuny.edu)*

The unlawful manufacture, distribution, dispensation, possession, or use of drugs or alcohol by anyone, on CUNY property (including CUNY residence halls), in CUNY buses or vans, or at CUNY-sponsored activities, are prohibited. In addition, CUNY employees are prohibited from illegally providing drugs or alcohol to CUNY students.

Finally, no student may possess or consume alcoholic beverages in any CUNY

residence hall, regardless of whether the student is of lawful age. For purposes of this policy, a CUNY residence hall means a residence hall owned and/or operated by CUNY, or operated by a private management company on CUNY's behalf. In order to make informed choices about the use of drugs and alcohol, CUNY students and employees are expected to familiarize themselves with the information provided by CUNY about the physiological, psychological, and social consequences of substance abuse.

### **Elevators**

Students should utilize the escalators and stairways in the 199 Chambers Street building. Please give priority for students who have chronic or acute physical disabilities or who are non-ambulatory in all college locations. Please follow the elevator safety directions in the Murray Building and Fiterman Hall.

### **Food**

Food should not be eaten in classrooms and hallways. Food should be consumed in the cafeteria on the second floor. In addition to the cafeteria, students may obtain snacks from vending machines, which are also on the second floor, of the main building 199 Chambers St. At the Fiterman Hall building, vending machines accept ATM debit/credit cards and are located on floors 7, 9, and 11. In the Murray building, vending machines are located on floors 2 and 10. Students should bus their own trays and help to keep the cafeteria and snack bar areas clean.

### **Identification**

Every BMCC student must wear a validated identification (ID) card at all times. Students need their ID card to enter the college, to enter the library, to borrow library books, or to collect student paychecks from the college. Students are expected to present their ID card to any college official (security officer, administrator, faculty and staff member, etc.) who requests such identification.

Lost ID cards will be replaced for a fee. An application for a replacement ID card can be obtained from the ID office during its hours of operation or from Public Safety during business hours.

Stolen ID cards will be replaced without a fee when the application is accompanied with a police report. The application and report must be taken to public Safety for the fee waiver.

For additional information on ID cards, contact the Office of Public Safety.

### **Loitering**

Loitering is prohibited at BMCC. Persons on campus without permission or proper ID may be subject to warning, suspension, expulsion, or arrest.

### **Pets**

Animals or pets of any type are not permitted on the BMCC Campus. The presence of animals or pets violates the Public Health Law and College Policy. Service dogs are exempt from this policy.

### **Plagiarism**

Plagiarism is the presentation of someone else's ideas, words, or artistic/scientific/technical work as one's own creation. A student who copies or paraphrases published or online material, or another person's research, without properly identifying the source(s) is committing plagiarism.

Plagiarism violates the ethical and academic standards of our college. Students will be held responsible for such violations, even when unintentional. To avoid unintended plagiarism, students should consult with their instructors about when and how to document their sources. The library also has both print and digital guides designed to help students cite sources correctly.

Plagiarism carries a range of penalties commensurate with the severity of the infraction. The instructor may, for example, require the work to be redone, reduce the course grade, fail the student in the course, or refer the case to the Faculty-Student Disciplinary Committee. Cases referred to that committee could result in suspension or expulsion from the college.

### **Posting on Campus**

Posting of flyers, handouts, or other types of literature without authorization is prohibited. All literature posted in the college should be approved by Office of Student Activities, room S-230.

### **Restroom & Locker Room policies**

At BMCC, our understanding of diversity is continuing to expand. In response to the awareness and needs of our transgender community members, BMCC is posting signs in all single-sex facilities, including restroom and locker rooms stating: "Under the law, all individuals have the right to use the single-sex facility consistent with the gender identity or expression." In addition, BMCC is posting signs outside single-occupancy restrooms that state: "This restroom may be used by persons of all genders."

A CUNY-wide legal and administrative task force is currently being constituted to review legal requirements and best practices related to issues of gender identity and gender expression, and to formulate guidance to ensure that CUNY is in compliance with the law and addresses these issues in an appropriate and thoughtful manner. Based on the conclusions of the task force, the CUNY Office of the General Counsel and Senior Vice Chancellor for Legal Affairs will issue further guidance addressing these issues in more detail, including related issues such as preferred names and pronouns, residence hall policies, and education and training. For more information, visit [www.cuny.edu](http://www.cuny.edu).

### **BMCC Offers All-Gender Restrooms**

These single-user restrooms have been given new signage, officially identifying them as all-gender restrooms and facilitating a safer environment for all members of our college community, regardless of gender identity or expression. These restrooms can be accessed without a key or ID card. For guaranteed privacy, everyone should remember to use the inside locks while using these restrooms.

The all-gender restrooms are located on 3 South, 4 North and the Lower Level of Theatre I in the Chambers Street building, and on the 3rd floor of the Murray Street building.

### **Solicitation**

Soliciting or fundraising of any kind without proper authorization is not permitted.

### **Student Filming Guidelines**

Only BMCC student filming projects required by a faculty member for class credit would be exempt from requesting a filming location permit. BMCC students should receive guidance through their academic departments, and requests for filming should be **submitted by the professor** via email to: [publicaffairs@bmcc.cuny.edu](mailto:publicaffairs@bmcc.cuny.edu).

BMCC students may film on BMCC property for a class project assigned by a faculty member for a grade. Filming must not be disruptive, violate any other college or CUNY rules, inconvenience members of the BMCC community or create a safety hazard.

Students must secure all required releases from the on-camera individuals. The college will accommodate filming for approved academic class projects when possible. Filming for academic credit requires a student to partner with the professor or departmental representative who is assigning the filming project.

Students are responsible for obtaining permission from the appropriate department(s)

in campus areas where they wish to film. If questions or issues arise, students are encouraged to seek the assistance of the faculty member(s) who assigned the project.

### **The City University of New York Policies**

*For a full view of all University policies, please go to [www.cuny.edu](http://www.cuny.edu).*

#### **Academic Integrity**

Academic dishonesty is prohibited at The City University of New York. Penalties for Academic Dishonesty include academic sanctions, such as failing or otherwise reduced grades, and/or disciplinary sanctions, including suspension or expulsion. For full view of the Academic Integrity guidelines, please go to [www.cuny.edu](http://www.cuny.edu).

I. Definitions and Examples of Academic Dishonesty

II. Methods for Promoting Academic Integrity

III. Reporting

IV. Procedures for Imposition of Sanctions

#### **Computer User Responsibilities**

*Note: City University of New York Computer User Responsibilities is a statement originally prepared by the University's Computer Policy Committee. It underwent review by the University Faculty Senate and the CUNY Office of the Vice Chancellor for Legal Affairs.*

#### **The City University of New York Policy on Acceptable Use of Computer Resources:**

##### **I. Introduction**

CUNY's computer resources are dedicated to the support of the University's mission of education, research and public service. In furtherance of this mission, CUNY respects, upholds and endeavors to safeguard the principles of academic freedom, freedom of expression and freedom of inquiry.

CUNY recognizes that there is a concern among the University community that because information created, used, transmitted or stored in electronic form is by its nature susceptible to disclosure, invasion, loss, and similar risks, electronic communications and transactions will be particularly vulnerable to infringements of academic freedom. CUNY's commitment to the principles of academic freedom and freedom of expression includes electronic information. Therefore, whenever possible, CUNY will resolve doubts about the need to access CUNY Computer Resources in favor of a User's privacy interest.

However, the use of CUNY Computer Resources, including for electronic transactions and communications, like the use of other University-provided resources and activities, is subject to the requirements of legal and ethical behavior. This policy is intended to support the free exchange of ideas among members of the CUNY community and between the CUNY community and other communities, while recognizing the responsibilities and limitations associated with such exchange.

##### **II. Applicability**

This policy applies to all Users of CUNY Computer Resources, as defined in Article III below.

This policy supersedes the CUNY policy titled "CUNY Computer User Responsibilities" and any college policies that are inconsistent with this policy.

##### **III. Definitions**

1. "CUNY Computer Resources" refers to all computer and information technology hardware, software, data, access and other resources owned, operated, or contracted by CUNY. This includes, but is not limited to, desktop and laptop computers,

handheld devices that allow or are capable of storing and transmitting information (e.g., cellphones, tablets), mainframes, minicomputers, servers, network facilities, databases, memory, memory sticks, and associated peripherals and software, and the applications they support, such as email, cloud computing applications, and access to the internet.

2. "Email" includes point-to-point messages, postings to newsgroups and listservs, and other electronic messages involving computers and computer networks.
3. "Faculty" includes full-time, part-time, and adjunct faculty.
4. "FOIL" is the New York State Freedom of Information Law.
5. "Non-Public University Information" has the meaning set forth in CUNY's IT Security Policies and Procedures found at [security.cuny.edu](http://security.cuny.edu), namely: personally identifiable information (such as an individual's Social Security Number; driver's license number or non-driver identification card number; account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account; personal electronic mail address; Internet identification name or password; and parent's surname prior to marriage); information in student education records that is protected under the Family Educational Rights and Privacy Act of 1974 (FERPA) and the related regulations set forth in 34 CFR Part 99; other information relating to the administrative, business, and academic activities and operations of the University (including employee evaluations, employee home addresses and telephone numbers, and other employee records that should be treated confidentially); and any other information available in University files and systems that by its nature should be treated confidentially.
6. "User" means a user of CUNY Computer Resources, including all current and former users, whether affiliated with CUNY or not, and whether accessing those resources on a CUNY campus or remotely.

#### **IV. Rules for Use of CUNY Computer Resources**

##### **1. Authorization.**

- a. Users may not access a CUNY Computer Resource without authorization or use it for purposes beyond the scope of authorization. This includes attempting to circumvent CUNY Computer Resource system protection facilities by hacking, cracking or similar activities, accessing or using another person's computer account, and allowing another person to access or use the User's account.
- b. Notwithstanding subsection 1.a. above, a User may authorize a colleague or clerical assistant to access information under the User's account on the User's behalf while away from a CUNY campus or when the User is unable to efficiently access the information on the User's own behalf (including as a result of a disability), but delegated access will be subject to the rules of Section 10 – Security, below.
- c. CUNY Computer Resources may not be used to gain unauthorized access to another computer system within or outside of CUNY. Users are responsible for all actions performed from their computer account that they permitted or failed to prevent by following ordinary security precautions. CUNY advisories and resources are available at [security.cuny.edu](http://security.cuny.edu).

##### **2. Purpose.**

- a. Use of CUNY Computer Resources is limited to activities relating to the performance by CUNY employees of their duties and responsibilities and by students in connection with their college courses and activities. For example, use of CUNY Computer Resources for private commercial or not-for-profit business purposes, for

private advertising of products or services, or for any activity meant solely to foster personal gain, is prohibited. Similarly, use of CUNY Computer Resources for partisan political activity is also prohibited.

- b. Except with respect to CUNY employees other than faculty, where a supervisor has prohibited it in writing, incidental personal use of CUNY Computer Resources is permitted so long as such use does not interfere with CUNY operations, does not compromise the functioning of CUNY Computer Resources, does not interfere with the User's employment or other obligations to CUNY, and is otherwise in compliance with this policy, including subsection 2.a. above. Users should be aware that personal messages, data and other information sent or received through a User's CUNY account or otherwise residing in a CUNY Computer Resource are subject to CUNY review pursuant to Section 13 of this policy and may also be subject to public disclosure pursuant to FOIL.

### **3. Compliance with Law.**

- a. CUNY Computer Resources may not be used for any purpose or in any manner that violates CUNY rules, regulations or policies, or federal, state or local law. Users who engage in electronic communications with persons in other states or countries or on other systems or networks may also be subject to the laws of those other states and countries, and the rules and policies of those other systems and networks. Users are responsible for ascertaining, understanding, and complying with the laws, rules, policies, contracts, and licenses applicable to their particular use.
- b. Examples of applicable federal and state laws include those addressing defamation, invasion of privacy, obscenity and child pornography, and online gambling, as well as the following:
  - Computer Fraud and Abuse Act Copyright Act of 1976 Electronic Communications Privacy Act Export control regulations issued by the U.S. Departments of Commerce, State and Treasury
  - Family Educational Rights and Privacy Act FOIL New York State Law with respect to the confidentiality of library records
- c. Examples of applicable CUNY rules and policies include those listed below. Other rules and policies may be found in the Manual of General Policy and on the CUNY Legal Affairs website:
  - Gramm-Leach-Bliley Information Security Program
  - IT Security Policies & Procedures
  - Policy on Maintenance of Public Order (the "Henderson Rules")
  - Sexual Harassment Policy University Policy on Academic Integrity
  - Website Privacy Policy

### **4. Licenses and Intellectual Property.**

- a. Users may use only legally obtained, licensed data or software and must comply with applicable licenses or other contracts, as well as copyright, trademark and other intellectual property laws.
- b. Much of what appears on the internet and/or is distributed via electronic communication is protected by copyright law, regardless of whether the copyright is expressly noted. Users should generally assume that material is copyrighted unless they know otherwise, and not copy, download or distribute copyrighted material without permission unless the use does not exceed fair use as defined by the federal Copyright Act of 1976. Protected material may include, among other things, text, photographs, audio, video, graphic illustrations, and computer software. Additional information regarding copyright and file sharing is available on the CUNY Legal Affairs website.

- 5. False Identity and Harassment.** Users may not employ a false identity, mask the



identity of an account or computer, or use CUNY Computer Resources to engage in abuse of others, such as sending harassing, obscene, threatening, abusive, deceptive, or anonymous messages within or outside CUNY.

#### **6. Confidentiality.**

- a. Users may not invade the privacy of others by, among other things, viewing, copying, redistributing, posting such data to the Internet, modifying or destroying data or programs belonging to or containing personal or confidential information about others, without explicit permission to do so.
- b. CUNY employees must take precautions by following all IT Security Policies and Procedures to protect the confidentiality of Non-Public University Information encountered in the performance of their duties or otherwise.

**7. Integrity of Computer Resources.** Users may not install, use or develop programs intended to infiltrate or damage a CUNY Computer Resource, or which could reasonably be expected to cause, directly or indirectly, excessive strain or theft of confidential data on any computing facility. This includes, but is not limited to, programs known as computer viruses, Trojan horses, and worms. Users should consult with the IT director at their college before installing any programs on CUNY Computer Resources that they are not sure are safe or may cause excess strain.

#### **8. Disruptive Activities.**

- a. CUNY Computer Resources must not be used in a manner that could reasonably be expected to cause or does cause, directly or indirectly, unwarranted or unsolicited interference with the activity of other users, including:
  - i. chain letters, virus hoaxes or other email transmissions that potentially disrupt normal email service;
  - ii. spamming, junk mail or other unsolicited mail that is not related to CUNY business and is sent without a reasonable expectation that the recipient would welcome receiving it;
  - iii. the inclusion on email lists of individuals who have not requested membership on the lists, other than the inclusion of members of the CUNY community on lists related to CUNY business; and
  - iv. downloading of large videos, films or similar media files for personal use.
- b. CUNY has the right to require Users to limit or refrain from other specific uses if, in the opinion of the IT director at the User's college, such use interferes with efficient operations of the system, subject to appeal to the President or, in the case of central office staff, to the Chancellor.

#### **9. CUNY Names and Trademarks.**

- a. CUNY names, trademarks and logos belong to the University and are protected by law. Users of CUNY Computer Resources may not state or imply that they speak on behalf of CUNY or use a CUNY name, trademark or logo without authorization to do so. Affiliation with CUNY does not, by itself, imply authorization to speak on behalf of CUNY.
- b. Notwithstanding subsection 9.a. above, CUNY employees and students may indicate their CUNY affiliation on email, other correspondence, and in academic or professionally-related research, publications or professional appearances, so long as they do not state or imply that they are speaking on behalf of the University.

#### **10. Security.**

- a. CUNY employs various measures to protect the security of its computer resources

and of Users' accounts. However, CUNY cannot guarantee such security. Users are responsible for engaging in safe computing practices such as guarding and not sharing their passwords, changing passwords regularly, logging out of systems at the end of use, and protecting Non-Public University Information, as well as for following CUNY's IT Security Policies and Procedures.

- b. Users must report incidents of non-compliance with IT Security Policies and Procedures or other security incidents to the University Chief Information Officer and Chief Information Security Officer, and the Chief Information Officer at the affected User's college.

**11. Filtering.** CUNY reserves the right to install spam, anti-malware, and spyware filters and similar devices if necessary in the judgment of CUNY's Office of Information Technology or a college IT director to protect the security and integrity of CUNY Computer Resources. CUNY will not install filters that restrict access to email, instant messaging, chat rooms or websites based solely on content, unless such content is illegal, such as child pornography sites.

**12. Confidential Research Information.** Principal investigators and others who use CUNY Computer Resources to collect, examine, analyze, transmit or store research information that is required by law or regulation to be held confidential or for which a promise of confidentiality has been given are responsible for taking steps to protect such confidential research information from unauthorized access or modification. In general, this means storing the information on a computer or auxiliary hard drive that provides strong access controls (passwords) and encrypting files, documents, and messages for protection against inadvertent or unauthorized disclosure while in storage or in transit over data networks. Robust encryption and passwords must be used to protect Non-Public University Information, and is strongly recommended for information stored electronically on all computers, especially portable devices such as notebook computers, Personal Digital Assistants (PDAs), and portable data storage (e.g., auxiliary hard drives, memory sticks) that are vulnerable to theft or loss, as well as for information transmitted over public networks. Software and protocols used should be reviewed and approved by CUNY's Office of Information Technology. In addition, the steps taken to protect such confidential research information should be included in submissions to the CUNY Institutional Review Board reviewing the research protocol.

### **13. CUNY Access to Computer Resources.**

- a. Copying. CUNY may copy a User's account and/or hard drive on a CUNY Computer Resource, without monitoring or inspecting the contents of such account and/or hard drive, at any time for preservation of data or evidence, without notice to the User.
- b. General Monitoring Practices. CUNY does not routinely monitor, inspect, or disclose individual usage of CUNY Computer Resources without the User's consent. In most instances, if the University needs information located in a CUNY Computer Resource, it will simply request it from the author or custodian. However, CUNY IT professionals and staff do regularly monitor general usage patterns as part of normal system operations and maintenance and might, in connection with these duties, observe the contents of websites, email or other electronic communications. Except as provided in this policy or by law, these individuals are not permitted to seek out contents or transactional information, or disclose or otherwise use what they have observed. Nevertheless, because of the inherent vulnerability of computer technology to unauthorized intrusions, Users have no guarantee of privacy during any use of CUNY computer resources or in any data in them, whether or not a password or other entry identification or encryption is used. Users may expect that the privacy of their electronic communications and of any materials stored in any CUNY Computer

Resource dedicated to their use will not be intruded upon by CUNY except as outlined in this policy.

c. Monitoring without Notice.

- i. Categories. CUNY may specifically monitor or inspect the activity and accounts of individual users of CUNY computer resources, including individual login sessions, email and other communications, without notice, in the following circumstances:
  - A. when the User has voluntarily made them accessible to the public, as by posting to Usenet or a web page;
  - B. when it is reasonably necessary to do so to protect the integrity, security, or functionality of CUNY or other computer resources, as determined by the college chief information officer or his or her designee, after consultation with CUNY's chief information officer or his or her designee;
  - C. when it is reasonably necessary to diagnose and resolve technical problems involving system hardware, software, or communications, as determined by the college chief information officer or his or her designee, after consultation with CUNY's chief information officer or his or her designee;
  - D. when it is reasonably necessary to determine whether CUNY may be vulnerable to liability, or when failure to act might result in significant bodily harm, significant property loss or damage, or loss of evidence, as determined by the college president or a vice president designated by the president or, in the case of the Central Office by the Chancellor or his or her designee, after consultation with the Office of General Counsel and the Chair of the University Faculty Senate (if a current CUNY faculty member's account or activity is involved) or Vice Chair if the Chair is unavailable;
  - E. when there is a reasonable basis to believe that CUNY policy or federal, state or local law has been or is being violated, as determined by the college president or a vice president designated by the president or, in the case of the Central Office by the Chancellor or his or her designee, after consultation with the Office of General Counsel and the Chair of the University Faculty Senate (if a current CUNY faculty member's account or activity is involved) or Vice Chair if the Chair is unavailable;
  - F. when an account appears to be engaged in unusual or unusually excessive activity, as indicated by the monitoring of general activity and usage patterns, as determined by the college president or a vice president designated by the president and the college chief information officer or his or her designee or, in the case of the Central Office by the Chancellor or his or her designee, after consultation with CUNY's chief information officer or his or her designee, the Office of General Counsel, and the Chair of the University Faculty Senate (if a current CUNY faculty member's account or activity is involved) or Vice Chair if the Chair is unavailable; or
  - G. as otherwise required by law.
- ii. Procedures. In those situations in which the Chair of the University Faculty Senate is to be consulted prior to monitoring or inspecting an account or activity, the following procedures shall apply:
  - A. if the monitoring or inspection of an account or activity requires physical entry into a faculty member's office, the faculty member shall be advised prior thereto and shall be permitted to be present to observe, except where specifically forbidden by law; and

- B. the college president or the Chancellor, as the case may be, shall report the completion of the monitoring or inspection to the Chair and the CUNY employee affected, who shall also be told the reason for the monitoring or inspection, except where specifically forbidden by law.

iii. Other Disclosure.

- A. CUNY, in its discretion, may disclose the results of any general or individual monitoring or inspection to appropriate CUNY personnel or agents, or law enforcement or other agencies. The results may be used in college disciplinary proceedings, discovery proceedings in legal actions, or otherwise as is necessary to protect the interests of the University.
  - B. In addition, users should be aware that CUNY may be required to disclose to the public under FOIL communications made by means of CUNY Computer Resources whether in conjunction with University business or as incidental personal use.
  - C. Any disclosures of activity of accounts of individual Users to persons or entities outside of CUNY, whether discretionary or required by law, shall be approved by the General Counsel and shall be conducted in accordance with any applicable law. Except where specifically forbidden by law, CUNY employees subject to such disclosures shall be informed promptly after the disclosure of the actions taken and the reasons for them.
- iv. Annual Statement. The Office of General Counsel shall issue an annual statement of the instances of account monitoring or inspection that fall within categories D through G above. The statement shall indicate the number of such instances and the cause and result of each. No personally identifiable data shall be included in this statement.
- v. Privacy Policy. See CUNY's Website Privacy Policy for additional information regarding data collected by CUNY from visitors to the CUNY website at [www.cuny.edu](http://www.cuny.edu).

#### **14. Waiver of Policy.**

- a. A CUNY employee or student may apply to the General Counsel for an exception or waiver from one or more of the provisions of this policy. Such application may be for a single use or for periodic or continuous uses, such as in connection with a course or program. Any application for a waiver should be made prior to using the CUNY Computer Resource for the purposes described in the application.
- b. The written waiver application must state:
  - i. the policy provision or provisions for which the User is seeking a waiver;
  - ii. how the User plans to use CUNY Computer Resource to be covered by the waiver and the reasons why the User believes a waiver should be approved;
  - iii. if the waiver involves confidential research information, what steps will be taken to protect such information;
  - iv. the length of time for which the waiver is being requested; and
  - v. if a student, how and by whom the student will be supervised.
- c. The General Counsel shall consult with the CUNY's chief information officer and the president of the applicant's college (or, if the applicant is a Central Office employee, the Chancellor) or their designees, prior to making a determination regarding the application.

- d. Users should be aware that CUNY cannot waive federal, state or local law; for example, the contents of CUNY Computer Resources (including confidential research information) may be subject to a valid subpoena regardless of the terms of any waiver.

#### **15. Enforcement.**

- a. Violation of this policy may result in suspension or termination of an individual's right of access to CUNY Computer Resources, disciplinary action by appropriate CUNY authorities, referral to law enforcement authorities for criminal prosecution, or other legal action, including action to recover civil damages and penalties.
- b. Violations will normally be handled through the University disciplinary procedures applicable to the relevant User. For example, alleged violations by students will normally be investigated, and any penalties or other discipline will normally be imposed, by the Office of Student Affairs.
- c. CUNY has the right to temporarily suspend computer use privileges and to remove from CUNY computer resources material it believes violates this policy, pending the outcome of an investigation of misuse or finding of violation. This power may be exercised only by the president of each college or the Chancellor.

**16. Additional Rules.** Additional rules, policies, guidelines and/or restrictions may be in effect for specific computers, systems, or networks, or at specific computer facilities at the discretion of the directors of those facilities. Any such rules which potentially limit the privacy or confidentiality of electronic communications or information contained in or delivered by or over CUNY Computer Resources will be subject to the substantive and procedural safeguards provided by this policy.

#### **17. Disclaimer.**

- a. CUNY shall not be responsible for any damages, costs or other liabilities of any nature whatsoever with regard to the use of CUNY Computer Resources. This includes, but is not limited to, damages caused by unauthorized access to CUNY Computer Resources, data loss, or other damages resulting from delays, non-deliveries, or service interruptions, whether or not resulting from circumstances under the CUNY's control.
- b. Users receive and use information obtained through CUNY Computer Resources at their own risk. CUNY makes no warranties (expressed or implied) with respect to the use of CUNY Computer Resources. CUNY accepts no responsibility for the content of web pages or graphics that are linked from CUNY web pages, for any advice or information received by a user through use of CUNY Computer Resources, or for any costs or charges incurred by a user as a result of seeking or accepting such advice or information.
- c. CUNY reserves the right to change this policy and other related policies at any time. CUNY reserves any rights and remedies that it may have under any applicable law, rule or regulation. Nothing contained in this policy will in any way act as a waiver of such rights and remedies.

#### **Domestic Violence and the Workplace**

*To view the full policy on Domestic Violence go to [www.cuny.edu](http://www.cuny.edu)*

#### **Policy Statement**

The City University of New York ("CUNY") disapproves of violence against women, men, or children in any form, whether as an act of workplace violence or in any employee's personal life. Domestic violence can spill over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover. CUNY is committed to full compliance of all applicable laws governing domestic violence in the workplace, to promoting

the health and safety of its employees, and to making a significant and continual difference in the fight to end domestic violence. CUNY will review this policy annually and will notify all employees and the New York State Office for the Prevention of Domestic Violence (“OPDV”) of any revisions.

### **Definitions**

For purposes of this policy, the following terms will be defined as follows.

**Domestic Violence:** A pattern of coercive tactics, which can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.

**Intimate Partner:** Includes persons legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or have lived together at any time; couples who live together or have lived together; or persons who are dating or who have dated in the past, including same-sex couples.

**Abuser:** A person who perpetrates a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.

**Victim:** The person against whom an abuser directs coercive and/or violent acts.

### **Henderson Rules**

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

Academic freedom and the sanctuary of the University campus extend to all who share these aims and responsibilities. They cannot be invoked by those who would subordinate intellectual freedom to political ends, or who violate the norms of conduct established to protect that freedom. Against such offenders the University has the right, and indeed the obligation, to defend itself. We accordingly announce the following rules and regulations to be in effect at each of our colleges which are to be administered in accordance with the requirements of due process as provided in the Bylaws of the Board of Higher Education.

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

The president, 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 any of its committees and the policies, programs and lawful resolutions of the several facilities;

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

## *RULES*

1. A member of the academic community shall not intentionally obstruct and/or forcibly prevent others from the exercise of their rights. Nor shall he/she 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 their 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/her possession a rifle, shotgun, or firearm or knowingly have in his/her 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/her 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 or college activities is prohibited. Employees of the University must also notify the College Personnel

Director of any criminal drug statute conviction for a violation occurring in the workplace not later than five (5) days after such conviction.

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

### *PENALTIES*

1. Any student engaging in any manner in conduct prohibited under substantive rules 1-11 shall be subject to the following range of sanctions as hereafter defined in the attached Appendix: admonition, warning, censure, disciplinary probation, restitution, suspension, expulsion, ejection, and/or arrest by the civil authorities.
2. Any tenured or non-tenured faculty member, or other member of the Instruction staff or member of the classified staff engaging in any manner in conduct prohibited under substantive rules 1-11 shall be subject to the following range of penalties: warning, censure, restitution, fine not exceeding those permitted by law or by the Bylaws of The City University of New York or suspension with/without pay pending a hearing before an appropriate college authority, dismissal after a hearing, ejection, and/or arrest by the civil authorities, and, for engaging in any manner in conduct prohibited under substantive rule 10, may, in the alternative, be required to participate satisfactorily in an appropriately licensed drug treatment or rehabilitation program. A tenured or non-tenured faculty member or other member of the instructional staff, or member of the classified staff charged with engaging in any manner in conduct prohibited under substantive rules 1-11 shall be entitled to be treated in accordance with applicable provisions of the Education Law, or the Civil Service Law, or the applicable collective bargaining agreement, or the Bylaws or written policies of The City University of New York.
3. Any visitor, licensee, or invitee, engaging in any manner in conduct prohibited under substantive rules 1-11 shall be subject to ejection, and/or arrest by the civil authorities.
4. Any organization which authorized the conduct prohibited under substantive rules 1-11 shall have its permission to operate on campus rescinded.

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

### *APPENDIX*

Sanctions defined:

- A. Admonition. An oral statement to the offender that he/she has violated university rules.
- B. Warning. Notice to the offender, orally or in writing, that continuation or repetition of the wrongful conduct, within a period of time stated in the warning, may cause far more severe disciplinary action.
- C. 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.
- D. 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.
- E. Restitution. Reimbursement for damage to or misappropriation of property.



Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.

- F. Suspension. Exclusion from classes and other privileges or activities as set forth in the notice of suspension for a definite period of time.
- G. Expulsion. Termination of student status for an indefinite period. The conditions of readmission, if any is permitted, shall be stated in the order of expulsion.
- H. Complaint to Civil Authorities.
- I. Ejection.

## **The Office of Compliance and Diversity**

BMCC does not discriminate against any student on the basis of pregnancy or related conditions. Absences due to medical conditions relating to pregnancy will be excused for as long as deemed medically necessary by a student's doctor and students will be given the opportunity to make up missed work. Students needing assistance can seek accommodations from the Office of Accessibility, (212) 220-8180 or Chief Diversity Officer, Odelia Levy, Esq., (212) 220-1236.

BMCC is committed to ensuring a discriminatory-free environment where all individuals are treated fairly and with respect. The Office of Compliance and Diversity is dedicated to promoting an open and inclusive environment, addressing complaints as they arise, creating programs which promote diversity, and ensuring that the College complies with all applicable policies and laws. Odelia Levy, Esq. serves as the Chief Diversity Officer and the Title IX Coordinator. To report a complaint of unlawful discrimination or harassment, including sexual misconduct, please contact Ms. Levy at (212) 220-1236 or [OLevy@bmcc.cuny.edu](mailto:OLevy@bmcc.cuny.edu). Ms. Levy's office is located in 199 Chambers Street, Room S-701K. You can also contact Deputy Director of Diversity and Title IX Compliance, Theresa Wade, at (212) 220-1273 or [Twade@bmcc.cuny.edu](mailto:Twade@bmcc.cuny.edu). If you witness or experience unlawful discrimination or harassment after hours and need immediate assistance, please contact Public Safety at (212) 220-7080.

## **Lactation Room Policy**

### **1. OVERVIEW**

In recognition of the importance and benefits of breastfeeding for mothers and infants and in compliance with applicable law, CUNY supports the rights of employees and students who are nursing mothers. CUNY is dedicated to accommodating the needs of nursing mothers for break time and a private space to express breast milk on campus. This lactation policy incorporates the new lactation laws in New York City, Int. No 879-A and Int. No. 905-A, effective March 18, 2019 and supersedes the CUNY Lactation Guidelines promulgated on March 23, 2015.

### **2. SCOPE**

This policy applies to all CUNY employees and students.

### **3. POLICY STATEMENT**

CUNY is required to provide its employees reasonable break time for up to three years after they give birth to express milk. An employee may do this by utilizing her paid break or meal periods, or taking unpaid break periods. The employee may also discuss with her supervisor whether it is possible to make up some or all of the lost time by extending her workday.

CUNY must also provide an employee, upon request, a room or other location, in reasonably close proximity to her work area, where she can express milk in private. The room must (a) not be a bathroom (b) be shielded from view and free from intrusion

from co-workers and the public (c) have nearby access to a sink with running water and paper towels (d) be in close proximity to a refrigerator and (e) contain a table, electrical outlet and a chair.

While CUNY understands that space at the colleges is limited, the colleges should seek to identify a dedicated space for this purpose or, if no space is so dedicated, provide space upon request. If the college is unable to identify a dedicated space and the designated “lactation room” in a particular instance has multiple uses, the room cannot be used for any other purpose while an employee is expressing milk. In the unlikely event that the college determines that it would cause undue hardship to provide a lactation room for an employee, the college must engage in a cooperative dialogue (interactive process) with the employee regarding other possible workplace accommodations. When an employee requests the use of a lactation room, the CUNY college or unit must comply with the request within five days.

For students, a dedicated room for lactation should be provided based on availability, on a first-come, first-served basis. If the college has no such dedicated room, the college should work the student to see if it is possible to identify a space where the student can express milk.

Discrimination or retaliation against an employee who chooses to express milk in the workplace is prohibited. Students who exercise their rights to express milk pursuant to these guidelines are also protected from discrimination or retaliation. Employees who wish to make a complaint of discrimination or retaliation should contact the Chief Diversity Officer at their campus; students wishing to make such a complaint should contact the campus Title IX Coordinator.

### **Notice of Non-Discrimination**

It is the policy of The City University of New York—applicable to all colleges and units—to recruit, employ, retain, promote, and provide benefits to employees and to admit and provide services for students without discriminating on the basis of actual or perceived race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender, gender identity, marital status, partnership status, disability, genetic information, alienage, citizenship, military or veteran status, pregnancy, status as a victim of domestic violence/stalking/sex offenses, unemployment status, caregiver or familial status, prior record of arrest or conviction, or any other legally prohibited basis in accordance with federal, state and city laws. This policy is set forth in CUNY’s Policy on Equal Opportunity and Non-Discrimination.

CUNY’s Policy on Sexual Misconduct prohibits all forms of sexual misconduct, including sexual harassment, gender harassment and sexual violence. Inquiries concerning sexual misconduct or sex discrimination may be made to the individuals specified in that Policy or may be referred to the U.S. Department of Education, Office for Civil Rights.

It is also the University’s policy to provide reasonable accommodations and academic adjustments, when appropriate, to individuals with disabilities, individuals observing religious practices, individuals who have pregnancy or childbirth-related medical conditions and victims of domestic violence/stalking/sex offenses. The process for addressing these issues is set forth in CUNY’s Procedures for Implementing Reasonable Accommodations and Academic Adjustments.

Retaliation for reporting or opposing discrimination, cooperating with an investigation of a discrimination complaint, or requesting an accommodation or academic adjustment is also prohibited.

To access CUNY’s Policy and Procedures on Equal Opportunity and Non-Discrimination, Policy on Sexual Misconduct, and Procedures for Implementing

Reasonable Accommodations and Academic Adjustments, please visit these links:

<http://www<sup>2</sup>.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/hr/policies-and-procedures/CUNYPolicy-Equal-Opportunity-and-Non-Discrimination-010115-procedures.pdf>

<https://www.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/policies-procedures/Sexual-Misconduct-Policy.pdf>

<http://www<sup>2</sup>.cuny.edu/about/administration/offices/legal-affairs/policies-procedures/reasonable-accommodations-and-academic-adjustments/>

The following people have been designated at the Borough of Manhattan Community College to handle inquiries and complaints relating to CUNY's Policy on Equal Opportunity and Non-Discrimination and Policy on Sexual Misconduct and to ensure compliance with CUNY's Procedures for Implementing Reasonable Accommodations and Academic Adjustments:

**Odelia Levy, Esq.**

Chief Diversity Officer/Special Advisor  
to the President  
199 Chambers Street, Room S-701K  
New York, NY 10007  
(212) 220-1236  
OLevy@bmcc.cuny.edu

**Theresa Wade, Esq.**

Deputy Director of Diversity and  
Title IX Compliance  
199 Chambers Street, Room S-701J  
New York, NY 10007  
(212) 220-1273  
Twade@bmcc.cuny.edu

The following federal, state, and local agencies enforce laws against discrimination:

- New York City Commission on Human Rights,  
<http://www<sup>1</sup>.nyc.gov/site/cchr/index.page>
- New York State Division on Human Rights,  
<http://www.dhr.ny.gov/>
- United States Equal Employment Opportunity Commission,  
<http://www.eeoc.gov>
- United States Department of Justice,  
<http://www.justice.gov/>
- United States Department of Education, Office for Civil Rights,  
<http://www<sup>2</sup>.ed.gov/ocr>

**Non-Discrimination of Students on the Basis of Pregnancy, Childbirth and Related Conditions**

*For full view of the CUNY Policy, please go to:*

[www.cuny.edu/about/administration/offices/la/advisories/](http://www.cuny.edu/about/administration/offices/la/advisories/)

[NonDiscriminationofStudentsontheBasisofPregnancyChildbirthandRelatedConditions.pdf](#)

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

**I. POLICY STATEMENT**

CUNY students, employees and visitors deserve the opportunity to live, learn and work free from Sexual Misconduct. Accordingly, CUNY is committed to:

1. Defining conduct that constitutes Sexual Misconduct;
2. Providing clear guidelines for students, employees and visitors on how to report incidents of Sexual Misconduct;
3. Providing ongoing assistance and support to all parties after allegations of Sexual Misconduct have been made;

4. Promptly and respectfully responding to and investigating allegations of Sexual Misconduct, pursuing disciplinary action when appropriate and taking action to investigate and address any allegations of retaliation;
5. Providing awareness and prevention information on Sexual Misconduct, including widely disseminating this Policy, as well as a “Students’ Bill of Rights” and implementing training and educational programs on Sexual Misconduct to college constituencies;
6. Gathering and analyzing information and data that will be reviewed in order to improve safety, reporting, responsiveness and the resolution of allegations of Sexual Misconduct;
7. Distinguishing between the specific conduct defined as Title IX Sexual Harassment by the USDOE and the broader definition of Sexual Misconduct prohibited by this Policy; and
8. Ensuring compliance with the federal regulations under Title IX, and other federal, state and local laws.

This is CUNY’s sole policy to address Sexual Misconduct and it is applicable at all CUNY colleges and units<sup>1</sup>. This Policy will be interpreted in accordance with the principles of academic freedom adopted by CUNY’s Board of Trustees.

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

1. The CUNY Policy on Equal Opportunity and Nondiscrimination<sup>2</sup> prohibits discrimination on the basis of numerous protected characteristics in accordance with federal, state and local law. That policy addresses sex discrimination other than Sexual Misconduct covered by this policy.
2. The CUNY Campus and Workplace Violence Prevention Policy<sup>3</sup> addresses workplace violence.
3. The CUNY Domestic Violence and the Workplace Policy<sup>4</sup> addresses domestic violence in or affecting employees in the workplace.
4. The CUNY Procedures for Implementing Reasonable Accommodations and Academic Adjustments<sup>5</sup> addresses the procedures CUNY will follow when there is a request for a reasonable accommodation or academic adjustment.

<sup>1</sup> There is a separate policy for students at the Hunter College Campus Schools, consistent with federal regulations under Title IX, state and local law.

<sup>2</sup> <https://www.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/hr/policies-and-procedures/PEONon-Discrimination12.4.2014.pdf>.

<sup>3</sup> <https://www.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/CUNY-Campus-and-Workplace-Violence-Prevention-Policy-2.28.11-and-amended-9.26.2011.pdf>.

<sup>4</sup> [http://policy.cuny.edu/general-policy/article-v/#policy\\_5.061](http://policy.cuny.edu/general-policy/article-v/#policy_5.061).

<sup>5</sup> <https://www.cuny.edu/about/administration/offices/legal-affairs/policies-procedures/reasonable-accommodations-and-academic-adjustments/>.

In addition, campus crime statistics, including statistics relating to sexual violence, which CUNY is required to report under the Jeanne Clery Act, are available on each college’s Public Safety website.

## II. SCOPE OF THIS POLICY

This Policy governs the conduct of CUNY students, employees and visitors. Visitors

may report a violation of this Policy and may also be subject to restrictions for failing to comply with this Policy.

This Policy prohibits Sexual Misconduct that occurs on CUNY property and conduct that occurs off CUNY property but has a reasonable connection to CUNY.

### III. PROHIBITED CONDUCT AND DEFINITIONS

This Policy prohibits Sexual Misconduct (addressed in this section), Retaliation (addressed in Section VII-G and defined below), knowingly submitting false statements or information (defined below) and certain intimate relationships between students and faculty members/employees (addressed in Section XIV).<sup>6</sup>

**The following behaviors constitute Sexual Misconduct prohibited under this Policy:**

- a. **Dating Violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct. Dating violence includes the threat of sexual assault or physical abuse. The existence of such a relationship is determined based on a consideration of the following factors: (1) The length of the relationship; (2) The type of relationship and (3) The frequency of interaction between the persons involved in the relationship. A relationship may be romantic or intimate regardless of whether the relationship was sexual in nature.
- b. **Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim by a person with whom the victim shares a child, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under applicable domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under applicable domestic or family violence laws. Domestic violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct.
- c. **Sexual Assault: Contact** is any sexual contact, including sexual touching for the purpose of sexual gratification of either party or degrading or abusing such person, without a person's consent. Sexual touching includes contact under or over clothing with another person's anus, breasts, buttocks, genitals, groin or inner thigh; touching another person anywhere with any of these body parts; making another person touch any of these body parts under or over clothing; or the emission of ejaculate on the clothing or body of another person.

<sup>6</sup> Sex discrimination that does not constitute Sexual Misconduct is not addressed in this Policy but is covered by CUNY's Equal Opportunity and Non-Discrimination Policy. Sex discrimination is defined as treating an individual differently or less favorably because of sex, including sexual orientation, gender or gender identity (including transgender status), as well as pregnancy, childbirth and related medical conditions. Examples of sex discrimination include giving a student a lower grade, or failing to hire or promote an employee, based on their sex.

- d. **Sexual Assault: Penetration** is any form of vaginal, anal, or oral penetration or attempted penetration, however slight, by a penis, object, tongue, or finger without a person's consent. This term includes incest and statutory rape.
- e. **Sexual Harassment** is unwelcome verbal or physical behavior based on a person's sex (including sexual orientation, gender, gender expression and gender identity, including transgender status). Conduct is considered "unwelcome" if the individual did not request or invite it and considered the conduct to be

undesirable or offensive. This includes unwelcome conduct when: (1) a CUNY employee conditions the provision of an aid, benefit, or service of CUNY on an individual's participation in unwelcome sexual conduct (quid pro quo); and/or (2) such conduct alters the conditions of, or has the effect of interfering with, an individual's educational or work experience by creating an intimidating, hostile or offensive environment (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of a complainant. While it is not possible to list all circumstances that might constitute Sexual Harassment, the following are some examples of conduct that might constitute such harassment:

- i. Suggestive body language or inappropriate or unwelcome physical contact that does not qualify as Sexual Assault: Contact;
  - ii. Verbal abuse or offensive comments of a sexual nature, including sexual slurs, persistent or pervasive sexually explicit statements, questions, jokes or anecdotes, degrading words regarding sexuality or gender, suggestive or obscene letters, notes, or invitations;
  - iii. Making lewd or sexual comments about an individual's appearance, body, or clothing;
  - iv. Visual displays or distribution of sexually explicit drawings, pictures, or written materials;
  - v. Undue and unwanted attention, such as repeated inappropriate flirting, staring, or making sexually suggestive gestures; or
  - vi. Offensive comments regarding a person's sexual orientation, gender identity or gender expression, such as persistent mocking or disparagement of a person based on a perceived lack of stereotypical masculinity or femininity.
- f. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for their safety or the safety of others or (2) suffer substantial emotional distress. This Policy addresses stalking that is based on sex (including sexual orientation, gender, gender expression and gender identity, including transgender status). All other stalking will be addressed under other applicable policies.
- g. **Title IX Sexual Harassment** is a subset of the broader definition of Sexual Harassment above. It is defined by the USDOE to mean conduct on the basis of sex<sup>7</sup> that occurs in CUNY's education program or activity against a person in the United States and that satisfies one or more of the following: (1) a CUNY 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 CUNY's education program or activity; or (3) Sexual Assault, Dating Violence, Domestic Violence, or Stalking as defined in this Policy.
- h. **Voyeurism** is unlawful surveillance and includes acts that violate a person's right to privacy in connection with their body and/or sexual activity such as:
- i. Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent.
  - ii. Recording images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness where that person would have a reasonable expectation of privacy, without that person's consent;
  - iii. Disseminating images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness where that person would have a reasonable expectation of privacy, if the individual distributing the images or audio knows or should have

- known that the person depicted in the images or audio did not consent to such disclosure; or
- iv. Using or installing, or permitting the use or installation of a device for the purpose of recording another person's sexual activity, intimate body parts or nakedness in a place where the person would have a reasonable expectation of privacy without that person's consent.

**Other important terms and concepts addressed in this Policy:**

- a. **Consent** means affirmative consent.
- b. **Affirmative Consent** is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.
  - i. 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.
  - ii. In order to give consent, one must be of legal age (17 years or older in New York).
  - iii. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
  - iv. 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.
  - v. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
  - vi. Consent may be initially given but withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.
- c. **Sexual Act/Sexual Activity** is
  - i. Any form of vaginal, anal, or oral penetration or attempted penetration, however slight, by a penis, object, tongue or finger.
  - ii. Any sexual contact, including sexual touching. Sexual touching includes contact under or over clothing with another person's anus, breasts, buttocks, genitals, groin or inner thigh; touching another person anywhere with any of these body parts; making another person touch any of these body parts under or over clothing; or the emission of ejaculate on the clothing or body of another person.
- d. **Complainant** refers to the individual who alleges that they have been the subject of Sexual Misconduct, and may be a CUNY student, employee (including all full-time and part-time faculty and staff and paid/unpaid interns) or visitor. Under this Policy, the alleged incident(s) may have been brought to the college's attention by someone other than the complainant.
- e. **Confidentiality** is the commitment not to share any identifying information with others, except as required by law in emergency circumstances (such as risk of death or serious bodily harm). Confidentiality may only be offered by individuals

who are not required to report known incidents of Sexual Misconduct to college officials. Licensed mental health counselors, medical providers and pastoral counselors may offer confidentiality. See additional discussion in Section VI.

- f. **Day** Whenever this Policy refers to a “day,” it means a calendar day other than a Saturday, Sunday or federal or state holiday.
- g. **Knowingly submitting false statements or information** means knowingly making false statements or submitting false information in connection with any allegation of Sexual Misconduct (as opposed to providing information which, even if erroneous, is provided in good faith). Anyone who knowingly makes false statements or submits false information in connection with any allegation of Sexual Misconduct will be subject to disciplinary action in accordance with CUNY Bylaws, policies and collective bargaining agreements.
- h. **Non-Title IX Sexual Misconduct Matter** is the term used to describe allegations of Sexual Misconduct that do not meet the definition of Title IX Sexual Harassment and therefore will be resolved, investigated and adjudicated pursuant to the procedures outlined in Section XII.
- i. **Party** is a complainant or respondent.
- j. **Preponderance of evidence** is the standard of evidence used during the investigation and adjudication of Sexual Misconduct allegations under this Policy. A preponderance of the evidence means whether it is more likely than not that the Sexual Misconduct occurred.
- k. **Privacy** is the assurance that an individual or the college will only reveal information about allegations of Sexual Misconduct to those who need to know the information in order to carry out their duties or responsibilities or as otherwise required by law. Individuals who are unable to offer the higher standard of confidentiality under law, but who are still committed to not disclose information more than necessary, may offer privacy. See additional discussion in Section VI.
- l. **Respondent** refers to the individual who is alleged to have committed Sexual Misconduct against a CUNY student, employee, or visitor.
- m. **Retaliation** is adverse treatment of an individual as a result of that individual's reporting Sexual Misconduct, assisting someone to report Sexual Misconduct, opposing in a reasonable manner an act or policy believed to constitute Sexual Misconduct, or participating in any manner (or refusing to participate) in an investigation or resolution under this Policy. Adverse treatment includes intimidation, threats, coercion or discrimination for the purpose of interfering with any right or privilege secured by this Policy. All individuals are prohibited from engaging in retaliation, including complainants, respondents and others, such as friends or relatives of the parties.

<sup>7</sup> “Based on sex” includes sexual orientation, gender, gender expression and gender identity, including transgender status.

- n. **Title IX Formal Complaint** is a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a respondent and requesting that the college investigate the allegations. The Title IX Coordinator may sign a Title IX Formal Complaint with or without a complainant's desire to participate in a grievance process.
- o. **Title IX Sexual Harassment Matter** is the term used to describe allegations of Sexual Misconduct that meet the definition of Title IX Sexual Harassment and therefore must be resolved, investigated and adjudicated pursuant to the Title IX grievance procedures required by the USDOE and outlined in Section XI.
- p. **Visitor** is any person other than a CUNY student or employee who interacts with the CUNY community. CUNY alumni are considered visitors under this Policy.



- q. **Writing** Whenever this Policy requires a “writing,” electronic mail satisfies the writing requirement.

#### **IV. TITLE IX COORDINATOR**

Each college or unit of CUNY has an employee who has been designated as the Title IX Coordinator.<sup>8</sup> This employee is responsible for compliance with Title IX of the Education Amendments of 1972, 20 U.S.C. chapter 38, which prohibits sex discrimination in education programs (including Title IX Sexual Harassment as it is defined above), New York State Law Article 129-B (“Enough is Enough”) and other federal, state and local laws pertaining to sex discrimination and sexual misconduct. The Title IX Coordinator has overall responsibility for implementing this Policy, including overseeing the investigation of allegations of Sexual Misconduct at their college or unit (including Title IX Sexual Harassment matters and Non-Title IX Sexual Misconduct matters) and carrying out the other functions of that position set forth in this Policy. All Title IX Coordinators will receive annual training as required by Title IX, the Clery Act, Enough is Enough, and other civil rights laws. The name and contact information for all Title IX Coordinators at CUNY can be found on CUNY’s dedicated Title IX website.<sup>9</sup> Title IX Coordinator training obligations are discussed in Section XIII.

#### **V. RESOURCES AND INFORMATION FOR INDIVIDUALS AFFECTED BY SEXUAL MISCONDUCT**

CUNY is committed to providing assistance, support and resources to those affected by Sexual Misconduct. This Section discusses a complainant’s option of reporting Sexual Misconduct to outside law enforcement, the differences between CUNY’s process and procedures and those of outside law enforcement and how to obtain immediate medical attention and emotional support.

##### **A. Reporting to Outside Law Enforcement**

Students, employees and other community members may choose to report Sexual Misconduct to local law enforcement and/or state police (“outside law enforcement”). However, CUNY does not require that a complainant report Sexual Misconduct to outside law enforcement; nor will CUNY 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, CUNY 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. Additional information is available on CUNY’s Title IX website.

<sup>8</sup> Any reference to the Title IX Coordinator may also include their designee.

<sup>9</sup> <http://www1.cuny.edu/sites/title-ix/campus-websites/campus/university/>.

##### **B. Differences between CUNY’s Process and Procedures and Those of Outside Law Enforcement**

In cases where the complainant reports allegations to outside law enforcement authorities as well as to the college, the college must determine what actions to

take based on its own investigation. The college may coordinate with outside law enforcement authorities in order to avoid interfering with their activities and, where possible, to obtain information regarding their investigation. Neither a law enforcement determination whether to prosecute a respondent, nor the outcome of any criminal prosecution, is dispositive of whether the respondent has committed a violation of this Policy.

Students, employees and other community members should be aware that CUNY procedures and standards differ from those of criminal law. When CUNY investigates allegations of Sexual Misconduct or brings disciplinary proceedings for violations of this Policy, the issue is whether the respondent violated CUNY policy. The standard applied in making this determination is whether the preponderance of the evidence supports a finding of responsibility, or, stated another way, whether it is more likely than not that the alleged conduct occurred. An individual found to have violated this Policy may be sanctioned by the college and CUNY. In the criminal justice system, on the other hand, the issue is whether the accused violated criminal law. The standard applied is proof beyond a reasonable doubt and an individual found guilty of a crime is subject to criminal penalties, such as incarceration, probation and fines. More information about relevant criminal laws is available in “A Plain Language Explanation of Distinction Between the New York Penal Law and the College Disciplinary Processes.”<sup>10</sup>

### **C. Obtaining Immediate Medical Attention and Emotional Support**

CUNY encourages anyone who has experienced Sexual Assault, Domestic Violence or Dating Violence to seek medical attention as soon as possible. Medical resources can provide treatment for injuries, preventative treatment for sexually transmitted diseases, emergency contraception and other health services. They can also assist in preserving evidence or documenting any injuries. Taking these steps promptly after an incident can be helpful if an individual later decides to pursue criminal charges or a protective order.

Individuals who have experienced or witnessed Sexual Assault, Domestic Violence or Dating Violence are also encouraged to seek emotional support, either on or off-campus.

On campus resources may include nurses and/or nurse practitioners at campus health offices and counselors at campus counseling centers. Counselors are trained to provide crisis intervention and provide referrals for longer-term care as necessary.

CUNY also maintains a list of off-campus emergency contacts and resources<sup>11</sup>, including rape crisis centers, available throughout New York City on its dedicated web page. This includes a list of local hospitals designated as SAFE (Sexual Assault Forensic Examiner) hospitals, which are specially equipped to handle sexual assaults and trained to gather evidence from such assaults.

<sup>10</sup> <http://www1.cuny.edu/sites/title-ix/campus-websites/campus/university/>.

<sup>11</sup> <http://www1.cuny.edu/sites/title-ix/campus-websites/resources/>.

## **VI. IMPORTANT INFORMATION ABOUT REPORTING/CONFIDENTIALITY OBLIGATIONS OF COLLEGE AND CUNY EMPLOYEES**

CUNY values the privacy of its students, employees and visitors and recognizes that they should be able to seek the assistance they need without fear that the information they provide will be shared more broadly. An individual who speaks to a college or CUNY employee about Sexual Misconduct should be aware that employees fall into three categories:

- a. Confidential Employees** have an obligation to maintain a complainant's

confidentiality regarding allegations of Sexual Misconduct and will not share any identifying information with others, except as required by law in emergency circumstances;

- b. **Responsible Employees** are required to report allegations of Sexual Misconduct to the Title IX Coordinator but will protect an individual's privacy to the greatest extent possible and share information with other staff only on a need-to-know basis; and
- c. **All other employees** are strongly encouraged, but not required to report allegations of Sexual Misconduct to the Title IX Coordinator. These employees are otherwise encouraged to protect an individual's privacy to the greatest extent possible and share information only with the Title IX Coordinator.

**Note:** Under the Clery Act, the College is required to maintain records, advise the government about reports of certain crimes and issue timely warnings when there is a serious, continuing threat to the community. Such reports and warnings do not disclose identifying information.

#### **A. Confidential Employees**

- a. **For Students.** Students who wish to speak to someone who will keep the communications confidential should speak to one of the following:
  - i. Counselor or other staff member at their college counseling center;
  - ii. Nurse, nurse practitioner or other college health office staff member;
  - iii. Pastoral counselor (a person associated with a religious order or denomination, recognized by that order or denomination as someone who provides confidential counseling and identified by CUNY as functioning within the scope of that recognition); or
  - iv. Designated staff member, if any, in a women's or men's center, if one exists at their college.

These individuals will not report the allegations to the college's Title IX Coordinator or other college employees without the student's permission. The only exception is in the case where there is an imminent threat of serious injury to the complainant or any other person.

If a student speaks solely to a confidential employee, the college will rarely be able to conduct an investigation into the allegations or pursue disciplinary action against the respondent. Confidential employees will assist students in obtaining other necessary support.

- b. **For Employees.** Although CUNY does not directly employ individuals to whom CUNY employees can speak on a confidential basis regarding Sexual Misconduct, free confidential support services are available through CUNY's Work/Life Program<sup>12</sup>, which is administered by an outside company. Confidential community counseling resources are also available throughout New York City.<sup>13</sup>

Complainants may use these confidential resources even if they decide not to report allegations of Sexual Misconduct or participate in an investigation, CUNY resolution process or the criminal justice process. A complainant who first speaks to a confidential resource may later decide to report allegations to the college or with outside law enforcement.

## B. Responsible Employees

Individuals designated as responsible employees have a duty to report allegations of Sexual Misconduct, including all relevant details, to the Title IX Coordinator. These employees are not permitted to maintain a complainant's confidentiality, but will maintain a complainant's privacy to the greatest extent possible, and information reported to them will be shared only with the Title IX Coordinator and other people responsible for handling the college's response to the report.

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

CUNY has designated the following individuals as responsible employees:

- a. University Title IX Director
- b. College Title IX Coordinator and staff
- c. Office of Public Safety employees
- d. Vice President for Student Affairs or Dean of Students and all staff housed in those offices (other than staff that are designated as confidential employees)
- e. Residence Life staff in CUNY owned or operated housing, including Resident Assistants
- f. Directors and Deputy Directors of Human Resources
- g. College President, Vice Presidents and Deans
- h. Athletics Staff
- i. Department Chairpersons/Executive Officers
- j. CUNY Office of the General Counsel attorneys and College/unit attorneys
- k. College/unit labor designee
- l. Faculty and staff members at times when they are leading or supervising students on off- campus trips
- m. International Education Liaisons/Study Abroad Campus Directors and Field Directors
- n. All employees at Hunter College Campus Schools
- o. College Childcare Center staff
- p. Managers or supervisors, regarding alleged Sexual Misconduct involving people who report to them
  - i. **Managers** are employees who have authority to make tangible employment decisions with regard to other employees, including the authority to hire, fire, promote, compensate or assign significantly different responsibilities.
  - ii. **Supervisors** are employees who are not managers, but have a sufficient degree of control over the working conditions of one or more employees, which might include evaluating their performance and making recommendations for changes in employment status that are given particular weight.

<sup>12</sup> <https://www.cuny.edu/about/administration/offices/hr/benefits/>.

<sup>13</sup> <https://nownyc.org/womens-justice-now/get-help/>.

### **C. Special Rules Concerning Public Awareness and Advocacy Events**

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

### **VII. REPORTING SEXUAL MISCONDUCT TO THE COLLEGE**

In order for CUNY to address allegations of Sexual Misconduct, it has to learn about the allegations. Accordingly, CUNY strongly encourages individuals who have experienced Sexual Misconduct to report allegations to a designated campus official, as set forth in “Where to Report Allegations of Sexual Misconduct on Campus” below. The designated officials are trained to receive allegations of Sexual Misconduct, to ensure they are investigated in accordance with this Policy and to help complainants get necessary assistance. Students, employees and visitors are encouraged to report allegations of Sexual Misconduct to campus officials, regardless of whether they have reported the incident to outside law enforcement authorities and regardless of where the incident took place.

#### **A. 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 Sections XI and XII).
- e. To have allegations of Sexual Misconduct investigated in accordance with CUNY policy.
- 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.

## **B. Where to Report Allegations of Sexual Misconduct on Campus**

Students, employees and visitors who experience Sexual Misconduct and wish to report the allegations to the college/CUNY, should notify one of these campus officials/offices:

- a. Title IX Coordinator;
- b. Office of Public Safety;
- c. Office of Vice President for Student Affairs or Dean of Students;
- d. Residence Life staff in CUNY owned or operated housing; or
- e. Human Resources Director.

Contact information for these officials can be found at CUNY's Title IX Website. Complainants are encouraged, but not required, to complete the CUNY Sexual Misconduct Allegation Form. After the form is filled out, it should be brought to one of the offices listed above or submitted electronically through the college's Title IX website (where available) or by email. The college will also respond to allegations made without the form, whether oral or written.

When any of the officials or offices above is notified of allegations of Sexual Misconduct, they will provide a copy of this Policy to the complainant and coordinate with appropriate college offices to address the matter in accordance with this Policy, including providing appropriate supportive measures (addressed in Section VIII, below). These officials and offices will maintain a complainant's privacy to the greatest extent possible, and all information in connection with the allegations, including the identities of the complainant and the respondent, will be shared only with those who have a legitimate need for the information.

## **C. Request that the College Maintain a Complainant's Anonymity or Not Conduct an Investigation**

Whether a college may maintain a complainant's anonymity or request to not conduct an investigation, depends on whether the allegations will proceed as a Title IX Sexual Harassment matter or a Non-Title IX Sexual Misconduct matter (See Section X).

If the allegations will proceed as a Title IX Sexual Harassment matter, the Title IX Coordinator must inform the complainant that the complainant's identity may not be kept anonymous if the complainant wishes to proceed with a Title IX Formal Complaint, and that the notice to the respondent will reveal the complainant's identity. The complainant may choose whether to file a Title IX Formal Complaint when so informed. If the complainant chooses not to file a Title IX Formal Complaint, their identity will not be disclosed to the respondent.

If the allegations will proceed as a Non-Title IX Sexual Misconduct matter, a complainant may request: (a) that the matter be investigated only to the extent possible without further revealing their identity or revealing further details and/or (b) that no investigation into a particular incident be conducted. If a complainant makes such a request, the Title IX Coordinator will weigh the complainant's request against the college's obligation to provide a safe, non-discriminatory environment for all students, employees and visitors, including the complainant. Factors used to determine whether to honor such a request include, but are not limited to: (a) whether the respondent has a history of violent behavior or is a repeat offender; (b) whether the incident represents escalation of unlawful conduct by the accused from previously noted behavior; (c) any increased risk that the accused will commit additional acts of violence, (d) whether the accused used a weapon or force; (e) whether the complainant is a minor; (f) whether the college possesses other means to obtain evidence such as security footage and (g) whether available information reveals pattern of misconduct at a given location or by particular group.

The college's decision to maintain the complainant's anonymity does not mean that anonymity can be guaranteed in all circumstances; rather, the college will make reasonable efforts to keep information confidential consistent with law. Of course, a college's ability to meaningfully investigate the incident and pursue disciplinary action may be limited by such a request for anonymity. Notwithstanding the decision of the Title IX Coordinator regarding the scope of any investigation, the college will provide the complainant with ongoing assistance and support, including, where appropriate, the supportive measures and accommodations set forth in Section VIII of this Policy.

#### **D. Filing External Complaints**

Individuals who feel that they have been subjected to Sexual Misconduct have the right to avail themselves of any and all of their rights under law, including but not limited to filing complaints with one or more of the outside agencies listed below:

- a. U.S. Department of Education, Office for Civil Rights<sup>14</sup>
- b. U.S. Equal Employment Opportunity Commission<sup>15</sup>
- c. New York State Division of Human Rights<sup>16</sup>
- d. New York City Commission on Human Rights<sup>17</sup>

In certain circumstances, the college or unit may close an investigation upon the filing of an external complaint. When this happens, the outside agency takes over the investigation and the college or unit will cooperate with the investigation conducted by the outside agency. If a college or unit closes an investigation for this reason, the Title IX Coordinator must notify the parties in writing.

<sup>14</sup> <http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>.

<sup>15</sup> [https://www.eeoc.gov/federal/fed\\_employees/filing\\_complaint.cfm](https://www.eeoc.gov/federal/fed_employees/filing_complaint.cfm).

<sup>16</sup> <https://dhr.ny.gov/complaint>.

<sup>17</sup> <http://www1.nyc.gov/site/cchr/about/resources.page>.

#### **E. Action by Bystanders**

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.

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 or the offices referenced in Section VII-B, 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.

#### **F. Amnesty for Drug and Alcohol Use**

The health and safety of every student at CUNY is of the utmost importance. CUNY recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at a time that Sexual Misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. CUNY strongly encourages students to report Sexual Misconduct to college officials. A bystander or complainant acting

in good faith who discloses any incident of Sexual Misconduct to college officials or law enforcement will not be subject to discipline under CUNY's Policy on Drugs and Alcohol<sup>18</sup> for violations of alcohol and/or drug use policies occurring at or near the time of the Sexual Misconduct.

#### **G. Reporting Retaliation**

An individual may report allegations of retaliation to the Title IX Coordinator if the individual has been subject to retaliation, as defined in Section III. All retaliation allegations will be investigated in accordance with the investigation procedures set forth in this Policy, and individuals who are found to have engaged in retaliation will be subject to disciplinary action.

### **VIII. SUPPORTIVE MEASURES AND ACCOMMODATIONS**

Supportive measures and accommodations are non-disciplinary, non-punitive individualized services designed to restore or preserve equal access to education and to ensure safety, prevent retaliation and avoid an ongoing hostile environment. Supportive measures and accommodations are available to complainants, respondents and other affected parties. Supportive measures are available when a college becomes aware of allegations of Sexual Misconduct (including both Title IX Sexual Harassment matters and Non-Title IX Sexual Misconduct matters), whether or not a complainant chooses to move forward with an investigation and/or resolution. Supportive measures may be provided on an interim or continuing basis. The college may also take reasonable measures to ensure the safety of the college community at large.

The Title IX Coordinator is responsible for coordinating and ensuring the effective implementation of supportive measures and accommodations. When a college learns of allegations of Sexual Misconduct, the Title IX Coordinator will promptly contact a complainant to discuss the availability of supportive measures and accommodations, discuss the complainant's wishes with respect to supportive measures and accommodations and inform complainant that supportive measures and accommodations are available even if the complainant does not wish to proceed with an investigation and/or resolution of the allegations. Requests for supportive measures and accommodations should be made to the Title IX Coordinator.

The Title IX Coordinator will work with the Chief Student Affairs Officer<sup>19</sup> to identify a trained staff member to assist students to obtain supportive measures and accommodations. The Title IX Coordinator will work with the Human Resources Director to assist employees to obtain supportive measures and accommodations.



<sup>18</sup> <https://www.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/policies-procedures/Policy-Against-Drugs-and-Alcohol.pdf>.

<sup>19</sup> Any reference to the Chief Student Affairs Officer may also include their designee.

## **A. Range of Supportive Measures and Accommodations**

Possible supportive measures and accommodations may include:

- a. Making appropriate changes to academic programs, including changes in class schedule, accommodations to permit students to take an incomplete or drop a course or courses without penalty, permitting students to attend a class via videoconference platform or other alternative means, providing an academic tutor, or extending deadlines for assignments;
- b. Making appropriate changes to residential housing situations or providing assistance in finding alternate housing;
- c. Changing an employee's work assignment or schedule;
- d. Providing an escort to and from class or campus work location;
- e. Arranging appropriate transportation services to ensure safety;
- f. Offering counseling services through the college Counseling Center or other appropriate office, or referral to an off-campus agency;
- g. Enforcing an Order of Protection issued by a court;
- h. Issuing a No Contact Order whereby continued intentional contact would be a violation of CUNY Policy and subject to disciplinary action (see discussion below); and
- i. Emergency removal of a respondent when they pose an imminent threat to the physical health or safety of any person (see discussion below).

## **B. No Contact Orders**

A No Contact Order is a directive issued by a college prohibiting intentional contact or communication between specified parties. An individual who intentionally violates a No Contact Order is in violation of CUNY Policy and will be subject to disciplinary action. No Contact Orders may be issued for both complainants and respondents, as well as other individuals as appropriate. No Contact Orders are issued by the Chief Student Affairs Officer (for students) and the Director of Human Resources (for employees).

## **C. Emergency Removal**

In exceptional circumstances, where a respondent presents an immediate threat to the physical health or safety of any student or other individual arising from a report of Sexual Misconduct, the college may effectuate an emergency removal of a student or take similar emergency measures against an employee, consistent with applicable CUNY Bylaws and policies.

Prior to emergency removal under this Section, the President or their designee will, in cooperation with the appropriate campus officials, conduct an individualized safety and risk analysis to determine whether a respondent presents an immediate threat to the physical health or safety of any person arising from a report of Sexual Misconduct. The college will give the student respondent notice and an opportunity to challenge the decision immediately following the removal (see Section VIII-D, below). Both parties will be notified at the same time and in the same manner of the emergency removal and if or when the emergency removal is lifted.

#### **D. Process for Review of Supportive Measures and Accommodations, Including No Contact Orders and Emergency Removal**

Parties may request a prompt review of the need for and terms of supportive measures that directly affect them, including No Contact Orders and emergency removal. Issues that may be raised include possible modification or discontinuance of a No Contact Order.

If either party is a student, a request for review must be made to the college's Chief Student Affairs Officer. If neither party is a student, a request for review must be made to the college's Human Resources Director. If a case involves both a student and an employee, the Chief Student Affairs Officer will consult with the Human Resources Director before making a decision. Requests for review must be in writing and parties may submit evidence to support their request. All requests will be reviewed within seven (7) days after receipt.

#### **IX. EVALUATION OF INITIAL ALLEGATIONS OF SEXUAL MISCONDUCT**

Upon learning of allegations of Sexual Misconduct, the Title IX Coordinator will evaluate whether the alleged behavior falls within the scope of Title IX Sexual Harassment. If the alleged Sexual Misconduct meets these criteria, it must proceed as a Title IX Sexual Harassment matter:

- a. the allegations, if true, meet the definition of Title IX Sexual Harassment as defined above in Section III; and
- b. at the time the allegations are made, the complainant is participating in, or attempting to participate in an education program or activity at CUNY.

If the alleged Sexual Misconduct does not meet the above criteria, the allegations will proceed as a Non-Title IX Sexual Misconduct matter. For allegations that involve multiple incidents of Sexual Misconduct, some of which qualify as a Title IX Sexual Harassment matter and some of which qualify as a Non-Title IX Sexual Misconduct matter, the allegations will proceed as a Title IX Sexual Harassment matter. Allegations of discrimination covered by CUNY's Equal Opportunity and Non-Discrimination Policy will continue to be referred to the Chief Diversity Officer and handled pursuant to separate procedures outlined in that policy.

Rights and procedures that apply to all Sexual Misconduct matters are addressed in Section X. Procedures for the investigation, resolution and/or adjudication of Title IX Sexual Harassment matters are addressed in Section XI. Procedures for the investigation, resolution and/or adjudication of Non-Title IX Sexual Misconduct matters are addressed in Section XII.

#### **X. RIGHTS AND PROCEDURES THAT APPLY TO ALL SEXUAL MISCONDUCT MATTERS**

The following rights and procedures apply to all allegations of Sexual Misconduct, regardless of whether the allegations will proceed as a Title IX Sexual Harassment matter or a Non-Title IX Sexual Misconduct matter.

##### **A. Rights of Parties during any Investigation and Resolution**

Parties will have the following rights when an investigation or resolution is initiated under either Section XI or XII of this Policy:

- a. To an investigation and process that is fair, impartial, timely, thorough and provides a meaningful opportunity to be heard;
- b. To have the allegations investigated and/or adjudicated by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, and the rights of the respondent, including the

right to a presumption that the respondent is “not responsible” until any finding of responsibility;

- c. To have the allegations investigated, resolved and/or adjudicated by individuals who are free from a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent;
- d. To have the college’s judicial or conduct process run concurrently with any criminal justice investigation and proceeding, except for temporary delays requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten (10) days except when law enforcement specifically requests and justifies a longer delay;
- e. To an investigation process where the burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the college and not on the parties;
- f. To receive reasonable advance written notice of any meeting they are required to or eligible to attend;
- g. To exclude their own prior sexual history with persons other than the other party in the investigation or conduct process and their own mental health diagnosis and/or treatment, subject to certain exceptions described in Sections XI and XII;
- h. To offer evidence during the investigation;
- i. To have irrelevant evidence excluded from any hearing;
- j. To review documents and tangible evidence, consistent with the Family Educational Rights and Privacy Act (“FERPA”) and other laws (see Sections XI or XII for additional details);
- k. To be accompanied by an advisor of their choice (who may be an attorney), who may assist and advise throughout the process, including during all related meetings and hearings.

Advisors must comply with applicable CUNY policies and procedures;<sup>20</sup>

- l. To simultaneous notice of the outcome of proceedings, including written notice of findings of fact, decisions and sanctions if any, as well as the rationale for the decision and any sanction;
- m. To access to a full and fair record of any hearing;
- n. To protection against retaliation as defined in Section III; and
- o. To protection against the provision of false statements and evidence, as defined in Section III.

<sup>20</sup> For Title IX Sexual Harassment matters, CUNY will provide an advisor to any party who does not have one, for the limited purpose of conducting cross examination at a hearing. See Section XI-E-c-ii for more information.

## **B. Informal Resolution**

Informal Resolution is an alternative to the formal investigation and adjudication procedures outlined in Sections XI and XII and may include administrative resolution (such as a mutual agreement to abide by a No Contact Order), acceptance of responsibility and penalty, mediation or other alternative dispute resolution. In some cases, informal resolution may represent a beneficial outcome for both parties by providing an alternative to the formal investigation and adjudication process.

This informal resolution process is available in matters proceeding as Title IX Sexual Harassment matters and Non-Title IX Sexual Misconduct matters, except in cases involving Title IX Sexual Harassment allegations by a student against an employee.

Informal resolution may take place at any point prior to a determination of responsibility. For Title IX Sexual Harassment matters, informal resolution is available after a Title IX Formal Complaint is filed. The Title IX Coordinator must consider every eligible case for

informal resolution. When the Title IX Coordinator determines that it is appropriate to refer a matter for informal resolution, the Title IX Coordinator will provide the parties with written notice that an informal resolution is being offered to resolve the allegations. This written notice will include:

- a. A description of the allegations;
- b. The requirements of the informal resolution process, including the circumstances under which an informal resolution will preclude the parties from resuming an investigation and formal resolution arising from the same allegations;
- c. Potential consequences resulting from participating in the informal resolution process, including what records will be maintained or could be shared with the other party; and
- d. Notice that either party has the right to withdraw from the informal resolution process and resume an investigation and formal resolution process at any time prior to agreeing to an informal resolution.

Both parties must agree to begin the informal resolution process. The time frame for investigations will be tolled while the parties engage in the informal resolution process. The Title IX Coordinator must reevaluate the parties' progress towards informal resolution every thirty (30) days and has the discretion to terminate the informal resolution process and resume the investigation at any time.

Upon referral by the Title IX Coordinator, the informal resolution process is conducted by a qualified staff or faculty member designated by the Title IX Coordinator, in coordination with the Chief Student Affairs Officer or a designated Human Resources representative, as applicable. Either party has the right to end the informal resolution process at any time prior to finalizing an informal resolution agreement.

Any agreement reached through informal resolution must be acceptable to both parties and the college. If a resolution is reached, the parties will be notified in writing, and a written memorandum will memorialize the agreed upon resolution. Both parties must provide their voluntary, written consent before an informal resolution agreement is finalized. Once finalized, the obligations in the agreement will be binding and the allegations of Sexual Misconduct (and for Title IX Sexual Harassment matters, the Title IX Formal Complaint) will be deemed resolved. Once finalized, this memorandum will be maintained for seven (7) years, in compliance with recordkeeping requirements outlined in Section X-J.

Information learned as a direct result of the informal resolution process will not be documented in an investigatory report or subsequent adjudication. However, information learned from another source will not be excluded from an investigatory report or subsequent adjudication merely because it was discussed or raised during the informal resolution process. The staff or faculty member conducting the informal resolution process is precluded from participating as a witness in the investigation or participating as a witness or presenter in a subsequent adjudication. Violations of informal resolution agreements will be referred for discipline or other appropriate action in accordance with CUNY Bylaws, policies and collective bargaining agreements.

### **C. CUNY-wide Sexual Misconduct Panel and Committee Structure**

CUNY will constitute a CUNY-wide Sexual Misconduct Panel ("the Panel") comprised of faculty members, Higher Education Officer series employees ("HEO"), and students from its constituent campuses, from which members will be drawn to serve as the decision-maker at hearings (Adjudication Committee) and the decision-maker of appeals (Appeal Committee) for both Title IX Sexual Harassment matters and Non-

Title IX Sexual Misconduct matters. CUNY will consult with each College President to help constitute the Panel. When selecting faculty members, the President shall consult with the faculty member who is the head of the appropriate campus governance body or where the President is the head of the governance body, the faculty members of its executive committee. Each Panel member should be specially trained annually on the relevant law and this Policy.

Each Adjudication and Appeal Committee shall be comprised of three members of the Panel. Panel members will be selected on a rotation basis and will serve CUNY-wide, but will not serve on cases from their home campus. For cases in which the respondent is a student, each Committee will consist of one (1) faculty member or one (1) HEO, one (1) student member and a chairperson, who will be a faculty member or HEO. For cases in which the respondent is a faculty member, each committee will consist of two (2) faculty members and a chairperson, who may be a faculty member or HEO. For cases in which the respondent is an HEO, each committee will consist of two (2) HEOs and a chairperson, who may be a faculty member or HEO. For all other cases in which the respondent is an employee, each committee will consist of two (2) faculty members or one (1) faculty member and one (1) HEO and a chairperson, who may be either a faculty member or HEO.

The chairperson of each Committee will preside at all meetings and decide and make all procedural rulings for the Committee. The Committee will collectively decide by majority vote whether the respondent is responsible for the alleged Policy violation(s). Hearings will be scheduled promptly (including during the summers) at a convenient time and efforts must be made to ensure full student and faculty representation.

In the event that any Committee member, including the chairperson, cannot continue, the University Title IX Director will appoint another Committee member from the Panel to fill the vacant seat.

Panel members will not participate in a case if they have been involved in the investigation, will be participating in the hearing as a witness or if they have a direct interest in the outcome of the matter. Panel members will not serve on a Committee if they have previously participated in a case involving the same parties.

## **D. Conflict/Bias**

If a party believes that any individual involved in the investigation, resolution, adjudication or appeals process has a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, either party may make a request to have that conflicted or biased individual removed from the process. Requests for removal must be made in writing within five (5) days of the notification that the individual is to be involved and include a detailed description of the conflict or bias. Requests for removal of a member of the Adjudication Committee must be made at least one (1) day before a hearing. All requests for removal must be directed to the University Title IX Director. After receiving a request for removal, the University Title IX Director will ask the individual with the alleged conflict or bias to provide a short, written response to the request for removal and consider that response before making a determination. If a conflict or bias exists, the University Title IX Director will take immediate steps to replace that investigator, informal resolution facilitator or Committee member to ensure an impartial and fair process.

If any administrator designated by this Policy to participate in the investigation or resolution of Sexual Misconduct allegations is the respondent, the College President will appoint another college administrator to perform such person's duties under this Policy. If the President is the respondent, the investigation will be handled by the University Title IX Director or designee. In other appropriate cases in which a high-level

administrator is the respondent, the investigation may be referred for investigation to the University Title IX Director or designee.

### **E. Appeals From the Adjudication Committee's Determination of Responsibility**

A party may appeal the Adjudication Committee's determination of responsibility and/or the penalty imposed on the following grounds:

- a. Procedural irregularity that affected the outcome of the matter
- b. New evidence that was not reasonably available at the time of the hearing, which could affect the outcome of the matter
- c. The Title IX Coordinator, investigator or Adjudication Committee had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter;<sup>21</sup> or
- d. The disproportionate nature of the penalty.

The Appeal Committee may modify the penalty or remand the matter for a new hearing.

Parties intending to appeal under this section must send a written Notice of Appeal to the University Title IX Director within fifteen (15) days after the delivery of the written determination of responsibility. The University Title IX Director will notify the non-appealing party in writing within five (5) days of receipt of the Notice of Appeal and will instruct the college to provide the hearing recording to the parties. The college will provide the hearing recording to the parties in a timely manner.

The appealing party must submit their written appeal to the University Title IX Director within fifteen (15) days after the delivery of the hearing recording. The University Title IX Director will provide the appealing party's submission to the non-appealing party within five (5) days of submission. The non-appealing party will have the opportunity to submit a written response to the appeal, due within fifteen (15) days after the delivery of the appealing party's submission.

The University Title IX Director will facilitate the composition and scheduling of the Appeal Committee, which will be comprised of members of the CUNY-wide Sexual Misconduct Panel. The composition of the Appeal Committee is described above in Section X-C. Panel members that served on the Adjudication Committee will not serve on the Appeal Committee for the same matter.

The Appeal Committee will review the hearing materials and written submissions of the parties. The Appeal Committee will issue a written decision that indicates the final outcome and rationale for that decision within fifteen (15) days of receipt of the non-appealing party's written submission or failure to provide a submission. The written decision will be provided simultaneously to both parties.

### **F. Hearing Recording**

The college shall make a recording of each hearing by some means such as a stenographic transcript, an audio recording or the equivalent. No other recording of the proceedings is permitted. A respondent who has been found responsible after a hearing is entitled upon request to a copy of such a record without cost upon the condition that it is not to be disseminated except to the respondent's advisor. In the event of an appeal, the parties will be provided a copy of such a record without cost, upon the condition that it is not to be disseminated except to their advisors.

### **G. Prohibition on Unauthorized Copying or Recording**

The parties are prohibited from recording any part of the investigation and grievance process and from unauthorized copying of documents or materials. Copying includes but is not limited to: audio or video recording, streaming, photographing, scanning,

transcribing, or any other form that conflicts with the spirit of this directive. Allegations of non-compliance will be reviewed by the Office of Student Affairs, or Human Resources, as appropriate, and may result in disciplinary action.

#### **H. Student Respondent Withdrawal Before Allegations are Resolved**

A student who withdraws from CUNY shall not be exempt from a Sexual Misconduct

<sup>21</sup> Allegations of conflict or bias will be considered waived unless they are raised in a timely manner, pursuant to Section X-D, above.

investigation or adjudication that commenced prior to withdrawal. When a student respondent withdraws from CUNY with a Sexual Misconduct investigation or adjudication pending, the respondent will be barred from attending any other college, school, or unit of CUNY until the investigation and/or adjudication is complete or the allegations are otherwise resolved. If the respondent fails to appear at a subsequent hearing, the college may proceed in absentia, and any decision and sanction shall be binding, pending appeal.

When a college is notified of a respondent's withdrawal, the college must place a notation on the respondent's transcript that the respondent "withdrew with conduct charges pending." If the respondent is subsequently found not responsible at a hearing, the transcript notation will be removed. If the respondent is subsequently found responsible at a hearing and the penalty is either suspension or expulsion, the transcript notation will be adjusted in accordance with Section X-I, below.

When a student respondent transfers colleges within CUNY while an investigation is pending, the college that instituted the investigation must complete the investigation before transferring the matter to the respondent's new institution for adjudication.

#### **I. Transcript Notations**

When a student respondent is found responsible and the penalty is either suspension or expulsion, the college must place a notation on the respondent's transcript stating that respondent "was suspended [or expelled] after a finding of responsibility for a code of conduct violation."

For all other cases, after four years from the date of the conclusion of the disciplinary proceeding, or one year after the conclusion of any suspension, whichever is later, the respondent has the right to request that a transcript notation from a finding of responsibility be removed. In cases where a student respondent was expelled as a result of a Clery Act crime of violence,<sup>22</sup> including but not limited to sexual assault, the notation will not be removed. If a finding of responsibility is vacated for any reason, the notation must be removed.

#### **J. Recordkeeping**

All records related to a college's response to allegations of Sexual Misconduct must be maintained by the college for 7 years from the last action on a matter, unless such records must be maintained for a longer period of time pursuant to CUNY's Records Retention and Disposition Schedule. These records include: records of any actions, including any supportive measures or accommodations taken in response to allegations of Sexual Misconduct; investigation records, materials, and documents; determinations regarding responsibility and disciplinary sanctions; remedies provided to a complainant designed to restore or preserve equal access to CUNY's education program or activity; any appeals and the result; any informal resolution and the result; and any recordings or transcripts of hearings. CUNY's Records Retention and Disposition Schedule requires that student disciplinary records be maintained permanently.

## **XI. PROCEDURES FOR TITLE IX SEXUAL HARASSMENT MATTERS**

The following procedures apply only to Title IX Sexual Harassment matters.

### **A. Requirement of a Title IX Formal Complaint**

The Title IX Coordinator will determine if the manner in which the initial allegations were reported meets the criteria of a Title IX Formal Complaint, which is required to initiate a grievance process or resolution.

A Title IX Formal Complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment (as defined in Section III) against a respondent and requesting that the college investigate the allegations. The Title IX Coordinator may sign a Title IX Formal Complaint with or without a complainant's desire to participate in a grievance process. A Title IX Formal Complaint may be a physical document, email or electronic submission through a campus online form, so long as it contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the complaint.

If the manner in which the initial allegations were reported does not meet the criteria of a Title IX Formal Complaint, the Title IX Coordinator will contact the complainant to explain how to file a Title IX Formal Complaint and notify them that a Title IX Formal Complaint is required to resolve the allegations.

If no Title IX Formal Complaint is received within a reasonable time, the Title IX Coordinator may administratively close the matter. A complainant may file a Title IX Formal Complaint at any time thereafter.

### **B. Initiation of Title IX Grievance Procedure**

Upon receipt of a Title IX Formal Complaint, the Title IX Coordinator will notify the known parties that the college is commencing a Title IX grievance procedure. The notice will be in writing and will include the following:

- a. CUNY's Policy on Sexual Misconduct;
- b. Notice of the allegations, including sufficient details known at the time notice is sent, including the date, time and location of the alleged behavior, the identity of the parties and the specific act or acts that are alleged to violate the Policy's prohibition of Title IX Sexual Harassment, defined in Section III;
- c. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- d. A statement that the allegations outlined in the notice may not be the final allegations considered by the college, and notice that if the college decides to investigate additional allegations, the college will provide notice of the additional allegations in a timely manner and with sufficient time for the parties to prepare for any hearing;
- e. Notice that the parties may have an advisor of their choice, who may be an attorney;
- f. Notice that parties may inspect and review evidence, as outlined in Section XI-E-b;
- g. Notice that the parties are entitled to written notice of the date, time, location, participants and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate in any hearing, investigative interview or meeting;
- h. Notice that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the college and not on the parties;
- i. CUNY's prohibition on knowingly making false statements or knowingly submitting false information during the grievance process, as defined in Section III; and



- j. CUNY's prohibition on retaliation, as defined in Section III.

This notice will be provided at least five (5) days before any initial interview unless a party consents to a shorter period.

### C. Informal Resolution

A Title IX Formal Complaint may be resolved through an informal resolution process (Section X- B).

### D. Dismissal of Title IX Formal Complaint Prior to Resolution

- a. **Mandatory Dismissals** - If, at any time after receipt of a Title IX Formal Complaint, it becomes clear that the allegations, if true, do not meet the definition of Title IX Sexual Harassment, the Title IX Coordinator must dismiss the Title IX Formal Complaint.
- b. **Discretionary Dismissals** - The Title IX Coordinator may dismiss a Title IX Formal Complaint, or any allegations therein, if:
  - i. The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the Title IX Formal Complaint or any allegations therein;
  - ii. The respondent is no longer enrolled or employed by CUNY; or
  - iii. Specific circumstances exist that prevent the college from gathering evidence sufficient to reach a determination as to the Title IX Formal Complaint or allegations therein.
- c. **Process following dismissal of Title IX Formal Complaint** - Upon mandatory or discretionary dismissal of a Title IX Formal Complaint, the Title IX Coordinator must determine whether the allegations will proceed as a Non-Title IX Sexual Misconduct matter. The parties will be notified of the dismissal in writing and provided an opportunity to appeal, as discussed in Section XI-D-d. This notice will include:
  - i. The basis for the dismissal;
  - ii. Whether the allegations will proceed as a Non-Title IX Sexual Misconduct matter; and
  - iii. The parties' right to appeal the dismissal and the procedures to do so.
- d. **Appeal** - Either party may appeal the dismissal of a Title IX Formal Complaint on the following grounds:
  - i. A procedural irregularity affected the outcome of the matter;
  - ii. New evidence that was not reasonably available at the time the dismissal was made, that could affect the outcome of the matter; and/or
  - iii. The Title IX Coordinator had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent, that affected the outcome of the matter.

Appeals under this section must be directed to the University Title IX Director in writing within five (5) days after the delivery of the written dismissal notice.

The University Title IX Director will notify the non-appealing party in writing within five (5) days of the receipt of any appeal under this section, and will notify the non-appealing party of their opportunity to submit a written statement in support of, or challenging the dismissal of the Title IX Formal Complaint, due within five (5) days after the delivery of written notice from the University Title IX Director. The University Title IX Director will issue a written decision describing the result of the appeal and the rationale for the result within fifteen (15) days of the receipt of the appeal or within fifteen (15) days of

the receipt of the opposing party's submission, whichever is longer. The University Title IX Director will provide the written decision simultaneously to both parties.

A Title IX Coordinator must wait until an appeal under this section is decided by the University Title IX Director before taking any further action as a Non-Title IX Sexual Misconduct matter.

## **E. Formal Resolution and Investigation**

### **a. Rights of the Parties**

When a Title IX Formal Complaint proceeds to formal resolution and investigation, the parties have the following rights in addition to those outlined in Section X-A:

- i. To have the Title IX Formal Complaint investigated, resolved and/or adjudicated by individuals who receive training as required by federal regulation;
- ii. To an evaluation of all relevant evidence, including both inculpatory and exculpatory evidence and credibility determinations that are not based on a person's status as a complainant, respondent or witness;
- iii. To receive reasonable advance written or electronic notice of allegations, including the date, time, location and general description of the allegations, as well as the specific conduct rule or law violated and the possible sanction;
- iv. To exclude questions and evidence about their own sexual predisposition or prior sexual behavior, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent (complainant only);
- v. To exclusion (including the college's access, consideration, disclosure or other use) of a party's records that are made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional, and which are made and maintained in connection with the provision of treatment to the party, unless the college obtains the party's voluntary, written consent;
- vi. To offer evidence during the investigation, including both fact and expert witnesses and other inculpatory and exculpatory evidence;
- vii. To an investigative report that fairly summarizes relevant evidence;
- viii. To inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Title IX Formal Complaint, including inculpatory or exculpatory evidence whether obtained from a party or other source, consistent with FERPA and other law; and to submit a written response within ten (10) days of receiving said evidence and to have that written response considered by the Title IX Coordinator prior to the investigative report being finalized;
- ix. To review the investigative report at least ten (10) days prior to any hearing and to respond in writing prior to a hearing or other time of determination regarding responsibility; and
- x. To a live hearing and cross examination; CUNY will provide an

advisor to any party who does not have one, for the limited purpose of conducting cross examination at a hearing.

**b. Investigation**

The Title IX Coordinator is responsible for conducting investigations in prompt, thorough, and impartial manner. Whenever an investigation is conducted, the Title IX Coordinator must:

- i. Inform the parties that a Title IX grievance procedure and investigation is being commenced and their rights during such investigation, as outlined in Sections X-A and XI- E-a;
- ii. Coordinate investigative efforts with other appropriate offices;
- iii. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the college and not on the parties; and
- iv. Interview witnesses who might reasonably be expected to provide information relevant to the allegations, and review relevant documents and evidence.

The college must make reasonable efforts to ensure that the investigation is carried out within a reasonably prompt timeframe. While some allegations may require more extensive investigation, when possible, the investigation of a Title IX Formal Complaint must be completed within one hundred-twenty (120) days of receipt of the Title IX Formal Complaint (including the evidence review process, completion of the investigative report and report review process, as discussed below).

If there is a delay in completing the investigation, the Title IX Coordinator must notify the parties in writing and indicate the reason for the delay. The Title IX Coordinator should also note the reason for delay and projected timeline for completing the investigation in their case file. The reason for extension of the time frame of an investigation may include, but is not limited to: compliance with a request by law enforcement; a limited accommodation for the availability of parties, their advisors and witnesses; students on leave; exam periods, school breaks or vacations; and accounting for the complexities of a specific investigation, including the number of witnesses and volume of information provided by the parties.

**i. Post Investigation Review of Relevant Documents and Materials**

Prior to the completion of the investigative report (discussed below), the Title IX Coordinator will send the parties (either in hard copy or electronic form) all of the relevant documents and materials gathered during the investigation that are directly related to the allegations raised in the Title IX Formal Complaint. These materials include any evidence upon which the Title IX Coordinator does not intend to rely when making a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or another source. The parties may submit a written response, due within ten (10) days after the materials are provided, which will be considered by the Title IX Coordinator prior to finalizing the investigative report.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process.

The parties will have access to use and refer to these documents and materials during a hearing.

**ii. Investigative Report**

Upon completion of the investigation, the Title IX Coordinator must prepare an

investigative report, which will fairly summarize all relevant evidence gathered during the investigation. The investigative report must include:

1. Procedural history of the case;
2. Alleged Policy violations;
3. A list of individuals interviewed;
4. A list of exhibits;
5. A list of additional documents and materials (not included as an exhibit) obtained as part of the investigation and directly related to the allegations, including inculpatory or exculpatory evidence; and
6. A summary of party and witness statements and other relevant evidence, including a summary of relevant evidence pertaining to each allegation.

### **iii. Review of Investigative Report**

Upon completion of the investigative report, and at least ten (10) days prior to any hearing, the Title IX Coordinator will send the report to each party (and the party's advisor, if applicable) for their review and written response. A party's written response to the report is due within ten (10) days after the report is provided, and will be shared with the Adjudication Committee and other party prior to a hearing.

#### **c. Live Hearing**

Following the completion of the investigation and investigative report, as outlined above in Section XI-E-b, all Title IX Sexual Harassment matters will proceed to a live hearing. The same process and procedures will apply regardless of whether the respondent is a student or employee, although specific information regarding employee penalties is included in Section XI-E-c-ii-3 and Section XI-E-f.

When possible, the live hearing must be completed within sixty (60) days after completion of the investigation.

Live hearings pursuant to this section may be conducted with all parties physically present in the same geographic location or, at the college's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to see and hear each other simultaneously.

### **i. Pre-hearing procedures**

#### **1. Referral for Hearing**

Following the conclusion of the investigative process, the Title IX Coordinator will notify the following parties that the matter is ready for a hearing before the Adjudication Committee:

A. For student respondents: University Title IX Director and college Office of Student Affairs.

B. For employee respondents: University Title IX Director; college Office of Human Resources and college Labor Designee.

The University Title IX Director will facilitate the selection and scheduling of the Adjudication Committee, which will be comprised of members of the CUNY-wide Sexual Misconduct Panel (See Section X-C). The University Title IX Director will determine an appropriate physical location for the hearing on a case by case basis. After the Adjudication Committee is selected and the hearing is scheduled, the college Office of Student Affairs or college Office of Human Resources will coordinate the hearing, including, for example, providing a location, facilitating a remote platform, recording the hearing and arranging for presenters and advisors, as needed.

## **2. Issuance of Notice of Hearing**

The college Office of Student Affairs or Office of Human Resources/Labor Relations will issue the Notice of Hearing to both parties, which will include the date, time and location of the hearing and notice of the allegations identified in the investigative report. The Notice of Hearing must be sent by both first-class mail (or overnight mail) to the physical address or P.O. box address appearing on the records of the college and email using the party's CUNY email address, and any other email address known to the college. Notice of at least seven (7) days will be provided.

The parties are permitted one adjournment each, for a reasonable amount of time under the circumstances, without specifying a reason. Additional requests for an adjournment must be made at least five (5) days prior to the hearing date, and shall be granted or denied at the discretion of the chairperson of the Adjudication Committee. If either party fails to respond to the notice, appear on the adjourned date, or request an extension, the college may proceed without their presence, and any determinations of responsibility will be final, subject to appeal.

The Notice of Hearing must contain the following:

A. A complete and itemized statement of the allegations against the respondent, including the policy the respondent is charged with violating, and the possible penalties for such violation; and

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

- a. To present their side of the story;
- b. To present witnesses and evidence on their behalf;
- c. To be represented by an advisor (who may be an attorney, at their own expense) and if the respondent or the complainant does not have an advisor at the hearing, the college must provide an advisor for the limited purpose of cross examination.
- d. For their advisor to cross-examine witnesses presenting evidence;
- e. For the respondent to remain silent without assumption of responsibility; and
- f. A warning that anything said may be used at a non-college hearing.

## **3. Review of Evidence before Hearing**

At least five (5) days prior to the commencement of a hearing, the college will provide the parties and their advisors:

A. A list of documents or other tangible evidence that the college intends to use at the hearing. In the event the college intends to use documents or other tangible evidence at the hearing that was not provided to the parties during the investigation phase, the college must provide those materials to the parties and their advisors at least five (5) days prior to commencement of a hearing; and

B. A copy of the other party's written response to the investigative report.

At least five (5) days prior to the commencement of a hearing, the college will provide the members of the Adjudication Committee the following:

A. The investigative report, including exhibits; and

B. The parties' written responses to the investigative report.

## **ii. Hearing Procedures**

All hearings pursuant to this Policy are closed hearings, meaning that participation and observation is limited to the parties, their advisors, witnesses, the Adjudication Committee, the college presenter and any college or CUNY staff required to coordinate the hearing.

### **1. Roles and Responsibilities**

The participants at the hearing are the college, the respondent and the complainant.

#### **Adjudication Committee**

The Adjudication Committee, discussed in Section X-C, serves as the decision-maker at the hearing. Prior to the hearing, the Adjudication Committee will review the investigative report, exhibits and the parties' written responses to the investigative report. During the hearing, the Adjudication Committee will listen to the testimony, review and consider evidence and ask questions of the witnesses. After the hearing, the Adjudication Committee will consider all of the information and evidence reviewed, make a decision as to responsibility and penalty (if applicable) and issue a written determination of responsibility.

#### **Adjudication Committee Chairperson**

The chairperson must preside at all hearing sessions and meetings. At the commencement of the hearing, the chairperson must inform the parties of the charges, the hearing procedures, and their rights. The chairperson must then ask the respondent to state whether they are responsible or not responsible for the conduct. The chairperson shall exclude from the hearing room all persons who are to appear as witnesses, except the respondent and the complainant.

The chairperson must rule on the admissibility of evidence and must exclude irrelevant questioning, testimony and evidence.

#### **College Presenter**

The college will be represented by a presenter. Each academic year, the Chief Student Affairs Officer of each campus, must appoint/identify one or more campus college employees to serve as presenters for hearings against student respondents involving their campuses. Similarly, the College Labor Designee, Director of Human Resources or a designee must appoint/designate one or more campus college employees to serve as presenters against employee respondents involving their campuses. This list should be forwarded to the University Title IX Director and the Office of the Vice Chancellor for Student Affairs prior to the first day of the academic year.

#### **Advisors**

The parties may be accompanied by an advisor of their choice (who may be an attorney) who may fully participate at the hearing, including advising and representing a party. In the event a party does not have an advisor present at the hearing, the college must provide an advisor for the limited purpose of conducting cross-examination on behalf of that party.

Advisors must treat all hearing participants, including the Adjudication Committee, parties and witnesses, with respect. Advisors must also abide by the Rules of Decorum promulgated by CUNY. Any party intending to appear with an attorney must give the college five (5) days' notice of the attorney's name and contact information.

### **2. Responsibility Phase**

The college bears the burden of proving the allegations by a preponderance of the evidence.

## **Presentation of Evidence**

Evidence will be presented in the following order: college, complainant and respondent. The parties have an equal opportunity to present relevant evidence, including fact and expert witnesses and other inculpatory and exculpatory evidence to the Adjudication Committee. If a party submits documentary evidence during a hearing that was not previously shared during the investigation, the chairperson may, at the request of any other party grant and adjournment of the hearing as necessary in the interest of fairness, to permit the requesting party time to review the newly produced evidence.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Questions and evidence of the mental health diagnosis and/or treatment of any party may not be introduced, unless that party provided their voluntary and written consent for such materials to be made part of the investigation and the information is directly related to the allegations raised in the Title IX Formal Complaint.

## **Cross Examination**

Each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. A party may not conduct cross-examination personally, but must do so through their advisor. In the event a party does not have an advisor and the case proceeds to a hearing, the college must provide an advisor for the limited purpose of conducting cross-examination on behalf of that party.

Before a complainant, respondent, or witness answers a cross-examination or other question, the Adjudication Committee Chairperson must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

If a party or witness does not submit to cross examination at the live hearing, the Adjudication Committee must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Adjudication Committee cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.

## **3. Penalty Phase**

If a respondent is found responsible for violating the Policy, the Adjudication Committee will determine the penalty to be imposed; except that if the respondent is a represented employee whose discipline is subject to a collective bargaining agreement with CUNY or an employee with disciplinary rights under the New York State Civil Service Law, there will be no penalty phase, and a determination that the respondent is responsible will be referred for discipline under the applicable collective bargaining agreement or Civil Service Law.

Following the responsibility phase of the hearing, the complainant, respondent, and college, will have the opportunity to introduce evidence and make arguments related to what the appropriate penalty should be, in the event the respondent is found responsible for violating the Policy. The complainant, respondent and college will also have the opportunity to introduce evidence of and comment on the respondent's character, including any past findings of responsibility for Domestic Violence, Stalking, Sexual

Assault or any other Sexual Misconduct, and submit a statement regarding the impact of the conduct.

The college may also introduce a copy of the respondent's previous disciplinary records, if any, from any CUNY institution the respondent has attended, provided the respondent was shown a copy of the records prior to the commencement of the hearing.

The Adjudication Committee will consider the disciplinary records, as well as any documents or character evidence introduced by the respondent, the complainant, or the college, in determining an appropriate penalty.

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

#### **d. Determination of Responsibility**

Following the hearing, the Adjudication Committee will determine whether there is a preponderance of evidence that the respondent violated the Policy, which may be based on information contained in the investigative report and the testimony and evidence presented at the hearing.

The Committee will issue a written Determination of Responsibility, which must include the following:

- i. Identification of the allegations potentially constituting Sexual Misconduct;
- ii. A description of the procedural steps taken from the receipt of the Title IX Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- iii. Findings of fact supporting the determination;
- iv. Conclusions regarding the application of this Policy to the facts;
- v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- vi. If a student respondent is found responsible, any disciplinary sanctions that will be imposed on the respondent or, if an employee is found responsible, a statement that the matter will be referred for discipline under the applicable collective bargaining agreement or Civil Service Law, as applicable;
- vii. A statement of whether remedies designed to restore or preserve equal access to CUNY's education program or activity will be provided to the complainant; and
- viii. Procedures and permissible bases for the parties to appeal.

The college will send the written determination of responsibility to the parties simultaneously, within fifteen (15) days of the conclusion of the hearing. The determination of responsibility will be sent by both first-class mail (or overnight mail) to the physical address or P.O. box address appearing on the records of the college and email using the party's CUNY email address, and any other email address known to the college. In cases involving two or more complainants or respondents, the college has twenty (20) days from the conclusion of the hearing to send the decision. The decision is final subject to any appeal.



#### **e. Remedies for Complainants**

In the event the respondent is found responsible for violating the Policy, the Title IX Coordinator will implement remedies for the complainant, designed to restore or preserve equal access to the recipient's education program or activity. Such remedies may include a continuation of the same supportive measures and accommodations described in Section VIII, but need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

#### **f. Sanctions for Respondents Range of Sanctions for Student Respondents**

Sanctions for student respondents range from a warning to suspension or expulsion from CUNY. When a disciplinary hearing results in a penalty of expulsion or suspension for one term or more, the respondent must be barred from admission to, or attendance at, any other unit of CUNY while the penalty is being served.

Students may also be subject to CUNY's policy on transcript notations which is discussed in Section X-I.

#### **Range of Sanctions for Employees**

As discussed above in Section XI-E-c-ii-3, there will be no penalty phase for employees who is subject to a disciplinary process contained in a collective bargaining agreement with CUNY or an employee with disciplinary rights under the New York State Civil Service Law; instead, a determination that the respondent is responsible will be referred for discipline under the applicable collective bargaining agreement or Civil Service Law. For all other employees, sanctions range from a reprimand to suspension to termination of employment.

### **XII. PROCEDURES FOR NON-TITLE IX SEXUAL MISCONDUCT MATTERS**

The following procedures will apply to Non-Title IX Sexual Misconduct matters.

When the college becomes aware that Sexual Misconduct may have been committed by or against a student, employee or visitor, the college must conduct an investigation unless the information provided is insufficient to permit an investigation or the complainant has requested that the college refrain from such an investigation and the college has determined that refraining from an investigation will not result in a continuing threat to the college community. See Section VII-C.

#### **A. Rights of the Parties**

Whenever an investigation of Non-Title IX Sexual Misconduct takes place, the parties have the rights described in Section X-A.

#### **B. Informal Resolution**

A Non-Title IX Sexual Misconduct matter may be resolved through an informal resolution process (Section X-B).

#### **C. Investigation**

The Title IX Coordinator is responsible for conducting any investigation in a prompt, thorough, and impartial manner. Whenever an investigation is conducted, the Title IX Coordinator must:

- a. Coordinate investigative efforts with other appropriate offices;
- b. Provide the parties written notice that an investigation is being commenced, including notice of the allegations and sufficient details known at the time notice is sent, including the date, time and location of the alleged behavior and the specific act or acts that are alleged to violate the Policy's prohibition on Sexual Misconduct;

- c. Interview witnesses who might reasonably be expected to provide information relevant to the allegations, and review relevant documents and evidence. Both the complainant and respondent must be informed that they have the right to provide relevant documents and to propose witnesses whom they reasonably believe can provide relevant information. A respondent employee who is covered by a collective bargaining agreement may consult with and have a union representative present at any interview of that employee conducted as part of such investigation; and
- d. Create an investigative report that fairly summarizes relevant evidence and makes findings as to whether, in the investigator's opinion, there is a preponderance of evidence that the respondent is responsible for the allegation(s).

The college must make reasonable efforts to ensure that the investigation and resolution of allegations of Sexual Misconduct are carried out within reasonably prompt timeframes. While some allegations may require more extensive investigation, when possible, the investigation of allegations of Sexual Misconduct (including completion of the investigative report) must be completed within one hundred-twenty (120) days of the receipt of the allegations.

If there is a delay in completing the investigation, the Title IX Coordinator must notify the parties in writing and indicate the reason for the delay. The Title IX Coordinator should also note the reason for delay and projected timeline for completing the investigation in their case file. The reason for extension of the time frame of an investigation may include, but is not limited to: compliance with a request by law enforcement; a limited accommodation for the availability of parties, their advisors and witnesses; students on leave; exam periods, school breaks or vacations; and accounting for the complexities of a specific investigation, including the number of witnesses and volume of information provided by the parties.

Upon completion of the investigation, the Title IX Coordinator must prepare an investigative report, which will fairly summarize and evaluate relevant evidence gathered during the investigation. The investigative report will include:

- a. Procedural history of the case;
- b. Alleged Policy violations;
- c. A list of individuals interviewed;
- d. A list of exhibits;
- e. Summary of party and witness statements and other relevant evidence;
- f. Analysis of evidence, including credibility assessments; and
- g. Factual findings regarding whether, in the investigator's opinion, there is a preponderance of evidence that the respondent is responsible for the allegation(s).

#### **D. Action Following the Investigation or Termination of an Investigation**

- a. Students

If the complainant is a student, the Title IX Coordinator must provide the investigative report to both parties within five (5) days of the completion of the report. If the allegations are unsubstantiated, in whole or in part, the student complainant has the right to appeal the Title IX Coordinator's determination to an Appeal Committee. Appeals may be based on the following grounds:

- i. Procedural irregularity that affected the outcome of the matter
- ii. New evidence that was not reasonably available at the time of the investigation, which could affect the outcome of the matter; or
- iii. The Title IX Coordinator had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The complainant must submit their written appeal to the University Title IX Director within fifteen (15) days after the delivery of the investigative report. The University Title IX Director will provide the complainant's appeal to the respondent within five (5) days of submission. The respondent will have the opportunity to submit a written response to the appeal, due within fifteen (15) days after the delivery of the complainant's appeal.

The University Title IX Director will facilitate the composition and scheduling of the Appeal Committee, which will be comprised of members of the CUNY-wide Sexual Misconduct Panel, as outlined in Section X-C. The Appeal Committee will review the investigative report, the complainant's appeal and the respondent's response, if any. The Appeal Committee will issue a written decision within fifteen (15) days of receipt of the respondent's written submission or failure to provide a submission. The written decision will be provided simultaneously to both parties.

If the Appeal Committee grants the appeal, it may remand the matter for appropriate action, which may include, but is not limited to, the evaluation of new evidence or a new investigation.

Following the appeal, if any, the Title IX Coordinator shall send the investigative report, as well as any decision on appeal, to the College President. If either party is a student, the investigative report must also be sent to the Chief Student Affairs Officer. A copy of the report and any decision on appeal must be maintained in the files of the Title IX Coordinator.

Following receipt of the investigative report, the College President must, when warranted by the facts, authorize such action as they deem necessary, including action to correct the effects of the conduct investigated or prevent further harm to an affected party or others similarly situated. This may include a recommendation that disciplinary action be commenced against a respondent, as set forth in Section XII-E below, or for unsubstantiated findings, authorization to close the matter.

Within thirty (30) days following the termination of an investigation (for example, because it was resolved by informal resolution or the complainant withdrew cooperation); the Title IX Coordinator will summarize for the file the actions taken in response to the allegations and the basis on which the investigation was closed.

**b. Employees**

The Title IX Coordinator must provide the investigative report to the College President. Following receipt of the investigative report, the College President must, when warranted by the facts, authorize such action as they deem necessary, including action to correct the effects of the conduct investigated or prevent further harm to an affected party or others similarly situated. This may include a recommendation that disciplinary action be commenced against a respondent, as set forth in Section XII-E below, or for unsubstantiated findings, authorization to close the matter.

Within thirty (30) days following the termination of an investigation (for example, because it was resolved by informal resolution or the complainant withdrew cooperation); the Title IX Coordinator will summarize for the file the actions taken in response to the allegations and the basis on which the investigation was closed.

## **E. Disciplinary Process and Procedures**

**a. Disciplinary Action**

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

## **i. Discipline Against Students**

When a College President recommends discipline against a student for violations of this Policy, the matter is referred to the college Office of Student Affairs and action must be taken in accordance with Section XI-E-b/c, below.

Sanctions for student respondents following a disciplinary hearing range from a warning to suspension or expulsion from CUNY. When a disciplinary hearing results in a penalty of expulsion or suspension for one term or more, the respondent must be barred from admission to, or attendance at, any other unit CUNY while the penalty is being served. Students may also be subject to CUNY's policy on transcript notations, discussed in Section X-I.

In addition to the rights described in Section X-A, the parties have the following rights at a disciplinary hearing:

1. To receive notice of the charges, including the date, time, location and factual allegations, concerning alleged violation of this Policy;
2. To receive notice of the specific provisions alleged to have been violated and possible sanctions;
3. To make an impact statement at the point when the Adjudication Committee is deliberating on appropriate sanctions;
4. To choose whether to disclose or discuss the outcome of a conduct or judicial process;
5. To appeal a determination of responsibility before a panel that is fair and impartial and does not include individuals with conflicts of interest;
6. To have all information obtained during the conduct process protected from public release until a decision-maker on appeal makes a final determination, unless otherwise required by law.

## **ii. Discipline Against Employees**

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

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

## **iii. Action Against Visitors**

In cases where the person accused of Sexual Misconduct is not a CUNY student or employee, the college's ability to take action against the respondent is usually limited. However, the college will take appropriate actions within its control, such as restricting the visitor's access to campus.

## **iv. No Disciplinary Action**

In cases where the College President decides not to bring disciplinary action, the Title IX Coordinator must inform the parties of that decision at the same

time, in writing, and must offer any appropriate support services, including counseling, to both.

**b. Student Discipline – Pre Hearing Procedures**

**i. Referral of Violation for Disciplinary Action**

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

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

**ii. Issuance of Notice of Charges and Hearing**

Notice of the charge(s) and of the time and place of the hearing must be sent by both first-class mail (or overnight mail) to the physical address or P.O. box address appearing on the records of the college and email using the party's CUNY email address, and any other email address known to the college.

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

The Notice of Charges and Hearing must contain the following:

1. A complete and itemized statement of the charge(s) being brought against the respondent including the policy, rule and/or bylaw the respondent is charged with violating, and the possible penalties for such violation; and
2. A statement that the parties have the right to attend and participate fully in the hearing including the right:
  - a. To present their side of the story;
  - b. To present witnesses and evidence on their behalf;
  - c. To cross-examine witnesses presenting evidence, the exception being that the complainant and respondent may not cross-examine each other as discussed below;
  - d. For the respondent to remain silent without assumption of responsibility;
  - e. To be represented by an advisor or legal counsel at their expense; if the respondent or the complainant requests it, the college shall assist in finding a legal counsel or advisor; and
3. A warning that anything said may be used at a non-college hearing.

### **iii. Review of Evidence before Hearing**

At least five (5) days prior to the commencement of a hearing, the college must provide the parties (and their advisors, if applicable), with similar and timely access to review documents or other tangible evidence that the college intends to use at the disciplinary hearing, consistent with the restrictions imposed by FERPA. If a party submits documentary evidence during the hearing, the chairperson may, at the request of any other party, adjourn the hearing as necessary in the interest of fairness, to permit the requesting party time to review the newly produced evidence.

### **iv. Admission & Acceptance of Penalty**

After the charges have been preferred by the Chief Student Affairs Officer, but prior to the commencement of a hearing, the respondent may admit to the charges and accept the penalty that the Chief Student Affairs Officer determines to be appropriate to address the misconduct. Before resolving allegations in this manner, the Chief Student Affairs Officer, or designee, must first consult with the complainant and provide the complainant with an opportunity to object to the proposed resolution, orally and/or in writing. If a resolution is reached over the complainant's objection, the Chief Student Affairs Officer must provide the complainant with a statement of the reasons supporting such resolution, and the complainant may appeal the resolution to the Appeal Committee.

### **c. Student Discipline - Hearing Procedures**

The participants at the hearing are the college, the respondent and the complainant. All hearings pursuant to this Policy are closed hearings, meaning that participation and observation is limited to the parties, their advisors, witnesses, the Adjudication Committee, the college presenter and any college or CUNY staff required to coordinate the hearing.

### **i. Roles and Responsibilities Adjudication Committee**

The Adjudication Committee serves as the decision-maker at the hearing and is comprised of members of the CUNY-wide Sexual Misconduct Panel. The role of the Adjudication Committee is to listen to the testimony, ask questions of the witnesses, review the testimony and evidence presented at the hearing and the papers filed by the parties and make a decision as to responsibility.

In the event the respondent is found responsible for the conduct, the committee must then determine the penalty to be imposed.

### **Adjudication Committee Chairperson**

The chairperson must preside at the hearing. At the commencement of the hearing, the chairperson must inform the parties of the charges, the hearing procedures, and their rights. The chairperson must then ask the respondent to state whether they are responsible or not responsible for the conduct. Prior to accepting testimony at the hearing, the chairperson must rule on any motions regarding the adequacy of the notice of the charge(s). Subsequent thereto, the chairperson must rule on any motions regarding the admissibility of evidence and must exclude irrelevant, unreliable or unduly repetitive evidence. The chairperson must exclude from the hearing room all persons who are to appear as witnesses, except the respondent and the complainant.

The chairperson must preside at all hearing sessions and meetings and make all procedural rulings for the panel. The chairperson has discretion to limit the number of witnesses and the length of testimony for the presentations by any party and/or their representative.

## **College Presenter**

The college will be represented by a presenter. Each academic year, the Chief Student Affairs Officer of each campus, must appoint/identify one or more campus college employees to serve as presenters for hearings against student respondents involving their campuses. This list must be forwarded to the University Title IX Director and the Office of the Vice Chancellor for Student Affairs prior to the first day of the academic year.

## **Advisors**

The parties may be accompanied by an advisor of their choice (who may be an attorney) who may fully participate at a hearing, including advising and representing a party. Advisors may not give testimony as a witness at the hearing. Any party intending to appear with an attorney must give the college five (5) days' notice of the attorney's name and contact information. Advisors must treat all hearing participants, including the Adjudication Committee, parties and witnesses, with respect. Advisors must also abide by the Rules of Decorum promulgated by CUNY.

### **ii. Responsibility Phase**

The college bears the burden of proving the charge(s) by a preponderance of the evidence.

The parties will present evidence in the following order: college, complainant and respondent. At the conclusion of the college's presentation, the respondent may move to dismiss the charges. If a party submits documentary evidence during a hearing that was not previously shared during the investigation, the chairperson may, at the request of any other party, adjourn the hearing as necessary in the interest of fairness, to permit the requesting party time to review the newly produced evidence.

Evidence of the mental health diagnosis and/or treatment of a complainant, respondent, or witness may not be introduced. Evidence of either party's prior sexual history may not be introduced except that evidence of prior sexual history between complainant and respondent is admissible at any stage of the hearing to prove consent.

A party may not conduct cross-examination personally, but must do so through their advisor. In the event a party does not have an advisor and the case proceeds to a hearing, the college may assist them to find an advisor for the purpose of conducting cross-examination on behalf of that party.

### **iii. Penalty Phase**

If the panel finds the respondent responsible for the conduct, then the complainant, respondent, and college, will have the opportunity to introduce evidence and make arguments related what the appropriate penalty should be. The complainant, respondent and college will also have the opportunity to introduce evidence of and comment on the respondent's character, including any past findings of a respondent's responsibility for Domestic Violence, Stalking, Sexual Assault or any other Sexual Misconduct, and submit a statement regarding the impact of the conduct.

The College may also introduce a copy of the respondent's previous disciplinary records, if any, from any CUNY institution the respondent has attended, provided the respondent was shown a copy of the records prior to the commencement of the hearing. The previous disciplinary record must be submitted to the panel in a sealed envelope, bearing the respondent's signature across the seal, and must only be opened if the respondent has been found responsible for the

conduct charged. The Adjudication Committee, to determine an appropriate penalty, must use the disciplinary records, as well as any documents or character evidence introduced by the respondent, the complainant, or the college.

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

#### **iv. Decision**

The Adjudication Committee must issue a written decision, which must be based solely on the testimony and evidence presented at the hearing, including the penalty phase. The college must send the written decision to the parties within seven (7) days of the conclusion of the hearing, by regular mail (or overnight mail) and email to the address appearing on the records of the college. In cases involving two or more complainants or respondents, the college has fourteen (14) days of the conclusion of the hearing to send the panel's decision. The decision is final subject to any appeal.

### **XIII. COLLEGE OBLIGATIONS UNDER THIS POLICY**

In addition to addressing allegations of Sexual Misconduct, colleges/units of CUNY have the following obligations:

#### **A. Dissemination of Policies, Procedures, and Notices**

The Title IX Coordinator, in coordination with the Office of Student Affairs, Office of Public Safety, Human Resources Department and other appropriate offices, is responsible for the wide dissemination of the following on their campus: (i) this Policy; (ii) CUNY's Notice of Non- Discrimination; (iii) the Title IX Coordinator's name, phone number, office location, and email address and (iv) contact information for the campus Public Safety Office. Such dissemination includes posting the documents and information on the college website, and including it in residence life materials and training and educational materials.

The Students' Bill of Rights, which is appended to and made a part of this Policy, must be distributed to any individual reporting an incident of Sexual Misconduct at the time the report is made. It must also be distributed annually to all students, made available on the college's website and posted in college campus centers and in CUNY owned and operated housing.

#### **B. Training and Educational Programming**

CUNY is responsible for providing training to Title IX Coordinators, investigators, CUNY-wide Sexual Misconduct Panel members and anyone who facilitates informal resolutions.

The Title IX Coordinator, in coordination with other applicable offices, including Public Safety, Human Resources and Student Affairs, is responsible for ensuring that the college provides training to college employees on their obligations under this Policy; provides education on this Policy and on Sexual Misconduct (including Domestic Violence, Dating Violence, Stalking and Sexual Assault) to new and continuing students; and promotes awareness and prevention of Sexual Misconduct among all students and employees. Specific required trainings include the following:

##### **a. Training For Responsible and Confidential Employees**

The college must provide training to all employees who are required to report incidents of Sexual Misconduct under this Policy, as well as those employees who have been designated as confidential employees.



**b. Training For Title IX Coordinators, investigators, CUNY-wide Sexual Misconduct Panel members, and any person who facilitates an informal resolution**

CUNY will provide training on the topics below to Title IX Coordinators, investigators, CUNY- wide Sexual Misconduct Panel members, and any person who facilitates an informal resolution process. Training for Title IX Coordinators and investigators will be at least annual.

- i. The definition of Sexual Misconduct, including Sexual Harassment, Title IX Sexual Harassment, Dating Violence, Domestic Violence and Stalking;
- ii. How to conduct an investigation;
- iii. How to create an investigative report that fairly summarizes relevant evidence;
- iv. The grievance process, including hearings, appeals and informal resolution processes, as applicable;
- v. Impartiality, including avoiding prejudgment of the facts, conflicts of interest, and bias;
- vi. Relevance of questions and evidence, including the fact that sexual predisposition or prior sexual acts with individuals other than the parties are generally not relevant, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a determination regarding responsibility is made at the conclusion of the applicable processes;
- vii. The scope of the college’s education programs and activities;
- viii. The effects of trauma;
- ix. Other relevant CUNY policies and procedures; and
- x. Any technology to be used at a live hearing.

**c. Student Onboarding and Ongoing Education**

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

**C. Campus Climate Assessments**

Each college of CUNY must conduct, no less than every other year, a climate assessment using an assessment instrument provided by CUNY’s central office, to ascertain its students’ general awareness and knowledge of CUNY’s Policy and procedures regarding sexual misconduct, including but not limited to student experiences with and knowledge of reporting, investigation and disciplinary processes. The assessment instrument must include all topics required to be included under applicable law, including Section 129-B

of the New York State Education Law. CUNY will publish the results of the surveys on its Title IX web page. The published results will not contain any information which would enable a reader to identify any individual who responded to the climate assessment.

#### **XIV. RULES REGARDING INTIMATE RELATIONSHIPS BETWEEN EMPLOYEES AND STUDENTS**

##### **A. Relationships Between Faculty or Employees and Students**

Sexual activity or amorous or dating relationships (“intimate relationships”), even when apparently consensual, are inappropriate when they occur between a faculty member or employee and any student for whom they have a professional responsibility. Those relationships are inappropriate because of the unequal power dynamic between students and faculty members and between students and employees who advise or evaluate them, such as athletic coaches or workplace supervisors. Such relationships necessarily involve issues of student vulnerability and have the potential for coercion. In addition, conflicts of interest or perceived conflicts of interest may arise when a faculty member or employee is required to evaluate the work or make personnel or academic decisions with respect to a student with whom they are having an intimate relationship.

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

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

##### **B. Relationships Between Supervisors and Employees**

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

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

#### **XV. IMPLEMENTATION**

This Policy will become effective on August 14, 2020 and will apply to Sexual Misconduct that allegedly occurred on or after August 14, 2020. Sexual Misconduct that allegedly took place before the effective date of this Policy will be handled in accordance with the CUNY Policy on Sexual Misconduct that was in effect at the time the behavior occurred.

Should any portion of the 2020 Title IX Regulations be stayed or held invalid by a court of law, or should the Title IX Final Regulations be withdrawn or modified to not require the elements of this Policy, the invalidated elements of this Policy (including, but not limited to Sections IX and XI), will be deemed revoked as of the publication date of the opinion or order. Should this Policy’s Title IX-specific procedures be revoked in this

manner, any Sexual Misconduct covered under Section XI, including any elements of the process that occur after the revocation date if a case is not complete by that date of revocation, shall be investigated, resolved and/or adjudicated under Section XII without further action by CUNY.

### **The City University of New York Students' Bill of Rights**

For CUNY students who experience Sexual Violence, including Sexual Assault; Domestic Violence, Dating Violence, Stalking or Voyeurism

All students have the right to:

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

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

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

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

Questions about CUNY's sexual misconduct policy and procedures may be directed to your campus Title IX Coordinator Odelia Levy, Esq. at (212) 220-1236 or [OLevy@bmcc.cuny.edu](mailto:OLevy@bmcc.cuny.edu). Ms. Levy's office is located at 199 Chambers Street, Room S-701K.

Information on resources and the process for filing a complaint is available on CUNY's Title IX web page.

## **Student Complaint Procedure of The City University of New York**

EXPLANATION: Although the University and its Colleges have a variety of procedures for dealing with student-related issues, those procedures generally have not covered student complaints about faculty conduct in the classroom or other formal academic settings. The University respects the academic freedom of the faculty and will not interfere with it as it relates to the content or style of teaching activities. At the same time, however, the University recognizes its responsibility to establish procedures for addressing student complaints about faculty conduct that is not protected by academic freedom and not addressed in other procedures. The proposed procedures will accomplish this goal.

### *Procedures for handling student complaints about faculty conduct in academic settings:*

- I. Introduction. The University and its Colleges have a variety of procedures for dealing with student-related issues, including grade appeals, academic integrity violations, student discipline, disclosure of student records, student elections, sexual harassment complaints, disability accommodations, and discrimination. One area not generally covered by other procedures concerns student complaints about faculty conduct in the classroom or other formal academic settings. The University respects the academic freedom of the faculty and will not interfere with it as it relates to the content or style of teaching activities. Indeed, academic freedom is and should be of paramount importance. At the same time the University recognizes its responsibility to provide students with a procedure for addressing complaints about faculty treatment of students that are not protected by academic freedom and are not covered by other procedures. Examples might include incompetent or inefficient service, neglect of duty, physical or mental incapacity and conduct unbecoming a member of the staff.
- II. Determination of Appropriate Procedure. If students have any question about the applicable procedure to follow for a particular complaint, they should consult with the chief student affairs officer. In particular, the chief student affairs officer should advise a student if some other procedure is applicable to the type of complaint the student has.
- III. Informal Resolution. Students are encouraged to attempt to resolve complaints informally with the faculty member or to seek the assistance of the department chairperson or campus ombudsman to facilitate informal resolution.
- IV. Formal Complaint. If the student does not pursue informal resolution, or if informal resolution is unsuccessful, the student may file a written complaint with the department chairperson or, if the chairperson is the subject of the complaint, with the academic dean or a senior faculty member designated by the college president. (this person will be referred to below as the Fact Finder). Only students in a faculty member's class or present in another academic setting where the alleged conduct occurred may file complaints against that faculty member.
- e. The complaint shall be filed within 30 calendar days of the alleged conduct unless there is good cause shown for delay, including but not limited to delay caused by an attempt at informal resolution. The complaint shall be as specific as possible in describing the conduct complained of.
- f. The Fact Finder shall promptly send a copy to the faculty member about whom the complaint is made, along with a letter stating that the filing of the complaint does not imply that any wrongdoing has occurred and that a faculty member must not retaliate in any way against a student for having made a complaint. If either the student or the faculty member has reason to believe that the department chairperson may be biased or otherwise unable to deal with the complaint in a fair

and objective manner, he or she may submit to the academic dean or the senior faculty member designated by the college president a written request stating the reasons for that belief; if the request appears to have merit, that person may, in his or her sole discretion, replace the department chairperson as the Fact Finder. The chairperson may also submit a written request for recusal for good cause to the academic dean or senior faculty member designated by the college president to review such requests. If a recusal request is granted, a different department chairperson shall conduct the investigation, or, if no other chairperson is available, an administrator designated by the college president shall serve in the chairperson's stead. Further, the college president may re-assign investigations as necessary, including but not limited to situations in which a Fact Finder has not completed an investigation in a timely manner. In addition, during any time that no department chairperson is available to investigate a complaint, the college president may assign an administrator to investigate.

- g. The Fact Finder shall meet with the complaining student and faculty member, either separately or together, to discuss the complaint and to try to resolve it. The Fact Finder may seek the assistance of the campus ombudsman or other appropriate person to facilitate informal resolution.
  - h. If resolution is not possible, and the Fact Finder concludes that the facts alleged by the student, taken as true and viewed in the light most favorable to the student, establish that the conduct complained of is clearly protected by academic freedom, he or she shall issue a written report dismissing the complaint and setting forth the reasons for dismissal and send a copy to the complaining student, the faculty member, the chief academic officer and the chief student affairs officer. Otherwise, the Fact Finder shall conduct an investigation. The Fact Finder shall separately interview the complaining student, the faculty member and other persons with relevant knowledge and information and shall also consult with the chief student affairs officer and, if appropriate, the college ombudsman. The Fact Finder shall not reveal the identity of the complaining student and the faculty member to others except to the extent necessary to conduct the investigation. If the Fact Finder believes it would be helpful, he or she may meet again with the student and faculty member after completing the investigation in an effort to resolve the matter. The complaining student and the faculty member shall have the right to have a representative (including a union representative, student government representative or attorney) present during the initial meeting, the interview and any post-investigation meeting.
  - i. In cases where there is strong preliminary evidence that a student's complaint is meritorious and that the student may suffer immediate and irreparable harm, the Fact Finder may provide appropriate interim relief to the complaining student pending the completion of the investigation. The affected faculty member may appeal such interim relief to the chief academic officer.
  - j. At the end of the investigation, the Fact Finder shall issue a written report setting forth his or her findings and recommendations, with particular focus on whether the conduct in question is protected by academic freedom, and send a copy to the complaining student, the faculty member, the chief academic officer and the chief student affairs officer. In ordinary cases, it is expected that the investigation and written report should be completed within 30 calendar days of the date the complaint was filed.
- XI. Appeals Procedure. If either the student or the faculty member is not satisfied with the report of the Fact Finder, the student or faculty member may file a written appeal to the chief academic officer within 10 calendar days of receiving the report, which

time period may be extended for good cause shown. The chief academic officer shall convene and serve as the chairperson of an Appeals Committee, which shall also include the chief student affairs officer, two faculty members elected annually by the faculty council or senate and one student elected annually by the student senate. The Appeals Committee shall review the findings and recommendations of the report, with particular focus on whether the conduct in question is protected by academic freedom. The Appeals Committee shall not conduct a new factual investigation or overturn any factual findings contained in the report unless they are clearly erroneous. If the Appeals Committee decides to reverse the Fact Finder in a case where there has not been an investigation because the Fact Finder erroneously found that the alleged conduct was protected by academic freedom, it may remand to the Fact Finder for further proceedings. The committee shall issue a written decision within 20 calendar days of receiving the appeal. A copy of the decision shall be sent to the student, the faculty member, the department chairperson and the president.

XII. Subsequent Action. Following the completion of these procedures, the appropriate college official shall decide the appropriate action, if any, to take. For example, the department chairperson may decide to place a report in the faculty member's personnel file or the president may bring disciplinary charges against the faculty member. Disciplinary charges may also be brought in extremely serious cases even though the college has not completed the entire investigative process described above; in that case, the bringing of disciplinary charges shall automatically suspend that process. Any action taken by a college, whether interim or final, must comply with the bylaws of the University and the collective bargaining agreement between the University and the Professional Staff Congress.

XIII. Campus Implementation. Each campus shall implement these procedures and shall distribute them widely to administrators, faculty members and students and post them on the college website.

## **Student Disciplinary Procedures from The City University of New York Bylaws**

### **Article XV – Students**

*For a full view of the Article XV, go to [www.cuny.edu](http://www.cuny.edu)*

## **SECTION 15.4. STUDENT DISCIPLINARY PROCEDURES.**

### **Complaint Procedures:**

- a. A University student, employee, organization, department or visitor who believes she/he/it is the victim of a student's misconduct (hereinafter "complainant") may make a charge, accusation, or allegation against a student (hereinafter "respondent") which if proved, may subject the respondent to disciplinary action. Such charge, accusation, or allegation must be communicated to the chief student affairs officer of the college the respondent attends.
- b. The chief student affairs officer of the college or her or his designee shall conduct a preliminary investigation in order to determine whether disciplinary charges should be preferred. The chief student affairs officer or her or his designee shall advise the respondent of the allegation against her or him, explain to the respondent and the complainant their rights, consult with other parties who may be involved or who have information regarding the incident, and review other relevant evidence. The preliminary investigation shall be concluded within thirty (30) calendar days of the filing of the complaint, unless: (i) said complaint involves two or more complainants or respondents; or (ii) said complaint involves a matter that is also under investigation by law enforcement authorities. In those cases, the preliminary investigation shall be completed within sixty (60) calendar days. Further, if the matter has been previously investigated pursuant to the CUNY Policy on Sexual Misconduct, the chief student affairs officer shall dispense with a preliminary

investigation and rely on the report completed by the Title IX Coordinator. Following the completion of the preliminary investigation, the chief student affairs officer or designee shall take one of the following actions:

1. Dismiss the matter if there is no basis for the allegation(s) or the allegation(s) does not warrant disciplinary action. The individuals involved shall be notified that the complaint has been dismissed;
  2. Refer the matter to mediation (except in cases involving allegations of sexual assault, stalking or other forms of sexual violence); or
  3. Prefer formal disciplinary charges.
- c. In cases involving the CUNY Policy on Sexual Misconduct, both the Complainant and Respondent may be accompanied by an advisor of their choice (including an attorney) who may assist and advise throughout the entire process, including all meetings and hearings. Advisors may represent a party and fully participate at a hearing, but may not give testimony as a witness.
- d. In the event that a respondent withdraws from the college after a charge, accusation or allegation against a respondent has been made, and the college prefers formal disciplinary charges, the respondent is required to participate in the disciplinary hearing or otherwise to resolve the pending charges and shall be barred from attending any other unit of the university until a decision on the charges is made or the charges are otherwise resolved. Immediately following the respondent's withdrawal, the college must place a notation on her/his transcript that she/he "withdrew with conduct charges pending." If the respondent fails to appear, the college may proceed with the disciplinary hearing in absentia, and any decision and sanction shall be binding, and the transcript notation, if any, resulting from that decision and penalty shall replace the notation referred to above.

#### **Mediation Conference:**

- e. The college may offer the respondent and the complainant the opportunity to participate in a mediation conference prior to the time the disciplinary hearing takes place in an effort to resolve the matter by mutual agreement (except in cases involving sexual assault, stalking and other forms of sexual violence). The conference shall be conducted by a qualified staff or faculty member designated by the chief student affairs officer. The following procedures shall be in effect at this conference:
1. An effort shall be made to resolve the matter by mutual agreement through such process as the mediator deems most appropriate; provided, however, that the complainant must be notified of her/his right to end the mediation at any time.
  2. If an agreement is reached, the faculty or staff member conducting the conference shall report her/his recommendation to the chief student affairs officer for approval and, if approved, the complainant and the respondent shall be notified, and a written memorandum shall be created memorializing the resolution and any consequences for non-compliance.
  3. If no agreement is reached within a reasonable time, or if the respondent fails to appear, the faculty or staff member conducting the conference shall refer the matter back to the chief student affairs officer who may prefer disciplinary charges, or, if charges have been preferred, proceed to a disciplinary hearing.
  4. The faculty or staff member conducting the mediation conference is precluded from testifying at a college hearing regarding information received during the mediation conference, or presenting the case on behalf of the college.

#### **Notice of Charges and Hearing:**

- f. Notice of the charge(s) and of the time and place of the hearing shall be personally

delivered to the respondent, or sent by certified or overnight mail and email to the address appearing on the records of the college. Notice shall also be sent in a similar manner to the complainant to the extent the charges relate to her/him/it. The chief student affairs officer is also encouraged to send the notice of charges to any other email address that he or she may have for the respondent and the complainant.

The hearing shall be scheduled within a reasonable time following the filing of the charges or the mediation conference. Notice of at least seven (7) calendar days shall be given to the respondent in advance of the hearing unless the respondent consents to an earlier hearing. The respondent is permitted one (1) adjournment as of right. Additional requests for an adjournment must be made at least five (5) calendar days prior to the hearing date, and shall be granted or denied at the discretion of the chairperson of the faculty-student disciplinary committee. If the respondent fails to respond to the notice, appear on the adjourned date, or request an extension, the college may proceed in absentia, and any decision and sanction shall be binding.

g. The notice shall contain the following:

1. A complete and itemized statement of the charge(s) being brought against the respondent including the rule, bylaw or regulation she/he is charged with violating, and the possible penalties for such violation.
2. A statement that the respondent and the complainant have the right to attend and participate fully in the hearing including the right:
  - (i) to present their side of the story;
  - (ii) to present witnesses and evidence on their behalf;
  - (iii) to cross-examine witnesses presenting evidence;
  - (iv) to remain silent without assumption of guilt; and
  - (v) to be assisted or represented by an advisor or legal counsel at their expense; if the respondent or the complainant requests it, the college shall assist in finding a legal counsel or advisor.
3. A warning that anything the respondent says may be used against her/him at a non-college hearing.

**Pre-Hearing Document Inspection:**

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

**Admission and Acceptance of Penalty Without Hearing:**

- i. At any time after receiving the notice of charges and hearing but prior to the commencement of a disciplinary hearing, the respondent may admit to the charges and accept the penalty that the chief student affairs officer or designee determines to be appropriate to address the misconduct. This agreed upon penalty shall be placed on the respondent's transcript consistent with sections u and v herein. Before resolving a complaint in this manner, the chief student affairs officer must first



consult with the complainant and provide the complainant an opportunity to object to the proposed resolution, orally and/or in writing. If a resolution is reached over the complainant's objection, the chief student affairs officer or designee shall provide the complainant with a written statement of the reasons supporting such resolution, and the complainant may appeal the decision to enter into the resolution to the president.

#### **Emergency Suspension:**

- j. The president or her/his designee may in emergency or extraordinary circumstances, temporarily suspend a student pending an early hearing as provided in this bylaw section 15.4. to take place within not more than twelve (12) calendar days, unless the student requests an adjournment. Such suspension shall be for conduct which impedes, obstructs, impairs or interferes with the orderly and continuous administration and operation of any college, school, or unit of the university in the use of its facilities or in the achievement of its purposes as an educational institution. Prior to the commencement of a temporary suspension of a student, the college shall give the student oral notice (which shall be confirmed via email to the address appearing on the records of the college) or written notice of the charges against her/him and, if she/he denies them, the college shall forthwith give the student an informal oral explanation of the evidence supporting the charges and the student may present informally her/his explanation or theory of the matter. When a student's presence poses a continuing danger to person or property or an ongoing threat of disrupting the academic process, notice and opportunity for denial and explanation may follow suspension, but shall be given as soon as feasible thereafter. The complainant shall be notified in the event that an emergency suspension is imposed against a student, and/or when the suspension is subsequently lifted to the extent that the suspension involves the complainant in the same manner notice is given to the student.

#### **Faculty-Student Disciplinary Committee Structure:**

- k. Each faculty-student disciplinary committee shall consist of two (2) faculty members or one (1) faculty member and one (1) member of the Higher Education Officer series (HEO), and two (2) student members and a chairperson, who shall be a faculty member. A quorum shall consist of the chairperson and any two (2) members, one of whom must be a student. Hearings shall be scheduled promptly (including during the summers) at a convenient time and efforts shall be made to insure full student and faculty representation.
- l. The president shall select in consultation with the head of the appropriate campus governance body or where the president is the head of the governance body, its executive committee, three (3) members of the faculty of that college to receive training upon appointment and to serve in rotation as chairperson of the disciplinary committee. The following schools shall be required to select two (2) chairpersons:, CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism. If none of the chairpersons appointed from the campus can serve, the president, at her/his discretion, may request that a chairperson be selected by lottery from the entire group of chairpersons appointed by other colleges. The chairperson shall preside at all meetings of the faculty-student disciplinary committee and decide and make all rulings for the committee. She/he shall not be a voting member of the committee but shall vote in the event of a tie.
- m. The faculty members shall be selected by lot from a panel of six (6) elected biennially by the appropriate faculty body from among the persons having faculty rank or faculty status. CUNY School of Law, Guttman Community College, CUNY

School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) faculty members. The HEO members shall be selected by lot from a panel of six (6) HEO appointed biennially by the president. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) HEO's. The student members shall be selected by lot from a panel of six (6) elected annually in an election in which all students registered at the college shall be eligible to vote. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) students. In the event that the student or faculty panel or both are not elected, or if more panel members are needed, the president shall have the duty to select the panel or panels which have not been elected. No individuals on the panel shall serve on the panel for more than four (4) consecutive years. Notwithstanding the above, in cases of sexual assault, stalking and other forms of sexual violence, the president shall designate from the panels one (1) chairperson, two (2) faculty/HEO members, and two (2) students, who shall be specially trained on an annual basis, and who shall constitute the faculty-student disciplinary committee in all such cases.

- n. In the event that the chairperson cannot continue, the president shall appoint another chairperson. In the event that a seat becomes vacant and it is necessary to fill the seat to continue the hearing, the seat shall be filled from the respective faculty, HEO, or student panel by lottery.
- o. Each academic year, the chief student affairs officer, and her or his designee, shall appoint/identify one or more college employees to serve as presenters for the hearings. This list shall be forwarded to the Office of the Vice Chancellor for Student Affairs, and the Office of the General Counsel and Sr. Vice Chancellor for Legal Affairs prior to the first day of the academic year.
- p. Persons who are to be participants in the hearings as witnesses or have been involved in preferring the charges or who may participate in the appeals procedures or any other person having a direct interest in the outcome of the hearing shall be disqualified from serving on the committee.

#### **Faculty-Student Disciplinary Committee Procedures:**

- q. The following procedures shall apply to faculty-student disciplinary proceedings:

##### **Hearing:**

- 1. The chairperson shall preside at the hearing. The chairperson shall inform the respondent of the charges, the hearing procedures and her or his rights.
- 2. All faculty student disciplinary committee hearings are closed hearings unless the respondent requests an open public hearing. Notwithstanding such requests, the chairperson shall not permit an open hearing in cases involving allegations of sexual assault, stalking, or other forms of sexual violence. Furthermore, the chairperson has the right to deny the request and hold a closed hearing when an open public hearing would adversely affect and be disruptive to the committee's normal operations. In the event of an open hearing, the respondent must sign a written waiver acknowledging that those present will hear the evidence introduced at the hearing.
- 3. After informing the respondent of the charges, the hearing procedures, and her or his rights, the chairperson shall ask the respondent to respond. If the respondent admits the conduct charged, the respondent shall be given an opportunity to explain her/his actions before the committee and the college shall be given an opportunity to respond and present evidence regarding the appropriate penalty.

If the respondent denies the conduct charged, the college shall present its case. At the conclusion of the college's case, the respondent may move to dismiss the charges. If the motion is denied by the committee, the respondent shall be given an opportunity to present her or his defense.

4. Prior to accepting testimony at the hearing, the chairperson shall rule on any motions questioning the impartiality of any committee member or the adequacy of the notice of the charge(s). Subsequent thereto, the chairperson may rule on the admissibility of the evidence and may exclude irrelevant, unreliable or unduly repetitive evidence. In addition, if any party wishes to question the impartiality of a committee member on the basis of evidence which was not previously available at the inception of the hearing, the chairperson may rule on such a motion. The chairperson shall exclude from the hearing room all persons who are to appear as witnesses, except the respondent and the complainant.
5. The college shall make a record of each fact-finding hearing by some means such as a stenographic transcript, an audio recording or the equivalent. The college must assign a staff member for each hearing, with the sole responsibility of ensuring that the hearing is recorded in its entirety. No other recording of the proceedings may be permitted. A respondent who has been found to have committed the conduct charged after a hearing is entitled upon request to a copy of such a record without cost upon the condition that it is not to be disseminated except to the respondent's representative or attorney. In the event of an appeal, both the respondent and the complainant are entitled upon request to a copy of such a record without cost, upon the condition that it is not to be disseminated except to their representatives or attorneys.
6. The college bears the burden of proving the charge(s) by a preponderance of the evidence.
7. The role of the faculty-student disciplinary committee is to listen to the testimony, ask questions of the witnesses, review the testimony and evidence presented at the hearing and the papers filed by the parties and render a determination. In the event the respondent is found to have committed the conduct charged, the committee shall then determine the penalty to be imposed.
8. The college, the respondent and the complainant are permitted to have lawyers or other representatives or advisors act on their behalf during the pendency of a disciplinary action, which shall include the calling and examining of witnesses, and presenting other evidence. Any party intending to appear with an attorney shall give the other party 5 (five) calendar days' notice of such representation.
9. The chairperson of the faculty-student disciplinary committee retains discretion to limit the number of witnesses and the time of testimony for the presentations by any party and/or their representative.
10. In the event that the respondent is charged with a sexual assault, stalking or other forms of sexual misconduct, neither the respondent nor the complainant shall be permitted to cross-examine the other directly. Rather, if they wish to, the respondent and the complainant may cross-examine each other only through a representative. If either or both of them do not have a representative, the college shall work with them to find a representative to conduct such cross-examination. In the alternative, the complainant and respondent may provide written questions to the chairperson to be posed to the witness.

### **In a case involving the CUNY Policy on Sexual Misconduct:**

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

### **Penalty Phase:**

- 11. If the respondent has been found responsible, then all parties may introduce evidence related to the respondent's character including any past findings of a respondents' responsibility for domestic violence, stalking, or sexual assault or any other sexual violence. The College may introduce a copy of the respondent's previous disciplinary record; including records from any CUNY institution the respondent has attended, where applicable, provided the respondent was shown a copy of the record prior to the commencement of the hearing. The previous disciplinary record shall be submitted to the committee in a sealed envelope, bearing the respondent's signature across the seal, and shall only be opened if the respondent has been found to have committed the conduct charged. The previous disciplinary records, as well as documents and character evidence introduced by the respondent, the complainant, and the college shall be opened and used by the committee for dispositional purposes, i.e., to determine an appropriate penalty if the charges are sustained. The complainant and respondent may also provide or make an impact statement. Such evidence and impact statements shall be used by the committee only for the purpose of determining an appropriate penalty if the charges are sustained.

### **Decision:**

- 12. The committee shall deliberate in closed session. The committee shall issue a written decision, which shall be based solely on the testimony and evidence presented at the hearing and the papers filed by the parties.
- 13. The respondent shall be sent a copy of the faculty-student disciplinary committee's decision within seven (7) calendar days of the conclusion of the hearing, by regular mail and email to the address appearing on the records of the college. In cases involving two or more complainants or respondents, the respondent shall be sent a copy of faculty-student disciplinary committee's decision within fourteen (14) calendar days of the conclusion of the hearing. The chief student affairs officer is also encouraged to send the decision to any other email address that he or she may have for the respondent. The decision shall be final subject to any appeal. In cases involving a crime of violence or a non-forcible sex offense, as set forth in FERPA, the complainant shall simultaneously receive notice of the outcome of the faculty-student disciplinary committee's decision as it relates to the offense(s) committed against the complainant, in the same manner as notice is given to the respondent.
- 14. When a disciplinary hearing results in a penalty of dismissal or suspension for one term or more, the decision is a university-wide penalty and the respondent shall be barred from admission to, or attendance at, any other unit of the university while the penalty is being served.

### **Appeals:**

- 15. A respondent or a complainant may appeal a decision of the faculty-student

disciplinary committee to the president on the following grounds: (i) procedural error, (ii) newly discovered evidence that was not reasonably available at the time of the hearing, or (iii) the disproportionate nature of the penalty. The president may remand for a new hearing or may modify the penalty either by decreasing it (on an appeal by the respondent) or increasing it (on an appeal by the complainant). If the president is a party to the dispute, her/his functions with respect to an appeal shall be discharged by an official of the university to be appointed by the chancellor or her or his designee. If the penalty after appeal to the president is one of dismissal or suspension for one term or more, a respondent or a complainant may appeal to the board committee on student affairs and special programs. The board may dispose of the appeal in the same manner as the president.

16. An appeal under this section shall be made in writing within fifteen (15) calendar days after the delivery of the decision appealed from. This requirement may be waived in a particular case for good cause by the president or the board committee as the case may be. Within three (3) calendar days of the receipt of any appeal, either to the president or the board committee on student affairs and special programs, the non-appealing party shall be sent a written notice of the other party's appeal. In addition, the respondent and/or the complainant shall have the opportunity to submit a written opposition to the other party's appeal within fifteen (15) calendar days of the delivery of the notice of receipt of such appeal.
17. The president shall decide and issue a decision within fifteen (15) calendar days of receiving the appeal or within fifteen (15) calendar days of receiving papers in opposition to the appeal, whichever is longer. The board committee shall decide and issue a decision within five (5) calendar days of the meeting at which it hears the appeal.

#### **Notations on Transcripts:**

18. In cases in which a respondent has been found responsible for a Clery Act reportable crime of violence, the college must place a notation on her/his transcript stating that she/he was suspended or expelled after a finding of responsibility for a code of conduct violation. In all other cases, the college must place a notation of the findings and penalty on a respondent's transcript unless a mediation agreement, the committee's decision, or the decision on any appeal under section 15.4(p), expressly indicate otherwise.
19. A notation of expulsion after a respondent has been found responsible for a Clery Act reportable crime of violence shall not be removed. In all other cases, a notation of expulsion, suspension or any lesser disciplinary penalty shall be removed, as a matter of right, upon the request of the respondent to the Chief Student Affairs Officer made, four years after the conclusion of the disciplinary proceeding or one year after the conclusion of any suspension, whichever is longer. If a finding of responsibility for any violation is vacated for any reason, any such notation shall be removed.

#### **SECTION 15.5. ACTION BY THE BOARD OF TRUSTEES.**

Notwithstanding the foregoing provisions of this article, the board of trustees reserves full power to suspend or take other appropriate action against a student or a student organization for conduct which impedes, obstructs, or interferes with the orderly and continuous administration and operation of any college, school, or units of the university in the use of its facilities or in the achievement of its purposes as an educational institution in accordance with procedures established by the board of trustees.

## SECTION 15.6. COLLEGE GOVERNANCE PLANS.

The provisions in a duly adopted college governance plan shall not be inconsistent with the provisions contained in this article.

### **Student Activity Fee**

*For a full view of the Article XVI, go to [www.cuny.edu](http://www.cuny.edu)*

The student activity fee is the total of the fee for student government and other student activities. Student activity fees, including student government fees collected by a college of the university shall be deposited in a college central depository and, except where earmarked by the board, allocated by a college association budget committee subject to review by the college association as required in these bylaws.

### **Student Records Policy**

Annually, Colleges inform students of the Family Educational Rights and Privacy Act of 1974, (FERPA) as amended. The Office of the Registrar will disclose FERPA information by publishing a notice in the College Catalog, Registrar Website and in other appropriate locations. This annual notice shall prescribe the procedures whereby a student may make a formal request for non-disclosure of directory information, exercise the right to inspect and review education records, request an amendment of education records and obtain a copy of the College's education records policy. The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. See Section "6" below on your right to prevent the disclosure of directory information. The FERPA rights of students are:

#### **1. The right to inspect and review your educational records.**

Students should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. If the records are not maintained by the college official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed. All requests shall be granted or denied in writing within 45 days of receipt. If the request is granted, you will be notified of the time and place where the records may be inspected. If the request is denied or not responded to within 45 days, you may appeal to the college's FERPA appeals officer. Additional information regarding the appeal procedures will be provided to you if a request is denied. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for students to review the records. Schools may charge a fee for copies.

#### **2. The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.**

You may ask the college to amend a record that you believe is inaccurate or misleading. You should write to the college official responsible for the record, clearly identify the part of the record you want changed, and specify why it is inaccurate or misleading. If the college decides not to amend the record as requested by you, the college will notify you of the decision and advise you of your right to a hearing before the college's FERPA appeals officer regarding the request for amendment. Additional information regarding the hearing procedures will be provided to you when notified of your right to a hearing.

#### **3. The right to consent to disclosure of personally identifiable information contained in your education records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to college officials with legitimate educational interests. A college official is a person employed by the university in an administrative, supervisory, academic or research, or support staff position; a person or company with whom the University**

has contracted; a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another college official in performing his or her tasks. A college official has a legitimate educational interest if access is reasonably necessary in order to perform his/her instructional, research, administrative or other duties and responsibilities.

Upon request, the college discloses education records without consent to officials of another college or school in which a student seeks or intends to enroll.

4. You may appeal the alleged denial of FERPA rights to the:  
General Counsel and Vice Chancellor for Legal Affairs  
The City University Of New York  
535 East 80th Street  
New York, NY 10021
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the college to comply with the requirements of FERPA.

The name and address of the office that administers FERPA are:  
Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5920

For additional information: [www.ed.gov/policy/gen/guid/fpco/ferpa/index.html](http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html)

6. The college will make the following “directory information” concerning current and former students available to those parties having a legitimate interest in the information: name, attendance dates (periods of enrollment), address, telephone number, date and place of birth, photograph, email address, full or part-time status, enrollment status (undergraduate, graduate, etc.), level of education (credits) completed, major field of study, degree enrolled for, participation in officially recognized activities and sports, height and weight of athletic team members.

### **Tobacco Policy**

To view the full policy on tobacco go to [www.cuny.edu](http://www.cuny.edu)

The CUNY Board of Trustees has approved an expanded tobacco policy that will make CUNY the largest smoke-free public university system in the United States.

The policy prohibits the use of tobacco, including chew tobacco and e-cigarettes on all grounds and facilities under CUNY’s jurisdiction—indoor and outdoor. It will also prohibit tobacco industry promotions, tobacco marketing on campus properties, and tobacco industry sponsorship of athletic events and athletes.

*The Board’s resolution replaces the University’s previous policy, which prohibited smoking inside all facilities. It will be implemented University-wide no later than September 4, 2012.*

### **Your Right to Know**

For a full view of Your Right to Know, go to [http://www.bmcc.cuny.edu/safety/upload/clery\\_2017.pdf](http://www.bmcc.cuny.edu/safety/upload/clery_2017.pdf)

BMCC provides timely notice to the campus community and local police on crimes reported to the Department of Public Safety that are considered to be a threat to students and employees. The manner of notification depends upon the particular circumstance of the crime and may include means such as electronic mail, college publications, and the student newspaper.

The Public Safety Department also maintains a daily crime log making crime data readily available to the community.

BMCC's Advisory Committee on Campus Safety will provide, upon request, all campus crime statistics as reported to the United States Department of Education. Please contact Michael Korn, Director of Public Safety at (212) 220-8000 Ext. 7080 or visit the BMCC Clery Report at <https://www.bmcc.cuny.edu/wp-content/uploads/2020/11/2020-ASR-BMCC-Final.pdf> to access BMCC's campus crime statistics. For further information, please visit the U.S. Department of Education website <https://www2.ed.gov/admins/lead/safety/campus.html>.

**Please visit the website for the most up-to-date information.**



BOROUGH OF **MANHATTAN** COMMUNITY COLLEGE  
ON & OFF CAMPUS LOCATION LIST

<i><b>Location</b></i>	<i><b>Address</b></i>
<b>Main Building</b>	199 Chambers Street, New York, NY 10007
<b>Fiterman Hall</b>	245 Greenwich Street, New York, NY 10007
<b>Murray Street Building</b>	70 Murray Street, New York, NY 10007
<b>Off Campus- CUNY in the Heights</b>	5030 Broadway, New York, NY 10034 (between 213th Street and 214th Street)
<b>Off Campus- John Jay College of Criminal Justice</b>	500 West 56th Street New York, NY 10019
<b>Off Campus- Lehman College</b>	250 Bedford Park Boulevard West Bronx, NY 10468
<b>Off Campus- Brooklyn College</b>	2900 Bedford Avenue Brooklyn, NY 11210
<b>Off Campus- St. John's University- Manhattan</b>	101 Astor Place New York, NY 10003
<b>Off Campus- Long Island University- Brooklyn</b>	1 University Plaza Brooklyn, NY 11201
<b>Center for Continuing Education and Workforce Development</b>	25 Broadway, 8th Floor New York, NY 10004

