

LEHMAN COLLEGE/CITY UNIVERSITY OF NEW YORK POLICIES AND PROCEDURES

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1-A IMPORTANT NOTICE OF POSSIBLE CHANGES

The City University of New York reserves the right, because of changing conditions, to make modifications of any nature in the academic programs and requirements of the University and its constituent colleges without notice. Tuition and fees set forth in this publication (or on this website) are similarly subject to change by the Board of Trustees of The City University of New York. The University regrets any inconvenience this may cause.

1-B STATEMENT OF NONDISCRIMINATION

Lehman College is an Equal Opportunity and Affirmative Action Institution. The College does not discriminate on the basis of race, color, national or ethnic origin, religion, age, sex, sexual orientation, transgender, marital status, disability, genetic predisposition or carrier status, alienage or citizenship, military or veteran status, or status as victim of domestic violence in its student admissions, employment, access to programs, and administration of educational policies.

Dawn Ewing-Morgan is the College affirmative action officer, coordinator for Title IX, which prohibits sex discrimination in federally assisted education programs, and coordinator for the Age Discrimination Act, which prohibits age discrimination in federally assisted education programs. Her office is located in Shuster Hall, room 356 and her telephone number is 719-960-8111.

Dawn Ewing-Morgan is the college coordinator for the Americans with Disabilities Act and Section 504, which prohibits discrimination on the basis of disability. Her office is located in Shuster Hall, room 356 and her telephone number is 718-960-8111.

1-C NOTIFICATION UNDER FERPA OF STUDENT RIGHTS CONCERNING EDUCATION RECORDS AND DIRECTORY INFORMATION

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 education 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 procedure s will be provided to you if a request is denied.

(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
600 Independence Avenue, SW
Washington, D.C. 20202-4605.

- (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, e-mail 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, previous school attended, and degrees, honors and awards received. By filing a form with the Registrar's Office, you may request that any or all of this directory information not be released without your prior written consent. This form is available in the Registrar's Office and may be filed, withdrawn, or modified at any time.

DIRECTORY INFORMATION NON-DISCLOSURE FORM

This form must be filed with the Registrar's Office if you do not wish any or all directory information disclosed without your prior consent. Directory information otherwise may be made available to any parties deemed to have a legitimate interest in the information. The instructions on this form may be changed at any time by filing a new form with the Registrar's Office. You should initial the appropriate spaces.

Name of student: _____.

Student ID number: _____.

A. _____ I DO NOT WANT ANY DIRECTORY INFORMATION DISCLOSED WITHOUT MY PRIOR CONSENT. (If you initial this space you do not have to fill out the rest of this form, but must date and sign below.)

B. _____ I do not want the following categories of directory information disclosed without my prior consent. (Initial those items which you do not want released.)

____Name.

____ Attendance dates (periods of enrollment).

____ Address.

____ Telephone number.

____ Date of birth.

____ Place of birth.

____ Photograph.

____ E-mail 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 other than sports.

____ Participation in sports (teams).

____ Height if member of athletic team.

____ Weight if member of athletic team.

____ Previous school attended.

____ Degrees received.

____ Honors and awards received.

C. _____ I want my prior instructions not to release directory information withdrawn. I now authorize the college to release all of my directory information to parties with a legitimate interest.

Dated: _____ Signed: _____

1-D

NOTIFICATION OF STUDENT IMMUNIZATION REQUIREMENTS

Students who do not submit proof of measles, mumps and rubella (MMR) immunization or who fail to return the meningococcal meningitis response form within a statutory grace period shall be prohibited from attending the institution. For additional information, you should contact the Student Health Center located at the T-3 Building, room 118 at the following phone number 718-960-8900.

Public Health Law 2165 requires that post-secondary students be immunized against measles, mumps, and rubella (MMR).

All registered full-time students and part-time students born on or after January 1, 1957 who are enrolled for at least six, but fewer than twelve semester hours (or equivalent) per semester in an approved degree program or registered certificate program must submit proof of MMR immunization. Students may be exempt from the required MMR immunizations for religious or medical reasons. To qualify for a religious exception, students must submit a signed statement, or in the event the student is a minor (under 18), a signed statement from their parent or guardian, that they hold sincere and genuine religious beliefs that prohibit immunization. To qualify for a medical exception, students must submit a written statement from a licensed physician or nurse practitioner indicating that such immunization may be detrimental to their health.

Public Health Law 2167 requires that post-secondary institutions provide written information about meningococcal meningitis to its students and that students complete, sign, and return a meningococcal meningitis response form. Public Health Law 2167 does not require that students be immunized against meningitis,

Public Health Law 2167 requires colleges to distribute written information about meningococcal meningitis disease and vaccination and students to complete, sign and return to the college, a meningococcal meningitis response form that: (a) confirms that the college has provided the information about meningococcal meningitis; and (b) indicates that either: (1) the student has received immunization against meningococcal meningitis within the 10 years preceding the date of the response form; or (2) the student has decided against receiving the vaccination. This law applies to students, who are enrolled in at least six semester hours (or the equivalent) per semester. No student may be exempt from receiving information or returning the response form.

1-E

FREEDOM OF INFORMATION LAW NOTICE

Requests to inspect public records at the college should be made to the Records Access Officer, Mr. Esdras Tulier, Special Counsel to the President, who is located in Shuster Hall, room 376, 718-960-8559. Public records are available for inspection and copying by appointment only at a location to be designated. You have a right to appeal a denial of a request for access to records to the CUNY General Counsel and Vice Chancellor for Legal Affairs. Copies of the CUNY Procedures for Public Access to Public Records Pursuant to Article 6 of the Public Officers Law and the appeal form are available at the reference desk of the library and the college website.

THE CITY UNIVERSITY OF NEW YORK PROCEDURES FOR PUBLIC ACCESS TO PUBLIC RECORDS PURSUANT TO ARTICLE 6 OF THE PUBLIC OFFICERS LAW*

Designation of Records Access Officer.

Each president shall designate one or more persons as Records Access Officers by name or specific job title and location who shall have the duty of coordinating the response of the colleges to public requests for access in accordance with law and regulations promulgated there under.

The records access officer shall be responsible for assuring that the college:

- Maintains an up-to-date subject matter list in accordance with 5(e) herein.
- Assists the requester in identifying requested records, if necessary.
- Searches for the identified records to which access is requested.
- Upon locating the records, takes one of the following actions:
- Makes records promptly available for inspection; or
- Denies access to the records in whole or in part and explains in writing the reasons therefore.

Upon request for copies of records:

- Makes a copy available upon payment or offer to pay a fee of twenty five (25) cents per page; **or**,
- Permits the requester to copy those records.
- Upon request, certifies that a copy is a true copy of the records copied.
- Upon failure to locate records, certifies in writing that:
 - The college is not the legal custodian for such records
 - The records of which the college is legal custodian cannot be found.

If access is denied in whole or part advises the requester of the right to appeal to the General Counsel and Vice Chancellor for Legal Affairs by use of the prescribed appeal form.

Location: Each college shall designate the locations where access to records may be requested.

Hours for Public Inspection: Each college shall establish a written procedure by which a person may arrange an appointment to inspect and copy records. Such procedures shall include the name, position, address and phone number of the party to be contacted for the purpose of making an appointment.

Requests for Public Access to Records

(a) Requests (i) may be oral or in writing, (ii) shall contain a description of the records sufficiently detailed to permit identification.

* These procedures are distinct from the procedure for access to student records which are covered by Federal law and Board of Trustees policy. Nothing in these procedures requires the creation or compilation of records or the production of records which are not public records

(b) If the request is made in person and is not complied with when made, or is made by mail, the requester shall supply a stamped self-addressed envelope. Postage for voluminous material must be paid by the requester, plus handling charges.

(c) Requests for access to records which have customarily been granted without written request shall continue to be so granted.

(d) The duly designated college official shall respond to a request for access to records within five working days after receipt of the request, provided that if more than five working days is required to produce records, the receipt of the request shall be acknowledged within five working days after the request is received, such acknowledgment to include a brief explanation of the reason for delay and an estimate of the date on which production or denial will be forthcoming.

(e) (1) Each college shall maintain and make available for public inspection and copying a current list, by subject matter, of all records produced, filed, or first kept or promulgated after September 1, 1974. The list shall be sufficiently detailed to permit the requester to identify the file category of the record sought.

(e)(2) The subject matter list shall be updated periodically and the date of the most recent updating shall appear on the first page. The subject matter list shall be updated not less than semiannually.

No records may be removed by the requester from the office where the record is located without the permission of the college.

Denial of Access to Records / Appeals

1. Denial of access shall be in writing stating the reason there for and advising the requester of his right to appeal.
2. If the college fails to provide requested records within five working days after the receipt of the request or by the estimated date on which production or denial was to be forthcoming as provided in subdivision d of paragraph 5 hereof, such failure shall be deemed a denial of access by the college.
3. Appeals from a denial of written requests for access may be taken to the General Counsel and Vice Chancellor for Legal Affairs, 535 East 80th Street, New York, N. Y. 10021, within thirty working days of the mailing by the college or a written denial in whole or in part of access, or after the estimated date of production if access is not granted within such time.
4. the appeal shall be taken by use of the form annexed to these procedures.
5. The General Counsel and Vice Chancellor for Legal Affairs shall inform the requester of the decision in writing within ten working days of receipt of an appeal.
6. A final denial of access to a requested record shall be subject to court review as provided for in article 78 of the Civil Practice Laws and Rules.
7. **Fees.** There shall be no fee charged for the following:
 - Inspection of records.
 - Search for records.
 - Any certification.

8. **Public Notice.** Each college shall publicize by posting in a conspicuous location wherever records are kept or by publication in a local newspaper of general circulation:

- The location where public records shall be made available for inspection and copying.
- The name, title, business address and business telephone number of the designated Records Access Officer.
- The right to appeal by any requester denied access to a record for whatever reason and the location where the appeal form can be obtained.

The Senior Vice Chancellor and Chief Operating Officer shall implement these regulations for the Central Office in the same manner as is provided herein for the Presidents with respect to the Colleges.

NEW YORK FREEDOM OF INFORMATION LAW APPEAL FORM WHEN A COLLEGE HAS DENIED A REQUEST FOR ACCESS TO ITS PUBLIC RECORDS

You have a right to appeal to the General Counsel and Vice Chancellor for Legal Affairs if the college has not granted your request for access to its public records. To exercise this right you must (I) complete this form and (II) mail this form within thirty days after (A) you receive the denial of your request for access or (B) eight working days have passed since your request for access was received by the college and you have not received either a response to your request or a letter indicating the date by which the college will respond to your request or (C) the date by which the college has advised you it would comply with your request has passed and your request has not been complied with. The form must be mailed to:

General Counsel and Vice Chancellor For Legal Affairs
The City University of New York
535 East 80th Street, 2nd Floor
New York, NY 10021

Name: _____

Address: _____

Specify the records which you requested and were denied access:

Specify the date you requested access to these records: _____

Specify the date or the circumstances under which your request for access was denied:

Specify the name of the person who denied your request for access:

State all the reasons why you believe your request for access should be granted.

Attach copies of your request and the denial. Additional supporting documents may also be attached.

1-F

SPECIAL PROVISION FOR STUDENTS IN THE MILITARY

The following policies apply to students who leave CUNY to fulfill military obligations.

I. Students called up to the reserves or drafted before the end of the semester.

- A. Grades. In order to obtain a grade, a student must attend 13 weeks (five weeks for summer session).
- B. Refunds. A student called up to the reserves or drafted who does not attend for a sufficient time to qualify for a grade is entitled to a 100% refund of tuition and all other fees except application fees.

II. Students who volunteer (enlist) for the military.

- A. Grades. Same provision as for students called up to the reserves. In order to obtain a grade, a student must attend 13 weeks (five weeks for summer session).
- B. Refunds. The amount of the refund depends upon whether the withdrawal is before the 5th week of classes.
 - 1. Withdrawal before beginning of the 5th calendar week (3rd calendar week for summer session): 100% refund of tuition and all other fees except application fees.
 - 2. Withdrawal thereafter: 50% refund.

III. Other Provisions for Military Service:

- A. Resident Tuition Rates. These lower rates are applicable to all members of the armed services, their spouses and their dependent children, on full-time active duty and stationed in the State of New York.
- B. Re-enrollment of Veterans. Veterans who are returning students are given

preferred treatment in the following ways:

1. Veterans who were former students with unsatisfactory scholastic records, may be readmitted with a probationary program.
2. Veterans, upon their return, may register even after normal registration periods, without late fees.
3. Granting of college credit for military service and armed forces instructional courses.

C. Late Admissions. Veterans with no previous college experience are permitted to file application up to the date of registration, and are allowed to begin classes pending completion of their application and provision of supporting documents.

D. Readmission Fee. Upon return from military service, a student will not be charged a Readmission fee to register at the same college.

E. Veterans Tuition Deferrals. Veterans are entitled to defer the payment of tuition pending receipt of veterans' benefits.

F. New York National Guard Tuition Waivers. Active members of the New York National Guard, who are legal residents of New York State and who do not have a baccalaureate degree, are eligible for a tuition waiver for undergraduate study.

1-G

NEW YORK STATE EDUCATION LAW, ARTICLE 5

S 224-a. Students unable because of religious beliefs to register or attend classes on certain days.

1. No person shall be expelled from or be refused admission as a student to an institution of higher education for the reason that he or she is unable, because of his or her religious beliefs, to register or attend classes or to participate in any examination, study or work requirements on a particular day or days.

2. Any student in an institution of higher education who is unable, because of his or her religious beliefs, to attend classes on a particular day or days shall, because of such absence on the particular day or days, be excused from any examination or any study or work requirements.

3. It shall be the responsibility of the faculty and of the administrative officials of each institution of higher education to make available to each student who is absent from school, because of his or her religious beliefs, an equivalent opportunity to register for classes or make up any examination, study or work requirements which he or she may have missed because of such absence on any particular day or days. No fees of any kind shall be charged by the institution for making available to the said student such equivalent opportunity.

4. If registration, classes, examinations, study or work requirements are held on Friday after four o'clock post meridian or on Saturday, similar or make up classes, examinations, study or work requirements or opportunity to register shall be made available on other days, where it is possible

and practicable to do so. No special fees shall be charged to the student for these classes, examinations, study or work requirements or registration held on other days.

5. In effectuating the provisions of this section, it shall be the duty of the faculty and of the administrative officials of each institution of higher education to exercise the fullest measure of good faith. No adverse or prejudicial effects shall result to any student because of his or her availing himself or herself of the provisions of this section. Any student, who is aggrieved by the alleged failure of any faculty or administrative officials to comply in good faith with the provisions of this section, shall be entitled to maintain an action or proceeding in the supreme court of the county in which such institution of higher education is located for the enforcement of his or her rights under this section.

6.-a. It shall be the responsibility of the administrative officials of each institution of higher education to give written notice to students of their rights under this section, informing them that each student who is absent from school, because of his or her religious beliefs, must be given an equivalent opportunity to register for classes or make up any examination, study or work requirements which he or she may have missed because of such absence on any particular day or days. No fees of any kind shall be charged by the institution for making available to such student such equivalent opportunity.

As used in this section, the term “institution of higher education” shall mean any institution of higher education, recognized and approved by the regents of the University of the State of New York, which provides a course of study leading to the granting of a post-secondary degree or diploma. Such term shall not include any institution which is operated, supervised or controlled by a church or by a religious or denominational organization whose educational programs are principally designed for the purpose of training ministers or other religious functionaries or for the purpose of propagating religious doctrines. As used in this section, the term “religious belief” shall mean beliefs associated with any corporation organized and operated exclusively for religious purposes, which is not disqualified for tax exemption under section 501 of the United States Code.

1-H

C.U.N.Y. POLICY ON WITHHOLDING STUDENT RECORDS:

Students who are delinquent and/or in default in any of their financial accounts with the college, the university or an appropriate state or federal agency for which the university acts as either a distributing or certifying agent, and students who have not completed exit interviews as required by the federal Perkins Loan Program, the federal Family Education Loan Programs, the William D. Ford Federal Direct Loan Program, and the Nursing Student Loan Program, are not to be permitted to complete registration, or issued a copy of their grades, a transcript of academic record, certificate, or degree, nor are they to receive funds under the federal campus-based student assistance programs or the federal Pell Grant Program unless the designated officer, in exceptional hardship cases and consistent with federal and state regulations, waives in writing the application of this regulation.

II-A

CUNY POLICY ON ACADEMIC INTEGRITY

Academic Dishonesty is prohibited in The City University of New York and is punishable by penalties, including failing grades, suspension, and expulsion, as provided herein.

I. Definitions and Examples of Academic Dishonesty

Cheating is the unauthorized use or attempted use of material, information, notes, study aids devices or communication during an academic exercise.

The following are some examples of cheating, but by no means is it an exhaustive list:

- Copying from another student during an examination or allowing another to copy your work.
- Unauthorized collaboration on a take home assignment or examination.
- Using notes during a closed book examination.
- Taking an examination for another student, or asking or allowing another student to take an examination for you.
- Changing a graded exam and returning it for more credit.
- Submitting substantial portions of the same paper to more than one course without consulting with each instructor.
- Preparing answers or writing notes in a blue book (exam booklet) before an examination.
- Allowing others to research and write assigned papers or do assigned projects, including use of commercial term paper services.
- Giving assistance to acts of academic misconduct/ dishonesty.
- Fabricating data (all or in part).
- Submitting someone else's work as your own.
- Unauthorized use during an examination of any electronic devices such as cell phones, palm pilots, computers or other technologies to retrieve or send information.

Plagiarism is the act of presenting another person's ideas, research or writings as your own.

The following are some examples of plagiarism, but by no means is it an exhaustive list:

- Copying another person's actual words without the use of quotation marks and footnotes attributing the words to their source..
- Presenting another person's ideas or theories in your own words without acknowledging the source.
- Using information that is not common knowledge without acknowledging the source.
- Failing to acknowledge collaborators on homework and laboratory assignments.

Internet Plagiarism includes submitting downloaded term papers or parts of term papers, paraphrasing or copying information from the internet without citing the source, and "cutting & pasting" from various sources without proper attribution.

Obtaining Unfair Advantage is any activity that intentionally or unintentionally gives a student an unfair advantage in his/her academic work over another student.

The following are some examples of obtaining an unfair advantage, but by no means is it an exhaustive list:

- Stealing, reproducing, circulating or otherwise gaining advance access to examination materials.
- Depriving other students of access to library materials by stealing, destroying, defacing, or concealing them.
- Retaining, using or circulating examination materials which clearly indicate that they should be returned at the end of the exam.
- Intentionally obstructing or interfering with another student's work.

Falsification of Records and Officials Documents

The following are some examples of falsification, but by no means is it an exhaustive list:

- Forging signatures of authorization.
- Falsifying information on an official academic record.
- Falsifying information on an official document such as a grade report, letter of permission, drop/add form, ID card or other college document.

Adapted with permission from *Baruch College: A Faculty Guide to Student Academic Integrity*. The Baruch College document includes excerpts from University of California's web page entitled "The Academic Dishonesty Question: A guide to an Answer through Education, Prevention, Adjudication and Obligation" by Prof. Harry Nelson.

II. METHODS FOR PROMOTING ACADEMIC INTEGRITY

- Orientation sessions for all new faculty (full and part-time) and students should incorporate a discussion of academic integrity. Packets containing information explaining the policy, the procedures that are in place, and examples of infractions should be distributed. These packets should be readily available, throughout the academic year, in the appropriate offices of the college and the locations of those offices should be widely publicized. Colleges using additional resources to detect plagiarism should publicize these resources widely.
- All college catalogs, student handbooks, and college websites should include the CUNY and college academic integrity policy and the consequences of not adhering to it. The policy on Academic Integrity, as adopted by the Board, shall be distributed to all students. All syllabi and schedules of classes should make reference to the CUNY and college's academic integrity policy and where they are published in full.
- A "Faculty Report" form should be used throughout the University to report incidents of suspected academic dishonesty. (Sample attached) It is strongly recommended that the faculty member should report all such incidents by completing and submitting the form to the chief student affairs officer, the Academic Integrity Committee if the college has established one (see recommendation below), or other appropriate academic integrity official whom the college may designate (collectively referred to hereinafter as the "Academic Integrity Official"). A follow-up form should be submitted to the student's academic integrity file by the adjudicating person or body once the suspected incident has been resolved pursuant to one of the methods described below. Although form need not be uniformed across the University, they need to uniform within each college. The form should provide at least minimal information such as the name of the instructor and student, course name and number date of incident, explanation of incident and the instructor's telephone/email contact information; it should be easy to use and process. Except as

otherwise provided in the CUNY procedures, the Academic Integrity Official of each college should retain the forms for the purposes of identifying repeat offenders, gathering data, and assessing and reviewing policies.

- CUNY will develop a website on Academic Integrity. This website include suggestions for faculty, students and administrators to reduce cheating or plagiarism, resources on academic integrity and links to relevant sites. Future plans also include the development of an online training program to raise awareness about academic integrity.
- The Committee recommends that this CUNY Policy on Academic Integrity, dated Spring 2004, be adopted by the Board of Trustees.
- Colleges should adopt the “PEN” (Pending) grade to facilitate the implementation of the Procedures for Imposition of Sanctions. This grade already exists in the University’s Glossary of Grades.
- Colleges may wish to consider issuing a Student Guide to Academic Integrity. An excellent example is a document that students at Baruch College developed called “Student Guide to Academic Integrity at Baruch College”. The Guide is in its final stages of approval.
- Each college should consider joining the Center for Academic Integrity.
- Colleges should consider subscribing to an electronic plagiarism detection service. Any college that does subscribe must notify every student each semester of the fact that such a service is available for use by the faculty.
- Colleges should consider establishing an Academic Integrity Committee, to serve in lieu of grade appeals committees in cases of academic dishonesty, which would hear and decide contested grade reductions that faculty members award because of student’s violations of the Academic Integrity Policy and collect and maintain files of Faculty Report forms of suspected and adjudicated violations of the Academic Integrity Policy.
- Establish a mechanism for preventing students from dropping a class in order to avoid an investigation and/or imposition of a sanction for a violation of academic integrity.

III. PROCEDURES FOR IMPOSITION OF SANCTIONS FOR VIOLATIONS OF CUNY POLICY ON ACADEMIC INTEGRITY

A. Introduction

As a legal matter, in disciplining students for violations of policies of academic integrity, CUNY, as a public institution, must conform to the principles of due process mandated by the Fourteenth Amendment to the United States Constitution – generally speaking, to provide notice of the charges and some opportunity to be heard. In the context of court-litigated violations, questions as to how much and what kind of process was “due” turn on the court’s judgment whether the decision on culpability was “disciplinary” (a question of fact) or “academic” (a question of the instructor’s expert judgment). This distinction has proved difficult to apply on campus. Accordingly, these procedures provide for alternative approaches depending on the severity of the sanction(s) being sought. If the instructor desires solely an “academic” sanction, that is, a grade reduction, less process is due than if a “disciplinary” sanction, such as suspension or expulsion, is sought.

A faculty member who suspects that a student has committed a violation of the CUNY or the college Academic Integrity Policy shall review with the student the facts and circumstances of the suspected violation whenever possible. The decision whether to seek an academic sanction only, rather than a disciplinary sanction or both types of sanctions, will rest with the faculty

member in the first instance, but the college retains the right to bring disciplinary charges against the student. Among the factors the college should consider in determining whether to seek a disciplinary sanction are whether the student has committed one or more prior violations of the Academic Integrity Policy and mitigating circumstances if any. It is strongly recommended that every instance of suspected violation should be reported to the Academic Integrity Official on a form provided by the college as described in the third Recommendation for Promoting Academic Integrity, above. Among other things, this reporting will allow the college to determine whether it wishes to seek a disciplinary sanction even where the instructor may not wish to do so.

B. Procedures In Cases Where The Instructor Seeks An Academic Sanction Only

1. Student Accepts Guilt And Does Not Contest The Academic Sanction

If the faculty member wishes to seek only an academic sanction (i.e., a reduced grade¹ only), and the student does not contest either his/her guilt or the particular reduced grade the faculty member has chosen, then the student shall be given the reduced grade, unless the college decides to seek a disciplinary sanction, see Section I above and IV below. The reduced grade may apply to the particular assignment as to which the violation occurred or to the course grade, at the faculty member's discretion.

2. Student Denies Guilt And/Or Contests The Academic Sanction

If the student denies guilt or contests the particular grade awarded by the faculty member, then the matter shall be handled using the college's grade appeals process, including departmental grading committees where applicable, or the Academic Integrity Committee. In either case, the process must, at a minimum, provide the student with an opportunity to be heard and to present evidence.

C. Procedures In Cases Where A Disciplinary Sanction Is Sought

If a faculty member suspects a violation and seeks a disciplinary sanction, the faculty member shall refer the matter to the college's Academic Integrity Official using the Faculty Report form, as described in the third Recommendation for Promoting Academic Integrity above, to be adjudicated by the college's Faculty-Student Disciplinary Committee under Article 15 of the CUNY Bylaws. As provided for therein, the Faculty-Student Disciplinary may, among other things, investigate, conciliate, or hear evidence on cases in which disciplinary charges are brought². Under certain circumstances, college officials other than the Academic Integrity Official may seek disciplinary sanctions following the procedures outlined above. For the reasons discussed in Item IV below, if a reduced grade is also at issue, then that grade should be held in abeyance, pending the Faculty-Student Disciplinary Committee's action.

¹ A reduced grade can be an "F," a "D-," or another grade that is lower than the grade that would have been given but for the violation.

² Typically, disciplinary sanctions would be sought in cases of the most egregious, or repeated, violations, for example: infraction in ways similar to criminal activity (such as forging a grade form; staling an examination from a professor or a university office; or forging a transcript); having a substitute take an examination or taking an examination for someone else; sabotaging another student's work through actions designed to prevent the student from successfully completing an assignment; dishonesty that affects a major or essential portion of work done to meet course requirements. [These examples have been taken from a list of violations compiled by Rutgers University.]

D. Procedures In Cases In which Both A Disciplinary And An Academic Sanction Are Sought

If a faculty member or the college seeks to have both a disciplinary and an academic sanction imposed, it is not advisable to proceed on both fronts simultaneously lest inconsistent results ensue. Thus, it is best to begin with the disciplinary proceeding seeking imposition of a disciplinary sanction and await its outcome before addressing the academic sanction. If the Faculty-Student Disciplinary Committee finds that the alleged violation occurred, then the faculty member may reflect that finding in the student's grade. If the Faculty-Student Disciplinary Committee finds that the alleged violation did not occur. Then no sanction of any kind may be imposed. The decision whether to pursue both types of sanctions will ordinarily rest with the faculty member.

E. Reporting Requirements

1. By The Faculty Member To The Academic Integrity Official

In cases where a violation of academic integrity has been found to have occurred (whether by admission or a fact-finding process), the faculty member should promptly file with the Academic Integrity Official a report of the adjudication in writing on a Faculty Report form (see sample attached) provided by the college as described above. The Academic Integrity Official shall maintain a confidential file for each student about whom a suspected or adjudicated violation is reported. If either the grade appeals process or the Faculty-Student Disciplinary Committee finds that no violation occurred, the Academic Integrity Official shall remove and destroy all material relating to that incident from the student's confidential academic integrity file. Before determining what sanction(s) to seek, the faculty member or the Academic Integrity Official may consult the student's confidential academic integrity file, if any, to determine whether the student has been found to have previously committed a violation of the Academic Integrity Policy, the nature of the infraction, and the sanction imposed or action taken.

2. By the Academic Integrity Official To the Faculty Member

Where a matter proceeds to the Faculty-Student Disciplinary Committee, the Academic Integrity Official shall promptly report its resolution to the faculty member and file a record of the resolution in the student's confidential academic integrity file, unless, as indicated above, the suspected violation was held to be unfounded, in which case all reporting forms concerning that suspected violation shall be destroyed.

ADOPTED BY THE BOARD OF TRUSTEES ON JUNE 28, 2004.

II-B

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

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.

Applicability

This policy applies to all users of CUNY computer resources, whether affiliated with CUNY or not, and whether accessing those resources on a CUNY campus or remotely.

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

Definitions

"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, personal computers, handheld devices, workstations, mainframes, minicomputers, servers, network facilities, databases, memory, and associated peripherals and software, and the applications they support, such as email and access to the internet.

"E-mail" includes point-to-point messages, postings to newsgroups and listservs, and other electronic messages involving computers and computer networks.

Rules for Use of CUNY Computer Resources

1. **Authorization.** 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. This provision shall not prevent a user from authorizing 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 because of a disability. 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 taking ordinary security precautions.
2. **Purpose.** Use of CUNY computer resources is limited to activities relating to the performance by CUNY employees of their duties and responsibilities. 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.

Except with respect to CUNY employees other than faculty, where a supervisor has prohibited it in writing, incidental personal use of 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. \

3. **Compliance with Law.** 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. Examples of applicable federal and state laws include the laws of libel, obscenity and child pornography, as well as the following:
 - Family Educational Rights and Privacy Act
 - Electronic Communications Privacy Act
 - Computer Fraud and Abuse Act
 - New York State Freedom of Information Law
 - New York State Law with respect to the confidentiality of library recordsExamples of applicable CUNY rules and policies include the following:
 - Sexual Harassment Policy
 - Policy on Maintenance of Public Order
 - Web Site Privacy Policy
 - Gramm-Leach-Bliley Information Security Program
 - University Policy on Academic Integrity
 - Information Security policies
4. **Licenses and Intellectual Property.** Users of CUNY computer resources 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. 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 of CUNY computer resources 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.
5. **False Identity and Harassment.** Users of CUNY computer resources may not employ a false identity, mask the identity of an account or computer, or use 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.** Users of CUNY computer resources may not invade the privacy of others by, among other things, viewing, copying, modifying or destroying data or programs belonging to or containing personal or confidential information about others, without explicit permission to do so. CUNY employees must take precautions to protect the confidentiality of personal or confidential 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 computer resource, or which could reasonably be

- expected to cause, directly or indirectly, excessive strain 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 that they are not sure are safe.
8. **Disruptive Activities.** 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. This provision explicitly prohibits chain letters, virus hoaxes or other intentional e-mail transmissions that disrupt normal e-mail service. Also prohibited are 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, as well as the inclusion on e-mail 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. CUNY has the right to require users of CUNY computer resources 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.** 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.
 10. **Security.** 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 private information, as well as for following CUNY's Information Security policies and procedures. Users must report incidents of Information Security policy non-compliance or other security incidents to CUNY's Chief Information Officer and Chief Information Security Officer, and the IT director at the affected user's college.
 11. **Filtering.** CUNY reserves the right to install spam, virus 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. Notwithstanding the foregoing, CUNY will not install filters that restrict access to e-mail, instant messaging, chat rooms or websites based solely on content.
 12. **Confidential Research Information.** Principal investigators and others who use CUNY computer resources to store or transmit 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 confidential research information from unauthorized access or modification. In general, this means storing the information on a computer 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 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., 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.
 13. **CUNY Access to Computer Resources.** CUNY does not routinely monitor, inspect, or

disclose individual usage of its 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 web sites, e-mail 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 contained in computer storage in any CUNY electronic device dedicated to their use will not be intruded upon by CUNY except as outlined in this policy.

CUNY may specifically monitor or inspect the activity and accounts of individual users of CUNY computer resources, including individual login sessions, e-mail 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 protect CUNY from liability, or when failure to act might result in significant bodily harm, significant property loss or damage, or loss of significant evidence, as determined by the college president or a vice president designated by the president, after consultation with the Office of General Counsel and the Chair of the University Faculty Senate (if a 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, after consultation with the Office of General Counsel and the Chair of the University Faculty Senate (if a 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, 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 CUNY faculty member's account or activity is involved) or Vice Chair if the Chair is unavailable; or
- g. as otherwise required by law.

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: (i) the college president 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; and (ii) 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.

A CUNY employee may apply to the General Counsel for an exemption from some or all of the circumstances under which CUNY may inspect and monitor computer resource activity and accounts, pursuant to subparagraphs (a)-(f) above, with respect to a CUNY computer resource used solely for the collection, examination, analysis, transmission or storage of confidential research data. In considering such application, the General Counsel shall have the right to require the employee to affirm in writing that the computer resource will be used solely for the confidential research. Any application for exemption should be made prior to using the computer resource for the confidential research.

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.

In addition, users should be aware that CUNY may be required to disclose to the public under the New York State Freedom of Information Law communications made by means of CUNY computer resources in conjunction with University business.

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.

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.

See CUNY's Web Site Privacy Policy for additional information regarding data collected by CUNY from visitors to the CUNY web site at www.cuny.edu.

14. **Enforcement.** 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. 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. 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 rIDDing of violation. This power may be exercised only by the President of each college or the Chancellor.
15. **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.
16. **Disclaimer.** 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. 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. 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.

II-C

RULES AND REGULATIONS FOR THE MAINTENANCE OF PUBLIC ORDER PURSUANT TO ARTICLE 129-A OF THE EDUCATION LAW

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

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

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

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

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

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

1. RULES

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

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

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

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

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

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

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

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

shall any individual have in his possession any other instrument or material which can be used and is intended to inflict bodily harm on any individual or damage upon a building or the grounds of the University/college.

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

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

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

2. PENALTIES

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

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

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

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

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

SANCTIONS DEFINED:

A. Admonition.

An oral statement to the offender that he 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.

Adopted by the Board of Trustees of the City University of New York on June 23, 1969 as amended on October 27, 1980, May 22, 1989 and June 25, 1990.

II-D ARTICLE XV - STUDENTS*

CUNY BOARD of TRUSTEES BYLAWS

Section 15.0. PREAMBLE.

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Student participation, responsibility, academic freedom, and due process are essential to the operation of the academic enterprise. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Freedom to learn and to explore major social, political, and economic issues are necessary adjuncts to student academic freedom, as is freedom from discrimination based on racial, ethnic, religious, sex, political, and economic differentiations.

Freedom to learn and freedom to teach are inseparable facets of academic freedom. The concomitant of this freedom is responsibility. If members of the academic community are to develop positively in their freedom; if these rights are to be secure, then students should exercise their freedom with responsibility.

Section 15.1. CONDUCT STANDARD DEFINED.

Each student enrolled or in attendance in any college, school or unit under the control of the board and every student organization, association, publication, club or chapter shall obey the laws of the city, state and nation, and the bylaws and resolutions of the board, and the policies, regulations, and orders of the college.

The faculty and student body at each college shall share equally the responsibility and the power to establish, subject to the approval of the board, more detailed rules of conduct and regulations in conformity with the general requirement of this article.

This regulatory power is limited by the right of students to the freedoms of speech, press, assembly and petition as applied to others in the academic community and to citizens generally.

Section 15.2. STUDENT ORGANIZATIONS.

a. Any group of students may form an organization, association, club or chapter by filing with the duly elected student government organization of the college or school at which they are enrolled or in attendance and with an officer to be designated by the

faculty of the college or school at which they are enrolled or in attendance (1) the name and purposes of the organization, association, club or chapter, (2) the names and addresses of its president and secretary or other officers corresponding in function to president and secretary.

However, no group, organization or student publication with a program against the religion, race, ethnic origin or identification or sex of a particular group or which makes systematic attacks against the religion, race, ethnic origin or sex of a particular group shall receive support from any fees collected by the college or be permitted to organize or continue at any college or school. No organizations, military or semi-military in character, not connected with established college or school courses, shall be permitted without the authorization of the faculty and the duly elected student government and the board.

b. Extra-curricular activities at each college or school shall be regulated by the duly elected student government organization to insure the effective conduct of such college or school as an institution of higher learning and for the prevention of activities which are hereafter proscribed or which violate the standards of conduct of the character set forth in bylaw 15.1. Such powers shall include:

1. The power to charter or otherwise authorize teams (excluding intercollegiate athletics), publications, organizations, associations, clubs or chapters, and, when appropriate in the exercise of such regulatory power, the power to refuse, suspend or revoke any charter or other authorization for cause after hearing on notice.
 2. The power to delegate responsibility for the effective implementation of its regulatory functions hereunder to any officer or committee which it may appoint. Any aggrieved student or group whose charter or other authorization has been refused, suspended or revoked may appeal such adverse action by such officer or committee of student government to the duly elected student government. On appeal an aggrieved student or group shall be entitled to a hearing following the due process procedures as set forth in section 15.3. Following such hearing the duly elected student government shall have the authority to set aside, decrease or confirm the adverse action.
- c. Any person or organization affiliated with the college may file charges with an office of the dean of students** alleging that a student publication has systematically attacked the religion, race, ethnic origin or sex of a particular group, or has otherwise contravened the laws of the city, state or nation, or any bylaw or resolution of the board, or any policy, regulation or order of the college, within a reasonable period of time after such occurrence. If the dean of students determines, after making such inquiries as he/she may deem appropriate, that the charges are substantial, he/she shall attempt to resolve the dispute, failing which he/she shall promptly submit the charges to the faculty-student disciplinary committee for disposition in accordance with the due process procedures of section 15.3. thereof.

If the committee sustains the charges or any part thereof against the student publication, the committee shall be empowered to (1) reprimand the publication, or (2) recommend to the appropriate funding bodies the withdrawal of budget funds. The funding body shall have the authority to implement fully, modify or overrule the recommendations.

** Throughout these bylaws in any college or unit where the title "dean of students" does not exist, the same shall refer to the officer performing the functions which would otherwise be performed by a dean of students.

- d. Each college shall establish a student elections review committee in consultation with the various student governments. The student elections review committee shall approve the election procedures and certify the results of elections for student governments, and student body referenda.
- e. Student government elections shall be scheduled and conducted, and newly elected student governments shall take office, in accordance with policies of the board, and implementing regulations.

Section 15.3. STUDENT DISCIPLINARY PROCEDURES.

Complaint Procedures:

- a. Any charge, accusation, or allegation which is to be presented against a student, and, which if proved, may subject a student to disciplinary action, must be submitted in writing in complete detail to the office of the dean of students promptly by the individual, organization or department making the charge.
- b. The chief student affairs officer of the college or his or her designee will conduct a preliminary investigation in order to determine whether disciplinary charges should be preferred. The chief student affairs officer or his or her designee will advise the student of the charge(s) against him or her, consult with other parties who may be involved or who have information regarding the incident, and review other relevant evidence. Following this preliminary investigation, which shall be concluded within thirty (30) calendar days of the filing of the complaint, the chief student affairs officer or designee shall take one of the following actions:
 - (i) Dismiss the matter if there is no basis for the allegation(s) or the allegation(s) does not warrant disciplinary actions. The individuals involved shall be notified that the complaint has been dismissed;
 - (ii) Refer the matter to conciliation. If a matter is referred to conciliation the accused student shall receive a copy of the notice required pursuant to section 15.3.e. of this bylaw; or
 - (iii) Prefer formal disciplinary charges.

Conciliation Conference:

- c. The conciliation conference shall be conducted by the counselor in the office of the dean of students or 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 will be made to resolve the matter by mutual agreement.

2. If an agreement is reached, the counselor shall report his/her recommendation to the chief student affairs officer for approval and, if approved, the complainant shall be notified.
3. If no agreement is reached, or if the student fails to appear, the counselor shall refer the matter back to the chief student affairs officer who will prefer disciplinary charges.
4. The counselor is precluded from testifying in a college hearing regarding information received during the conciliation conference.

Notice of Hearing and Charges:

d. Notice of the charge(s) and of the time and place of the hearing shall be personally delivered or sent by the chief student affairs officer of the college to the student at the address appearing on the records of the college, by registered or certified mail and by regular mail. The hearing shall be scheduled within a reasonable time following the filing of the charges or the conciliation conference. Notice of at least five business days shall be given to the student in advance of the hearing unless the student consents to an earlier hearing.

e. The notice shall contain the following:

1. A complete and itemized statement of the charge(s) being brought against the student including the rule, bylaw or regulation he/she is charged with violating, and the possible penalties for such violation.

2. A statement that the student has the following rights:

- (i) to present his/her side of the story;
- (ii) to present witnesses and evidence on his/her behalf;
- (iii) to cross-examine witnesses presenting evidence against the student;
- (iv) to remain silent without assumption of guilt; and
- (v) to be represented by legal counsel or an advisor at the student's expense.

3. A warning that anything the student says may be used against him/her at a non-college hearing.

Faculty-Student Disciplinary Committee Procedures:

f. The following procedures shall apply at the hearing before the faculty-student disciplinary committee:

1. The chairperson shall preside at the hearing. The chairperson shall inform the student of the charges, the hearing procedures and his or her rights.
2. After informing the student of the charges, the hearing procedures, and his or her rights, the chairperson shall ask the student charged to plead guilty or not guilty. If the student pleads guilty, the student shall be given an opportunity to explain his/her actions before the committee. If the student pleads not guilty, the college shall present its case. At the conclusion of the college's case,

the student may move to dismiss the charges. If the motion is denied by the committee the student shall be given an opportunity to present his or her defense.

3. 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 only rule on the sufficiency of the evidence and may exclude irrelevant, immaterial or unduly repetitive evidence. However, if either 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 all persons who are to appear as witnesses, except the accused student.
4. The college shall make a record of each fact-finding hearing by some means such as a stenographic transcript, a tape recording or the equivalent. A disciplined student is entitled upon request to a copy of such a transcript, tape or equivalent without cost.
5. The student is entitled to a closed hearing but has the right to request an open public hearing. However, the chairperson has the right to hold a closed hearing when an open public hearing would adversely affect and be disruptive of the committee's normal operations.
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 as to guilt or innocence. In the event the student is found guilty, the committee shall then determine the penalty to be imposed.
8. At the end of the fact-finding phase of the hearing, the student may introduce additional records, such as character references. The college may introduce a copy of the student's previous disciplinary record, where applicable, provided the student was shown a copy of the record prior to the commencement of the hearing. The disciplinary record shall be submitted to the committee in a sealed envelope and shall not be opened until after the committee has made its findings of fact. In the event the student has been determined to be guilty of the charge or charges the records and documents introduced by the student 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.
9. The committee shall deliberate in closed session. The committee's decision shall be based solely on the testimony and evidence presented at the hearing and the papers filed by the parties.
10. The student shall be sent a copy of the faculty-student disciplinary committee's decision within five days of the conclusion of the hearing. The decision shall be final subject to the student's right of appeal.
11. Where a student is represented by legal counsel the president of the college may request that a lawyer from the general counsel's office appear at the hearing to present the college's case.

Section 15.4. APPEALS.

An appeal from the decision of the faculty-student disciplinary committee may be made to

the president who may confirm or decrease the penalty but not increase it. His/her decision shall be final except in the case of dismissals or suspension for more than one term. An appeal from a decision of dismissal or suspension for more than one term may be made to the appropriate committee of the board. Any appeal under this section shall be made in writing within fifteen 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 board committees as the case may be. If the president is a party to the dispute, his/her functions with respect to an appeal shall be discharged by an official of the university to be appointed by the chancellor.

Section 15.5. COMMITTEE STRUCTURE.

- a. Each faculty-student disciplinary committee shall consist of two faculty members and two student members and a chairperson. A quorum shall consist of the chair and any two members. Hearings shall be scheduled at a convenient time and efforts shall be made to insure full student and faculty representation.
- b. 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 instructional staff of that college to receive training and to serve in rotation as chair of the disciplinary committee. If none of the chairpersons appointed from the campus can serve, the president, at his/her 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 meetings and decide and make all rulings for the committee. He/she shall not be a voting member of the committee but shall vote in the event of a tie.
- c. The faculty members shall be selected by lot from a panel of six elected annually by the appropriate faculty body from among the persons having faculty rank or faculty status. The student members shall be selected by lot from a panel of six elected annually in an election in which all students registered at the college shall be eligible to vote. 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 two consecutive years.
- d. In the event that the chairperson cannot continue, the president shall appoint another chairperson. In the event that a student or faculty seat becomes vacant and it is necessary to fill the seat to continue the hearing, the seat shall be filled from the faculty or student panel by lottery.
- e. 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.

Section 15.6. SUSPENSION OR DISMISSAL.

The board reserves full power to dismiss or suspend a student, or suspend a student organization for conduct which impedes, obstructs, 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.

The chancellor or chancellor's designee, a president or any dean may in emergency or extraordinary circumstances, temporarily suspend a student, or temporarily suspend the privileges of a student organization or group for cause, pending an early hearing as provided in bylaw section 15.3. to take place within not more than seven (7) school days. Prior to the commencement of a temporary suspension of a student, the college shall give such student oral or written notice of the charges against him/her and, if he/she denies them, the college shall forthwith give such student an informal oral explanation of the evidence supporting the charges and the student may present informally his/her 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.

Section 15.7. THE UNIVERSITY STUDENT SENATE.

There shall be a university student senate responsible, subject to the board, for the formulation of university-wide student policy relating to the academic status, role, rights and freedoms of the student. The authority and duties of the university student senate shall not extend to areas of interest which fall exclusively within the domain of the student governments of the constituent units of the university. Consistent with the authority of the board of trustees in accordance with the education law and the bylaws of the board of trustees, the university student senate shall make its own bylaws providing for the election of its own officers, the establishment of its own rules and procedures, for its internal administration and for such other matters as is necessary for its existence. The university student senate shall have the full rights and responsibilities accorded student organizations as provided in these bylaws. The delegates and alternate delegates to the university student senate shall be elected by their respective constituencies or by their student governments from the elected members of the respective student governments.

Section 15.8. COLLEGE GOVERNANCE PLANS.

The provisions in a duly adopted college governance plan shall not be inconsistent with the provisions contained in this article.

* For graduate students at the Graduate Division, the President of the Graduate Division shall, insofar as practicable, establish procedures, consistent with this Article to implement the provisions thereof. The sections on student activity fees shall apply to the Graduate Division.

II-E

ARTICLE XVI - STUDENT ACTIVITY FEES AND AUXILIARY ENTERPRISES- CUNY BOARD of TRUSTEES BYLAWS

Section 16.1. STUDENT ACTIVITY FEE.

The student activity fee is the total of the fees 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.

Section 16.2. STUDENT ACTIVITY FEES USE - EXPENDITURE CATEGORIES.

Student activity fee funds shall be allocated and expended only for the following purposes:

1. Extracurricular educational programs;
2. Cultural and social activities;
3. Recreational and athletic programs;
4. Student government;
5. Publications and other media;
6. Assistance to registered student organizations;
7. Community service programs;
8. Enhancement of the college and university environment;
9. Transportation, administration and insurance related to the implementation of these activities;
10. Student services to supplement or add to those provided by the university;
11. Stipends to student leaders.

Section 16.3. STUDENT GOVERNMENT FEE.

The student government fee is that portion of the student activity fee levied by resolution of the board which has been established for the support of student government activities. The existing student government fees now in effect shall continue until changed. Student government fees shall be allocated by the duly elected student government, or each student government where more than one duly elected student government exists, for its own use and for the use of student organizations, as specified in section 15.2. of these bylaws, provided, however, that the allocation is based on a budget approved by the duly elected student government after notice and hearing, subject to the review of the college association. Where more than one duly elected student government exists, the college association shall apportion the student government fees to each student government in direct proportion to the amount collected from members of each student government.

Section 16.4. STUDENT GOVERNMENT ACTIVITY DEFINED.

a. A student government activity is any activity operated by and for the students enrolled at any unit of the university provided, (1) such activity is for the direct benefit of students enrolled at the college, (2) that participation in the activity and the benefit thereof is available to all students enrolled in the unit or student government thereof, and (3) that the activity does not contravene the laws of the city, state or nation, or the published rules, regulations, and orders of the university or the duly established college authorities.

Section 16.5. COLLEGE ASSOCIATION.

a. The college association shall have responsibility for the supervision and review over college student activity fee supported budgets. All budgets of college student activity fees, except where earmarked by the board to be allocated by another body, should be developed by a college association budget committee and recommended to the college association for review by the college association prior to expenditure. The college association shall review all college student activity fee, including student government fee allocations and expenditures for conformance with the expenditure categories defined in Section 16.2. of this article and the college association shall disapprove any allocation or expenditure it finds does not so conform, or is inappropriate, improper, or inequitable.

b. A college association shall be considered approved for purposes of this article if it consists of thirteen (13) members, its governing documents are approved by the college president and the following requirements are met:

1. The governing board of the college association is composed of:

(i) The college president or his/her designee as chair.

(ii) Three administrative members appointed by the college president.

(iii) Three faculty members appointed by the college president from a panel whose size is twice the number of seats to be filled and the panel is elected by the appropriate college faculty governance body.

(iv) Six student members comprised of the student government president(s) and other elected students with the student seats allocated on a basis which will provide representation to each government, where more than one exists, as nearly as practicable in proportion to the student activity fees provided by the students from the respective constituencies.

2. The college association structure provides a budget committee composed of members of the governing board, at least a majority of whom are students selected in accordance with section 16.5.(b) (1)(iv) of these bylaws. The budget committee shall be empowered to receive and review student activity fee budget requests and to develop a budget subject to the review of the college association. The college association may choose to not approve the budget or portions of the budget if in their opinion such items are inappropriate, improper, or inequitable. The budget shall be returned to the budget committee with the specific concerns of the college association noted for further deliberation by the budget committee and subsequent re-submittal to the college association. If the budget is not approved within thirty (30) days those portions of the budget voted upon and approved by the college association board will be allocated. The remainder shall be held until the college association and the budget committee agree.

3. The governing documents of the college association have been reviewed by the board's general counsel and approved by the board.

Section 16.6. MANAGEMENT AND DISBURSEMENT OF FUNDS.

The college and all student activity fee allocating bodies shall employ generally accepted accounting and investment procedures in the management of all funds. All funds for the support of student activities are to be disbursed only in accordance with approved budgets and be based on written documentation. A requisition for disbursement of funds must contain two signatures; one, the signature of a person with responsibility for the program; the other the signature of an approved representative of the allocating body.

Section 16.7. REVENUES.

All revenues generated by student activities funded through student activity fees shall be placed in a college central depository subject to the control of the allocating body. The application of such revenues to the account of the income generating organization shall require the specific authorization of the allocating body.

Section 16.8. FISCAL ACCOUNTABILITY HANDBOOK.

The chancellor or his/her designee shall promulgate regulations in a fiscal accountability handbook, to regulate all aspects of the collection, deposit, financial disclosure, accounting procedures, financial payments, documentation, contracts, travel vouchers, investments and surpluses of student activity fees and all other procedural and documentary aspects necessary, as determined by the chancellor or his/her designee to protect the integrity and accountability of all student activity fee funds.

Section 16.9. COLLEGE PURPOSES FUND.

a. A college purposes fund may be established at each college and shall be allocated by the college president. This fund may have up to twenty-five (25) percent of the unearmarked portion of the student activity fee earmarked to it by resolution of the board, upon the presentation to the board of a list of activities that may be properly funded by student activity fees that are deemed essential by the college president.

b. Expenditures from the college purposes fund shall be subject to full disclosure under section 16.13. of these bylaws.

c. Referenda of the student body with respect to the use and amount of the college purposes fund shall be permitted under the procedures and requirements of section 16.12. of these bylaws.

Section 16.10. AUXILIARY ENTERPRISE BOARD.

a. The auxiliary enterprise board shall have responsibility for the oversight, supervision and review over college auxiliary enterprises. All budgets of auxiliary enterprise funds and all contracts for auxiliary enterprises shall be developed by the auxiliary enterprise budget and contract committee and reviewed by the auxiliary enterprise board prior to expenditure or execution.

b. The auxiliary enterprise board shall be considered approved for the purposes of this article if it consists of at least eleven (11) members, its governing documents are approved by the college president and the following requirements are met:

1. The governing board is composed of the college president or his/her designee as chair, plus an equal number of students and the combined total of faculty and administrative members.
2. The administrative members are appointed by the college president.
3. The faculty members are appointed by the college president from a panel whose size is twice the number of seats to be filled and the panel is elected by the appropriate college faculty governance body.
4. The student members are the student government president(s) and other elected students and the student seats are allocated on a basis which will provide representation to each government, where more than one exists, as nearly as practicable, in proportion to the student enrollment by headcount from the respective constituencies.
5. The auxiliary enterprise board structure provides for a budget and contract committee composed of a combined total of faculty and administrative members that is one more than the number of student members. The budget and contract committee shall be empowered to develop all contract and budget allocation proposals subject to the review and approval of the auxiliary enterprise board.
6. The governing documents of the auxiliary enterprise board have been reviewed by the board's general counsel and approved by the board.

Section 16.11. THE REVIEW AUTHORITY OF COLLEGE PRESIDENTS OVER STUDENT ACTIVITY FEE ALLOCATING BODIES AND AUXILIARY ENTERPRISE BOARDS.

a. The president of the college shall have the authority to disapprove any student activity fee, including student government fee, or auxiliary enterprise allocation or expenditure, which in his or her opinion contravenes the laws of the city, state, or nation or any bylaw or policy of the university or any policy, regulation, or order of the college. If the college president chooses to disapprove an allocation or expenditure, he or she shall consult with the general counsel and vice chancellor for legal affairs and thereafter communicate his/her decision to the allocating body or auxiliary enterprise board.

b. The president of the college shall have the authority to suspend and send back for further review any student activity fee, including student government fee, allocation or expenditure which in his or her opinion is not within the expenditure categories defined in section 16.2. of this article. The college association shall, within ten (10) days of receiving a proposed allocation or expenditure for further review, study it and make a recommendation to the president with respect to it. The college president shall thereafter consider the recommendation, shall consult with the general counsel and vice chancellor for legal affairs, and thereafter communicate his/her final decision to the allocating body as to whether the allocation or expenditure is disapproved.

c. The chancellor or his/her designee shall have the same review authority with respect to university student activity fees that the college president has with respect to college student activity fees.

d. All disapprovals exercised under this section shall be filed with the general counsel and vice chancellor for legal affairs.

e. Recipients of extramural student activity fees shall present an annual report to the chancellor for the appropriate board committee detailing the activities, benefits and finances of the extramural body as they pertain to the colleges where students are paying an extramural fee.

Section 16.12. REFERENDA.

A referendum proposing changes in the student activity fee shall be initiated by a petition of at least ten (10) percent of the appropriate student body and voted upon in conjunction with student government elections.

a. Where a referendum seeks to earmark student activity fees for a specific purpose or organization without changing the total student activity fee, the results of the referendum shall be sent to the college association for implementation.

b. Where a referendum seeks to earmark student activity fees for a specific purpose or organization by changing the total student activity fee, the results of such referendum shall be sent to the board by the president of the college together with his/her recommendation.

c. At the initiation of a petition of at least ten (10) percent of the appropriate student body, the college president may schedule a student referendum at a convenient time other than in conjunction with student government elections.

d. Where the referendum seeks to affect the use or amount of student activity fees in the college purposes fund, the results of the referendum shall be sent to the board by the college president together with his/her recommendation.

Section 16.13. DISCLOSURE.

a. The college president shall be responsible for the full disclosure to each of the student governments of the college of all financial information with respect to student activity fees.

b. The student governments shall be responsible for the full disclosure to their constituents of all financial information with respect to student government fees.

c. The student activity fee allocating bodies shall be responsible for the full disclosure of all financial information to its membership, to the college and to the student governments with respect to all of its activities.

d. The auxiliary enterprise board shall be responsible for the full disclosure of all financial information to its membership, to the college and to the student governments with respect to auxiliary enterprises.

e. For purposes of the foregoing paragraphs, full disclosure shall mean the presentation each semester of written financial statements which shall include, but need not be limited to, the source of all fee income by constituency, income from other sources creditable to student activity fee accounts, disbursements, transfers, past reserves, surplus accounts, contingency and stabilization funds. Certified independent audits performed by a public auditing firm shall be conducted at least once each year.

Section 16.14. STIPENDS.

The payment of stipends to student leaders is permitted only within those time limits and amounts authorized by the board.

III-A THE CITY UNIVERSITY OF NEW YORK WORKPLACE VIOLENCE POLICY & PROCEDURES

The City University of New York has a long-standing commitment to promoting a safe and secure academic and work environment that promotes the achievement of its mission of teaching, research, scholarship and service. All members of the University community—students, faculty and staff—are expected to maintain a working and learning environment free from violence, threats of harassment, violence, intimidation or coercion. While these behaviors are not prevalent at the University, no organization is immune.

The purpose of this policy is to address the issue of potential workplace violence in our community, prevent workplace violence from occurring to the fullest extent possible, and set forth procedures to be followed when such violence has occurred.

Policy

The City University of New York prohibits workplace violence. Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated. Complaints involving workplace violence will not be ignored and will be given the serious attention they deserve. Individuals who violate this policy may be removed from University property and are subject to disciplinary and/or personnel action up to and including termination, consistent with University policies, rules and collective bargaining agreements, and/or referral to law enforcement authorities for criminal prosecution. Complaints of sexual harassment are covered under the University's Policy Against Sexual Harassment. The University, at the request of an employee or student, or at its own discretion, may prohibit members of the public, including family members, from seeing an employee or student on University property unless necessary to transact University-related business. This policy particularly applies in cases where the employee or student suspects that an act of violence will result from an encounter with said individual(s).

Scope

All faculty, staff, students, vendors, contractors, consultants, and others who do business with the University, whether in a University facility or off-campus location where

University business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with the University, such as former employees, former students, and visitors. When students have complaints about other students, they should contact the Office of Student Affairs at their campus.

Definitions

Workplace violence is any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's legal rights of movement or expression, or disrupts the workplace, the academic environment, or the University's ability to provide services to the public. Examples of workplace violence include, but are not limited to:

1. Disruptive behavior intended to disturb, interfere with or prevent normal work activities (such as yelling, using profanity, verbally abusing others, or waving arms and fists).
2. Intentional physical contact for the purpose of causing harm (such as slapping, stabbing, punching, striking, shoving, or other physical attack).
3. Menacing or threatening behavior (such as throwing objects, pounding on a desk or door, damaging property, stalking, or otherwise acting aggressively; or making oral or written statements specifically intended to frighten, coerce, or threaten) where a reasonable person would interrupt such behavior as constituting evidence of intent to cause harm to individuals or property.
4. Possessing firearms, imitation firearms, knives or other dangerous weapons, instruments or materials. No one within the University community, shall have in their possession a firearm or other dangerous weapon, instrument or material that can be used to inflict bodily harm on an individual or damage to University property without specific written authorization from the Chancellor or the college President regardless of whether the individual possesses a valid permit to carry the firearm or weapon.

Reporting of Incidents

1. General Reporting Responsibilities

Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not be ignored by any member of the University community. Workplace violence should promptly be reported to the appropriate University official (see below). Additionally, faculty, staff and students are encouraged to report behavior that they reasonably believe poses a potential for workplace violence as defined above. It is important that all members of the University community take this responsibility seriously to effectively maintain a safe working and learning environment.

2. Imminent or Actual Violence

Any person experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call the Campus Public Safety Office immediately, or call 911.

3. Acts of Violence Not Involving Weapons or Injuries to Persons

Any person who is the subject of a suspected violation of this policy involving violence without weapons or personal injury, or is a witness to such suspected violation, should report the incident to his or her supervisor, or in lieu thereof, to their respective Campus Public Safety Office. Students should report such incidents to the Office of Student Affairs at their campus or in lieu thereof, their campus Public Safety Office. The Campus Public Safety Office will work with the Office of Human Resources and the supervisor or the Office of Student Affairs on an appropriate response.

4. Commission of a Crime

All individuals who believe a crime has been committed against them have the right, and are encouraged, to report the incident to the appropriate law enforcement agency.

5. False Reports

Members of the University community who make false and malicious complaints of workplace violence, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action and/or referral to civil authorities as appropriate.

6. Incident Reports

The University will report incidents of workplace violence consistent with the College Policies for Incident Reporting Under the Campus Security Policy and Statistical Act (Clery Act).

Responsibilities

1. Presidents

The President of each constituent college of The City University of New York, the Chief Operating Officer at the Central Office, and the Deans of the Law School and the Sophie Davis School of Biomedical Education shall be responsible for the implementation of this policy on his or her respective campus. The responsibility includes dissemination of this policy to all members of the college community, ensuring appropriate investigation and follow-up of all alleged incidents of workplace violence, constituting a Workplace Violence Advisory Team (See #7. below), and ensuring that all administrators, managers, and supervisors are aware of their responsibilities under this policy through internal communications and training.

2. Campus Public Safety Office

The Campus Public Safety Office is responsible for responding to, intervening, and documenting all incidents of violence in the workplace. The Campus Public Safety Office

will immediately log all incidents of workplace violence and will notify the respective supervisor of an incident with his/her employee, or notify the appropriate campus official of an incident with a student. All officers should be knowledgeable of when law enforcement action may be appropriate. Public Safety will maintain an internal tracking system of all threats and incidents of violence. Annual reports will be submitted to the President (at the same time as the report noted below) detailing the number and description of workplace violence incidents, the disposition of the incidents, and recommend policy, training issues, or security procedures that were or should be implemented to maintain a safe working and learning environment. These incidents will be reported in the Annual Report of the College Advisory Committee on Campus Security consistent with the reporting requirements of Article 129A Subsection 6450 of the NYS Education Law (Regulation by Colleges of Conduct on Campuses and Other College Property for Educational Purposes).

Officers will be trained in workplace violence awareness and prevention, non-violent crises intervention, conflict management, and dispute resolution.

Officers will work closely with Human Resources when the possibility of workplace violence is heightened, as well as on the appropriate response to workplace violence incidents consistent with CUNY policies, rules, procedures and applicable labor agreements, including appropriate disciplinary action up to and including termination.

When informed, Public Safety will maintain a record of any Orders of Protection for faculty, staff, and students. Public Safety will provide escort service to members of the college community within its geographical confines, when sufficient personnel are available. Such services are to be extended at the discretion of the Campus Public Safety Director or designee. Only the President, or designee, in his/her absence, can authorize escort service outside of the geographical confines of the college.

3. Supervisors

Each dean, director, department chairperson, executive officer, administrator, or other person with supervisory responsibility (hereinafter "supervisor") is responsible within his/her area of jurisdiction for the implementation of this policy. Supervisors must report to their respective Campus Public Safety Office any complaint of workplace violence made to him/her and any other incidents of workplace violence of which he/she becomes aware or reasonably believes to exist. Supervisors are expected to inform their immediate supervisor promptly about any complaints, acts, or threats of violence even if the situation has been addressed and resolved. After having reported such complaint or incident to the Campus Public Safety Director and immediate supervisor, the supervisor should keep it confidential and not disclose it further, except as necessary during the investigation process and/or subsequent proceedings.

Supervisors are required to contact the Campus Public Safety Office immediately in the event of imminent or actual violence involving weapons or potential physical injuries.

4. Faculty and Staff

Faculty and staff must report workplace violence, as defined above, to their supervisor. Faculty and staff who are advised by a student that a workplace violence incident has occurred or has been observed must report this to the Campus Public Safety Director immediately. Recurring or persistent workplace violence that an employee reasonably believes is not being addressed satisfactorily, or violence that is, or has been, engaged in by the employee's supervisor should be brought to the attention of the Campus Public Safety Director.

Employees who have obtained Orders of Protection are expected to notify their supervisors and the Campus Public Safety Office of any orders that list CUNY locations as protected areas.

Victims of domestic violence who believe the violence may extend into the workplace, or employees who believe that domestic or other personal matters may result in their being subject to violence extending into the workplace, are encouraged to notify their supervisor, or the Campus Public Safety Office. Confidentiality will be maintained to the extent possible.

Upon hiring, and annually thereafter, faculty and staff will receive copies of this policy. Additionally, the policy will be posted throughout the campus and be placed on the CUNY website and on the college's website, as appropriate.

5. Office of Human Resources

The Office of Human Resources at each campus is responsible for assisting the Campus Public Safety Director and supervisors in responding to workplace violence; facilitating appropriate responses to reported incidents of workplace violence; notifying the Campus Public Safety Office of workplace violence incidents reported to that office; and consulting with, as necessary, counseling services to secure professional intervention.

The Office of Human Resources is responsible for providing new employees or employees transferred to the campus with a copy of the Workplace Violence Policy and Procedures and insuring that faculty and staff receive appropriate training. The Office of Human Resources will also be responsible for annually disseminating this policy to all faculty and staff at their campus, as well as posting the policy throughout the campus and on the college's website, as appropriate.

6. Students

Students who witness violence, learn of threats, or are victims of violence by employees, students or others should report the incident immediately to the Campus Public Safety Office. If there is no imminent danger, students should report threatening incidents by employees, students or others as soon as possible to the Campus Public Safety Office or Office of Student Affairs. Students will be provided with workplace violence awareness information (including information regarding available counseling services) upon registration each year.

7. Workplace Violence Advisory Team

A college President shall establish a Workplace Violence Advisory Team at his/her college. This Team, working with the College Advisory Committee on Campus Security, will assist the President in responding to workplace violence; facilitating appropriate responses to reported incidents of workplace violence; assessing the potential problem of workplace violence at its site; assessing the college's readiness for dealing with workplace violence; evaluating incidents to prevent future occurrences; and utilizing prevention, intervention, and interviewing techniques in responding to workplace violence. This Team will also develop workplace violence prevention tools (such as pamphlets, guidelines and handbooks) to further assist in recognizing and preventing workplace violence on campus. It is recommended that this Team include representatives from Campus Public Safety, Human Resources, Labor Relations, Counseling Services, Occupational Health and Safety, Legal, and others, including faculty, staff and students, as deemed appropriate by the President.

In lieu of establishing the Workplace Violence Advisory Team, a President may opt to expand the College Advisory Committee on Campus Security with representatives from the areas recommended above to address workplace violence issues at the campus and perform the functions outlined above.

8. University Communications

All communications to the University community and outside entities regarding incidents of workplace violence will be made through the University Office of University Relations after consultation with the respective President or his/her designee.

Education

Colleges are responsible for the dissemination and enforcement of this policy as described herein, as well as for providing opportunities for training in the prevention and awareness of workplace violence. The Office of Faculty and Staff Relations will provide assistance to the campuses in identifying available training opportunities, as well as other resources and tools, (such as reference materials detailing workplace violence warning signs) that can be incorporated into campus prevention materials for dissemination to the college community. Additionally, the Office of Faculty & Staff Relations will offer periodic training opportunities to supplement the college's training programs.

Confidentiality

The University shall maintain the confidentiality of investigations of workplace violence to the extent possible. The University will act on the basis of anonymous complaints where it has a reasonable basis to believe that there has been a violation of this policy and that the safety and well being of members of the University community would be served by such action.

Retaliation

Retaliation against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating, or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to discipline up to and including termination.

III-B

NOTICE OF ACCESS TO CAMPUS CRIME STATISTICS, THE CAMPUS SECURITY REPORT AND INFORMATION ON REGISTERED SEX OFFENDERS

The College Advisory Committee on Campus Safety will provide upon request all campus crime statistics as reported to the U.S. Department of Education, as well as the annual campus security report. The campus security report includes: (1) the campus crime statistics for the most recent calendar year and the two preceding calendar years; (2) campus policies regarding procedures and facilities to report criminal actions or other emergencies on campus; (3) policies concerning the security of and access to campus facilities; (4) policies on campus law enforcement; (5) a description of campus programs to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others; (6) campus crime prevention programs; (7) policy concerning the monitoring through the police of criminal activity at off-campus locations of students organizations officially recognized by the college; (8) policies on illegal drugs, alcohol, and underage drinking; (9) where information provided by the State on registered sex offenders may be obtained (also see below); and (10) policies on campus sexual assault programs aimed at the prevention of sex offenses and procedures to be followed when a sex offense occurs. This information is maintained pursuant to the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

The campus crime statistics and the annual campus security report are available at the reference desk of the library and the college website at www.lehman.cuny.edu. If you wish to be mailed copies of the campus crime statistics and the annual campus security report, you should contact Mr. Domenick Laperuta, Associate Director of Public Safety, at 718-960-8593 and copies will be mailed to you within 10 days. The U.S. Department of Education's website address for campus crime statistics is:
www.ed.gov/security/InstDetail.asp/lehmancollege

In accordance with the federal Campus Sex Crimes Prevention Act, registered sex offenders now are required to register the name and address of any college at which he or she is a student or employee. The New York State Division of Criminal Justice maintains a registry of convicted sex offenders and informs the college's chief public safety officer of the presence on campus of a registered sex offender as a student or employee. You may contact the college's chief security officer Mr. Domenick Laperuta, Associate Director of Public Safety, APEX Building, room 119, tel. (718) 960-8593, to obtain information about Level 2 or Level 3 registered sex offenders on campus. To obtain information about Level 3 offenders, you may contact the Division's registry website at www.criminaljustice.state.ny.us/nsor/sor_about.htm and then click on "Search for Level 3 Sex Offenders" or access the directory at the college's public safety department or police precinct. To obtain information about Level 2 offenders, you need to contact the public safety department, local police precinct in which the offender resides or attends college, or the Division's sex offender registry at 800-262-3257.

Dated: August 20, 2004

Criminal Classifications for Sexual Assault Crimes in New York State

Sexual Assault Offenses

Penalty

§ 130.20 Sexual misconduct	Class A misdemeanor Imprisonment up to one year
§ 130.25 Rape in the third degree years	Class E felony Imprisonment up to four
§ 130.30 Rape in the second degree years	Class D felony Imprisonment up to seven
§ 130.35 Rape in the first degree Imprisonment up to twenty-five years	Class B felony
§ 130.40 Criminal sexual act in the third degree years	Class E felony Imprisonment up to four
§ 130.45 Criminal sexual act in the second degree years	Class D felony Imprisonment up to seven
§ 130.50 Criminal sexual act in the first degree Imprisonment up to twenty-five years	Class B felony
§ 130.52 Forcible touching	Class A misdemeanor Imprisonment up to one year
§ 130.53 Persistent sexual abuse years	Class E felony Imprisonment up to four
§ 130.55 Sexual abuse in the third degree months	Class B misdemeanor Imprisonment up to three
§ 130.60 Sexual abuse in the second degree	Class A misdemeanor Imprisonment up to one year
§ 130.65 Sexual abuse in the first degree years	Class D felony Imprisonment up to seven
§ 130.65-a Aggravated sexual abuse in the fourth degree years	Class E felony Imprisonment up to four
§ 130.66 Aggravated sexual abuse in the third degree	Class D felony Imprisonment up to seven years

§ 130.67 Aggravated sexual abuse
in the second degree
years

Class C felony
Imprisonment up to fifteen

§ 130.70 Aggravated sexual abuse
in the first degree

Class B felony
Imprisonment up to twenty-five years

III-C

POLICY AGAINST SEXUAL HARASSMENT

Policy Statement

It is the policy of The City University of New York to promote a cooperative work and academic environment in which there exists mutual respect for all University students, faculty, and staff. Harassment of employees or students based upon sex is inconsistent with this objective and contrary to the University's non-discrimination policy. Sexual harassment is illegal under Federal, State, and City laws, and will not be tolerated within the University.

The University, through its colleges, will disseminate this policy and take other steps to educate the University community about sexual harassment. The University will establish procedures to ensure that investigations of allegations of sexual harassment are conducted in a manner that is prompt, fair, thorough, and as confidential as possible under the circumstances, and that appropriate corrective and/or disciplinary action is taken as warranted by the circumstances when sexual harassment is determined to have occurred. Members of the University community who believe themselves to be aggrieved under this policy are strongly encouraged to report the allegations of sexual harassment as promptly as possible. Delay in making a complaint of sexual harassment may make it more difficult for the college to investigate the allegations.

A. Prohibited Conduct

It is a violation of University policy for any member of the University community to engage in sexual harassment or to retaliate against any member of the University community for raising an allegation of sexual harassment, for filing a complaint alleging sexual harassment, or for participating in any proceeding to determine if sexual harassment has occurred.

B. Definition of Sexual Harassment

For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other oral or written communications or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing;

2. submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or abusive work or academic environment.

Sexual harassment can occur between individuals of different sexes or of the same sex. Although sexual harassment most often exploits a relationship between individuals of unequal power (such as between faculty member and student, supervisor and employee, or tenured and untenured faculty members), it may also occur between individuals of equal power (such as between fellow students or co-workers), or in some circumstances even where it appears that the harasser has less power than the individual harassed (for example, a student sexually harassing a faculty member). A lack of intent to harass may be relevant to, but will not be determinative of, whether sexual harassment has occurred.

C. Examples of Sexual Harassment

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

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

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

- sexual comments, teasing, or jokes;
- sexual slurs, demeaning epithets, derogatory statements, or other verbal abuse;
- graphic or sexually suggestive comments about an individual's attire or body;
- inquiries or discussions about sexual activities;
- pressure to accept social invitations, to meet privately, to date, or to have sexual relations;
- sexually suggestive letters or other written materials;

- sexual touching, brushing up against another in a sexual manner, graphic or sexually suggestive gestures, cornering, pinching, grabbing, kissing, or fondling;
- coerced sexual intercourse or sexual assault.

D. Consensual Relationships

Amorous, dating, or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur between a faculty member, supervisor, or other member of the University community and any person for whom he or she has a professional responsibility. These dangers can include: that a student or employee may feel coerced into an unwanted relationship because he or she fears that refusal to enter into the relationship will adversely affect his or her education or employment; that conflicts of interest may arise when a faculty member, supervisor, or other member of the University community is required to evaluate the work or make personnel or academic decisions with respect to an individual with whom he or she is having a romantic relationship; that students or employees may perceive that a fellow student or co-worker who is involved in a romantic relationship will receive an unfair advantage; and that if the relationship ends in a way that is not amicable, either or both of the parties may wish to take action to injure the other party.

Faculty members, supervisors, and other members of the University community who have professional responsibility for other individuals, accordingly, should be aware that any romantic or sexual involvement with a student or employee for whom they have such a responsibility may raise questions as to the mutuality of the relationship and may lead to charges of sexual harassment. For the reasons stated above, such relationships are strongly discouraged.

For purposes of this section, an individual has "professional responsibility" for another individual at the University if he or she performs functions including, but not limited to, teaching, counseling, grading, advising, evaluating, hiring, supervising, or making decisions or recommendations that confer benefits such as promotions, financial aid or awards or other remuneration, or that may impact upon other academic or employment opportunities.

E. Academic Freedom

This policy shall not be interpreted so as to constitute interference with academic freedom.

F. False and Malicious Accusations

Members of the University community who make false and malicious complaints of sexual harassment, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action.

G. Procedures

The University has developed procedures to implement this policy. The President of each constituent college of the University, the Senior Vice Chancellor at the Central Office, and the Dean of the Law School shall have ultimate responsibility for overseeing compliance with this policy at his or her respective unit of the University. In addition, each dean, director, department chairperson, executive officer, administrator, or other person with supervisory responsibility is required to report any complaint of sexual harassment to an individual or individuals designated in the procedures. All members of the University community are required to cooperate in any investigation of a sexual harassment complaint.

H. Enforcement

There is a range of corrective actions and penalties available to the University for violations of this policy. Students, faculty or staff who are found, following applicable disciplinary proceedings, to have violated this Policy are subject to various penalties, including termination of employment and/or student expulsion from the University.

Sexual Harassment Education Committee

The President has designated the following persons to serve on the College Sexual Harassment Education Committee. You may make a complaint of sexual harassment to any member of the Education Committee.

Sexual Harassment Coordinator: Dawn Ewing Morgan, Director of Compliance and Diversity, Office of the President, Shuster Hall, Room 356. Tel. 718 960-8111.

Sexual Harassment Deputy Coordinators: Graciela Castex, Professor, Department of Sociology and Social Work, Carman Hall, Room B-18. Tel. 718 960-7864

John Cirace, Professor, Department of Economics and Accounting, Carman Hall, Room 374.
Tel. 718 960-8388

Vincent Zucchetto, Executive Assistant to the Vice President for Student Affairs, Shuster Hall, Room 206. Tel. 718 960-8242

Members of the Sexual Harassment Education Committee:

Anney Baez, Director, Counseling Center, Old Gym, Room 114. Tel. 718 960-8761

Chelsea Campbell, Administrator, Paralegal Studies Program/Continuing Education, Carman Hall, Room 129. Tel. 718 960-1159

Joette Reaves, Assistant Director, Health Programs/Continuing Education, Carman Hall, Room 128. Tel. 718 960-8998

Maritza Rivera, Assistant to the Director of Compliance and Diversity, Shuster Hall, Room 356.
Tel. 718 960-8110

You may contact the Coordinator 718 960-8111, the Provost's Office 718960-8222, or the Office of the Vice President for Student Affairs 718 960-8241, for a complete current listing, including the names of any student members.

Making a Complaint of Sexual Harassment

Any member of the University community may file a complaint of sexual harassment with, or report allegations of sexual harassment to, the Sexual Harassment Coordinator, a Sexual Harassment Deputy Coordinator or any member of the Sexual Harassment Education Committee.

Section 6432(1-a)(a) provides for the dissemination of the following information:

(3) procedures in effect at the college for dealing with sex offenses;

The City University of New York Policy Against Sexual Harassment was adopted by the Board of Trustees, dated October 1, 1995, together with the procedures for the implementation of the City University's policy against sexual harassment. Under this policy, students may complain to any member of the sexual harassment panel. The following is a listing of the members of the panel and their departments and phone numbers:

1. Anecy Baez, Counseling Center, 718 960-8761
2. Graciela Castex, Sociology and Social Work, 718 960-7864
3. John Cirace, Economics and Accounting, 718 960-8388
4. Chelsea Campbell, Continuing Education, 718 960-1159
5. Dawn Ewing Morgan, Office of Compliance and Diversity, 718 960-9111
6. Michael Sullivan, Campus, Life/Student Activities, 718 960-8535
7. Vincent Zucchetto, Student Affairs, 718 960-8242

Students who have been sexually assaulted should report the incident directly to either or both of the following two offices:

(7) Student Affairs

Jose Magdaleno
Vice President for Student Affairs,
Shuster Hall, Room 206. Tel. 718 960-8241

Vincent Zucchetto
Executive Assistant to the Vice President for Student Affairs,
Shuster Hall, Room 206. Tel. 718 960-8242

(8) Public Safety/Security

Domenick Laperuta
Director of Public Safety,
APEX Building, Room 109. Tel 718 960-8593

Fausto Ramirez
Assistant Director of Public Safety,
APEX Building, Room 109. Tel. 718 960-8593

Students also may report incidents to off-campus resources.

(4) The availability of counseling and other support services for the victims of sex offenses;

Anyone who believes she or he has been a victim of sexual assault is encouraged to seek counseling from a trained mental health professional. Experienced counselors (male and female), trained to assist with the consequences of sexual assault trauma, are on hand at the College's Counseling Center to provide crisis intervention, in-office counseling, referral to other support services and self-help groups. The center can also refer victims to community based support groups and professional organizations. The College will assist any student wishing to contact outside agencies, including local police, regarding charges and complaints of sexual assault. The College can also assist in providing on campus accommodations after an alleged incident.

On-campus resources:

1. Campus Security/Public Safety
APEX Building, Room 109. Tel. 718 960-859
2. Counseling Center
Old Gym, Room 114. Tel. 718 960-8761
3. Health Center
T-3 Building, Room 118. Tel. 718 960-8903
4. Department of Student Affairs
Shuster Hall, Room 206. Tel. 718 960-8242

Off-campus resources:

5. Manhattan District Attorney, Sex Crimes Unit (212) 335-9373
6. Queens District Attorney, Sex Crimes Unit (718) 286-6505
7. Bronx District Attorney, Crime Victims Assistance Unit (718) 590-2115; Domestic Violence Services (718) 590-2323
8. Brooklyn District Attorney, Sex Crimes Unit (718) 250-3170
9. Staten Island District Attorney, Sex Crimes Unit (718) 556-7130
10. 212 COP-RAPE: The New York City Police Department Sex Crimes Report Line, open 24 hours, is answered by a female detective at all times. It takes telephone reports of sex crimes, refers victims to counseling and other community services, provides information on police procedures, etc.
11. NYC Task Force Against Sexual Assault (212) 274-3210. This service is open Monday - Friday, 9:00am through 5:00pm and provides free literature and referrals to

counseling.

12. NYC Victims Services Agency (212) 577-7777. This service is open 24 hours, seven days a week and provides crisis intervention for crime victims.

13. The Gay and Lesbian Anti-Violence Project (212) 807-0197 (24-hour hotline). This service is

open 10:00 a.m. through 8:00 p.m. Monday through Thursday, and 10:00 a.m. through 6:00 p.m.

on Friday. It provides short term crisis counseling, advocacy services, and referrals for long term counseling.

(5) The nature of and common circumstances relating to sex offenses on college campuses;

Sexual assault is a crime of aggression and violence. There is never an excuse or a reason for one person to rape, assault or even touch another person without permission. No one has this right, no matter how someone else behaves or dresses. No woman causes herself to be raped.

Sexual assault is:

- Any sexual act committed or attempted against a person's will.
- Forced sexual contact by dates, spouses, family members, acquaintances or strangers.
- A range of acts, from obscene phone calls to forced sexual intercourse.
- Any sexual contact you don't want.

Rape is defined as sexual intercourse, sodomy or oral copulation accomplished against a person's will:

- Through use of force or fear.
- Whether the person is male or female.
- When the person is prevented from resisting by alcohol or drugs administered by or with the knowledge of the offender.
- When the person is unaware of the nature of the act.

Most people think of rape as a sudden attack perpetrated by a vicious stranger on a dark, deserted street. This is one form of rape. In fact, as many as eighty percent of all rapes are perpetrated by dates, colleagues or other acquaintances. This is called date or acquaintance rape. Research shows that women in college are in much greater danger of date rape than assault by a stranger. Preventing date rape is very different from preventing stranger rape. Date rape may be prevented. Talk clearly about sexual expectations with your date. Make it clear before you get into a sexual situation what your limits are. If you mean no, say it clearly and firmly. Don't go to a secluded place with someone you've just met or don't know well. Suggest meeting at public places. Drive your own car, use public transportation or have enough money for a taxi. Especially don't go to your date's apartment or invite him to yours if you are just getting to know him. Date rape occurs most often in the rapist's

home. Beware of the impact of alcohol and other drugs on your judgment and that of your date. These drugs often play a role in sexual assault.

Beware of attitudes in a person who you are thinking of dating which could signal the potential for sexual assault or violence: hostility towards the opposite sex, jealousy, condescending or judgmental viewpoints about women, or unrealistic expectations. Don't rely on a charming, pleasant presentation in a man you've just met. Many date rape victims report that their assailant seemed like a really nice person at first. Get to know a person before you place your trust in him or her.

Observing general safety tips may help you to avoid becoming the victim of sexual assault. Be alert of your surroundings, both inside and outside. Listen to and act upon your gut feelings and instincts. Notice people, the lighting, and access to phones and exits. Use elevators, stairs and rest rooms in well-trafficked areas. Don't study alone in an empty classroom. Avoid deserted parking lots, empty laundry rooms and other poorly lit or poorly populated locations. When possible, walk with a friend instead of walking alone in secluded areas or at night. If you are on-campus, call security for an escort. When riding the subways during less traveled times of day, ride in the middle car with the conductor or the first car with the engineer.

Carry a whistle and blow it for attention if necessary. If you feel threatened while walking, cross the street, change direction or run to a place where there are other people. If a car is following you, turn around and walk quickly in the opposite direction. Get the license plate number and a description if possible. If you are being followed on foot, turn around to let the person know you have seen them and then run to a place where a number of people will be.

Always keep your apartment and car doors locked. If you live in an apartment with a fire escape outside a back window, you should secure it with a fire department-approved gate, an alarm, or some barrier system. A window lock is not enough. Always close your blinds/shades/curtains at night. If you are out and decide to bring someone home, introduce him or her to a friend, acquaintance or bartender so that someone knows the person who left with you. When driving a friend home, establish a signal that the friend is in the home and safe before you drive away. If a stranger is at your door, do not give the impression that you are home alone. Shout over your shoulder, or indicate in some way, that there is another person present. Never open the door to strangers without verifying their identity by asking for an identification tag. Do not give out personal information over the phone or Internet.

Finally, report all incidents of violence or harassment. Call 911 as soon after the incident as possible. If you saw the perpetrator, try to remember his or her gender, age, height, race, weight, build, clothes and other distinguishing characteristics.

(6) The methods the college employs to advise and update students about security procedures;

In addition to the Student Handbook and college website, crime prevention pamphlets that include various safety tips and encourage the reporting of crime on campus are prepared and distributed periodically to students. Speakers, including law enforcement officials, are

invited by the administration and student groups to inform students about prevention of crime and personal safety. Campus Security also makes a presentation about prevention of crime and personal safety to incoming students at orientation. Additionally, Campus Security meets with the College's Security Advisory Committee on a regular basis to exchange information on recent events and security concerns on campus. The Security Advisory Committee is made up of equal numbers of faculty, administrators, and student officers. This committee reviews current campus security policies and practices and makes recommendations for their improvement.

Safety and Security Information on Campus

Information about safety and security on campus (including statistical information) is available in the Campus Public Safety Office located in the APEX, Room 109, 960-8593.

Campus Security Escort Service

A security escort service is provided by the Lehman College Public Safety Office. If you are concerned about entering or leaving any part of the campus area alone, call 960-7777 to request a security escort.

New York State Penal Law Chapter 40, Title H Article 130 – Sex Offenses

130.20 Sexual misconduct A person is guilty of sexual misconduct when:

1. He or she engages in sexual intercourse with another person without such person's consent; or
2. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent; or
3. He or she engages in sexual conduct with an animal or a dead human body.

Sexual misconduct is a class A misdemeanor.
(As amended L.2000, c. 1, 5 31, eff. Feb. 1, 2001.)

130.25 Rape in the third degree A person is guilty of rape in the third degree when:

1. He or she engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than seventeen years old;
2. Being twenty-one years old or more, he or she engages in sexual intercourse with another person less than seventeen years old; or
3. He or she engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Rape in the third degree is a class E felony.
(As amended L.2000, c. 1, ' 32, eff. Feb. 1, 2001.)

130.30 Rape in the second degree A person is guilty of rape in the second degree when:

1. Being eighteen years old or more, he or she engages in sexual intercourse with another person less than fifteen years old; or

2. He or she engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.

It shall be an affirmative defense to the crime of rape in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.

Rape in the second degree is a class D felony.
(As amended L.2000, c. 1, ' 33, eff. Feb. 1, 2001.)

130.35 Rape in the first degree A person is guilty of rape in the first degree when he or she engages in sexual intercourse with another person:

1. By forcible compulsion; or
2. Who is incapable of consent by reason of being physically helpless; or
3. Who is less than eleven years old; or
4. Who is less than thirteen years old and the actor is eighteen years old or more.

Rape in the first degree is a class B felony.
(As amended L.2000, c. 1, 5 34, eff. Feb. 1,2001.)

130.40 Criminal Sexual Act in the third degree A person is guilty of criminal sexual act in the third degree when:

1. He or she engages in oral sexual conduct or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than seventeen years old;
2. Being twenty-one years old or more, he or she engages in oral sexual conduct or anal sexual conduct with a person less than seventeen years old; or
3. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Criminal sexual act in the third degree is a class E felony.
(As amended L.2000, c. 1, ' 35, eff. Feb. 1,2001.)

130.45 Criminal sexual act in the second degree A person is guilty of criminal sexual act in the second degree when:

1. Being eighteen years old or more, he or she engages in oral sexual conduct or anal sexual conduct with another person less than fifteen years old; or
2. He or she engages in oral sexual conduct or anal sexual conduct with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It shall be an affirmative defense to the crime of criminal sexual act in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.

Criminal sexual act in the second degree is a class D felony.
(As Amended L.2000, c. 1, ' 35, eff. Feb. 1, 2001.)

130.50 Criminal sexual act in the first degree A person is guilty of criminal sexual act in the first degree when he or she engages in oral sexual conduct or anal sexual conduct with another person:

1. By forcible compulsion; or
2. Who is incapable of consent by reason of being physically helpless; or
3. Who is less than eleven years old; or
4. Who is less than thirteen years old and the actor is eighteen years old or more.

Criminal sexual act in the first degree is a class B felony.
(As amended L.2000, c. 1, ' 37, eff. Feb. 1, 2001.)

130.52 Forcible touching A person is guilty of forcible touching when such person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor=s sexual desire. For the purposes of this section, forcible touching includes squeezing, grabbing or pinching.

Forcible touching is a class A misdemeanor.
(Added L.2000, c. 1, 0 53, eff. Feb. 1, 2001.)

130.53 Persistent sexual abuse A person is guilty of persistent sexual abuse when he or she commits the crime of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree, as defined in section 130.55 of this article, or sexual abuse in the second degree, as defined in section 130.60 of this article, and within the previous ten year period, has been convicted two or more times, in separate criminal transactions for which sentence was imposed on separate occasions, of forcible touching, as defined in Section 130.52 of this article, sexual abuse in the third degree, as defined in section 130.55 of this article, or sexual abuse in the second degree, as defined in section 130.60 of this article, or any offense defined in this article, of which the commission or attempted commission thereof is a felony.

Persistent sexual abuse is a class E felony.
(Added L.2000, c. 1, ' 38, eff. Feb. 1, 2001.)

130.55 Sexual abuse in the third degree A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter=s consent; except that in any prosecution under this section, it is an affirmative defense that (a) such other person=s lack of consent was due solely to incapacity to consent by reason of being less than seventeen years old, and (b) such other person was more than fourteen years old, and (c) the defendant was less than five years older than such other person.

Sexual abuse in the third degree is a class B misdemeanor.
As amended L.2000, c. 1, 8 39, eff. Feb. 1,2001.)

130.60 Sexual abuse in the second degree A person is guilty of sexual abuse in the second degree when he or she subjects another person to sexual contact and when such other person is:

1. Incapable of consent by reason of some factor other than being less than seventeen years old; or
2. Less than fourteen years old.

Sexual abuse in the second degree is a class A misdemeanor.
(As amended L.2000, c. 1, 0 40, eff. Feb. 1,2001.)

130.65 Sexual abuse in the first degree A person is guilty of sexual abuse in the first degree when he or she subjects another person to sexual contact:

1. By forcible compulsion; or
2. When the other person is incapable of consent by reason of being physically helpless; or
3. When the other person is less than eleven years old.

Sexual abuse in the first degree is a class D felony.
(As amended L.2000, c. 1, I 41, eff. Feb. 1, 2001.)

130.65-a Aggravated sexual abuse in the fourth degree.

1. A person is guilty of aggravated sexual abuse in the fourth degree when:
 - (a) He or she inserts a foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than seventeen years old; or
 - (b) He or she inserts a finger in the vagina, urethra, penis or rectum of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than seventeen years old.
2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the fourth degree is a class E felony.
(Added L.2000, c. 1, 8 42, eff. Feb. 1, 2001.)

130.66 Aggravated sexual abuse in the third degree

1. A person is guilty of aggravated sexual abuse in the third degree when he inserts a foreign object in the vagina, urethra, penis or rectum of another person:

- (a) By forcible compulsion; or
 - (b) When the other person is incapable of consent by reason of being physically helpless; or
 - (c) When the other person is less than eleven years old.
2. A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object
in the vagina, urethra, penis or rectum of another person causing physical injury to such person and
such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.
3. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the third degree is a class D felony.
(As amended L.2000, c. 1, 8 43, eff. Feb. 1, 2001.)

130.67 Aggravated sexual abuse in the second degree

1. A person is guilty of aggravated sexual abuse in the second degree when he inserts a finger in the
vagina, urethra, penis, or rectum of another person causing physical injury to such person:
- (a) By forcible compulsion; or
 - (b) When the other person is incapable of consent by reason of being physically helpless; or
 - (c) When the other person is less than eleven years old.
2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the second degree is a class C felony.
(Added L.1988, c. 460, 4 1 eff. Feb 1, 2001)

130.70 Aggravated sexual abuse in the first degree

1. A person is guilty of aggravated sexual abuse in the first degree when he inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person:
- (a) By forcible compulsion; or
 - (b) When the other person is incapable of consent by reason of being physically helpless; or
 - (c) When the other person is less than eleven years old.
2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the first degree is a class B felony.
(Added L1978, c. 723, ' 2; amended L.1981, c. 696, ' 2; L1988, c. 450, ' 2.)

III-D

THE CITY UNIVERSITY OF NEW YORK POLICY ON DRUGS AND ALCOHOL

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

Federal law requires that CUNY adopt and implement a program to prevent the use of illicit drugs and abuse of alcohol by students and employees. As part of its program, CUNY has adopted this policy, which sets forth the standards of conduct that students and employees are expected to follow, CUNY sanctions for the violation of this policy, and responsibilities of the CUNY colleges/units in enforcing this policy. CUNY’s program also (1) sets forth the procedures for disseminating this policy, as well as information about the health risks of illegal drug and alcohol use, criminal sanctions for such use, and available counseling, treatment, or rehabilitation programs, to students and employees; and (2) provides that each college conduct a biennial review of drug and alcohol use and prevention on its campus.

This policy applies to all CUNY students and employees when they are on CUNY property as well as when they are engaged in any CUNY-related activities off campus. It specifically prohibits CUNY employees from illegally providing drugs or alcohol to CUNY students and from permitting CUNY students to illegally use drugs or alcohol.

CUNY STANDARDS OF CONDUCT

The unlawful manufacture, distribution, dispensation, possession, or use of drugs or alcohol by anyone, either on CUNY property or at CUNY-sponsored activities, is prohibited. In order to make informed choices about the use of drugs and alcohol, CUNY students and employees should educate themselves about the physiological, psychological, and social consequences of substance abuse.

CUNY SANCTIONS

STUDENTS

Students are expected to comply with the CUNY and relevant college policies with respect to drugs and alcohol. Any student found in violation may be subject to disciplinary action under Article 15 of the Bylaws of the Board of Trustees. Sanctions may include

admonition, warning, censure, disciplinary probation, restitution, suspension, expulsion, ejection, and arrest by civil authorities.

In lieu of formal disciplinary action, the Chief Student Affairs Officer may, in appropriate cases, seek to resolve the matter through an agreement pursuant to which the student must see a counselor or successfully participate in a drug and alcohol treatment program.

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

The Chancellor or his designee may promulgate policies prohibiting the use of drugs and alcohol in residence halls operated either by CUNY or by a private management company on behalf of CUNY, which may include a schedule of sanctions for such use.

EMPLOYEES

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

RESPONSIBILITIES OF CUNY COLLEGES/UNITS

Each college or unit of the University should make its best efforts to educate employees and students about this policy and the risks associated with the unlawful possession, use, or distribution of illegal drugs and alcohol. The President or Dean of each college or unit may choose to ban alcohol at on-campus functions or at any particular function. This policy, together with information about the health risks of illegal drug and alcohol use, criminal sanctions for such use, and available counseling, treatment, or rehabilitation programs available to employees or students, must be distributed annually to all employees and students. The Chief Student Affairs Officer shall be responsible for the distribution of this material to students, and the Director of Human Resources shall be responsible for the distribution of the material to employees.

The Vice President for Administration, or person performing the equivalent function at each college or unit of CUNY, shall be responsible for conducting a biennial review to determine the effectiveness of CUNY’s drug and alcohol program at its college or unit, and to ensure that sanctions for drug and alcohol violations are consistently enforced. Upon completion, the biennial review must be sent to the University’s Executive Vice Chancellor and Chief Operating Officer. This biennial review must include the number of drug and alcohol-related violations and fatalities that occur on the college’s campus or as part of the college’s activities, as well as the number and type of sanctions imposed as a result of drug and alcohol-related violations and fatalities that occur at the college as part of its activities.

INFORMATION FOR THE CUNY COMMUNITY ON THE RISKS AND CONSEQUENCES OF DRUG AND ALCOHOL USE

Background

The City University of New York's Policy on Drugs and Alcohol, adopted by the Board of Trustees on June 22, 2009, prohibits the unlawful manufacture, distribution, dispensation, possession, or use of drugs or alcohol by employees, students or visitors, on CUNY property, in CUNY buses or vans, or at CUNY-sponsored activities. It prohibits all students (regardless of their age) from possessing or consuming alcoholic beverages in CUNY residence halls. It also prohibits CUNY employees from illegally providing drugs or alcohol to CUNY students. As the Policy states, sanctions for violation of the Policy, following appropriate disciplinary proceedings, may include, in the case of students, expulsion from the university, and in the case of employees, termination of employment.

This document sets forth additional information required to be provided under federal law, including the legal sanctions for drug and alcohol use, health risks of such use, and information regarding available counseling, treatment, or rehabilitation programs.

Legal Sanctions

Federal and New York State laws make it a criminal offense to manufacture, distribute, dispense, possess with intent to distribute, or simply possess a controlled substance. Such substances include heroin, cocaine, methamphetamine, ecstasy, LSD, PCP, marijuana, and a number of common pharmaceutical drugs if unlawfully obtained. The sanctions for violation of these laws, ranging from community service and monetary fines to life imprisonment, depend upon the particular offense, the drug type, and the drug quantity. Students convicted under these statutes may also forfeit federal financial aid eligibility.

Note that an individual need not be in actual physical possession of a controlled substance to be guilty of a crime. The unlawful presence of a controlled substance in an automobile is presumptive evidence of knowing possession of such substance by each passenger unless the substance is concealed on the person of one of the occupants. Similarly, the presence of certain substances in plain view in a room can sometimes be presumptive evidence of knowing possession of such substance by anyone in close proximity.

Further, pursuant to New York State law:

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

Health Risks

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

LSD (Acid)

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

Cocaine

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

MDMA (Ecstasy)

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

Heroin

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

Marijuana

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

Methamphetamine

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

PCP/Phencyclidine

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

Prescription Medications

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

Tobacco/Nicotine

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

Steroids

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

Alcohol

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

Substance Abuse

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

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

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

Resources

RESOURCES ON CAMPUS

For assistance and referrals, **students** should (1) consult the college website; or (2) contact the Lehman College Student Affairs Office 718-960-8241 and/or Counseling Center 718-960-8761.

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

CUNY Work/Life Program (800) 833-8707

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

RESOURCES OFF CAMPUS

12 Step Recovery Programs

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

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

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

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

Nicotine Anonymous (631) 665-0527
<http://www.nicotine-anonymous.org/>

Al-Anon/Alateen (888) 425-2666
<http://www.al-anonny.org/>

Detoxification and Outpatient/Inpatient Rehabilitation Facilities

New York County

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

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

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

Kings County

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

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

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

Queens County

Flushing Hospital Medical Center

Bronx County

St. Barnabas Hospital

4500 Parsons Blvd.
Flushing, NY 11355
(718) 670-5078

4535 East 183rd St.
Bronx, NY 10457
(718) 960-6636

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

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

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

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

Richmond County

Nassau County

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

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

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

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

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

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

Other Resources

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

New York State Smokers' Quitline
Tel: (866) 697-8487
<http://www.nysmokefree.com/>

Counseling Services available at Lehman College.

If you are experiencing difficulty with alcohol or chemical dependency, Lehman College can help you find counseling services or rehabilitation programs that will help you with your problem.

The College has Counselors on staff who can direct you to appropriate services for alcohol and chemical dependency. Students may be referred to the or the Counseling Center Old Gymnasium room 114, 718-960-8761 or the Office of the Vice President for Student Affairs in Shuster Hall room 206, 718-960-8241 by members of the instructional staff or may seek assistance directly.

Community Based Services

Alcoholics Anonymous

718- 520-5021

Al-Anon

212-254-7230

212-260-0407

Focus on Recovery

800-234-1253

NYS Drug Information Hotline

800-522-5353

Children of Alcoholics

800-359-2623

Stop Smoking Hotline

800- 227- 2345

Cocaine Hotline

800-COCAINE (262-2463)

Marijuana Hotline

888-MARIJUA (627-4582)

Heroin Hotline

800-9 HEROIN (943-7646)

Relapse Hotline

800-735-2773

III-E PENAL CODE TITLE Y HATE CRIMES ACT OF 2000, ARTICLE 485 HATE CRIMES

Section 485.00 Legislative findings.

485.05 Hate crimes.

485.10 Sentencing.

S 485.00 Legislative findings.

The legislature finds and determines as follows: criminal acts involving violence, intimidation and destruction of property based upon bias and prejudice have become more prevalent in New York state in recent years. The intolerable truth is that in these crimes, commonly and justly referred to as "hate crimes", victims are intentionally selected, in whole or in part, because of their race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation. Hate crimes do more than threaten the safety and welfare of all citizens. They inflict on victims incalculable physical and emotional damage and tear at the very fabric of free society. Crimes motivated by invidious hatred toward particular groups not only harm individual victims but send a powerful message of intolerance and discrimination to all members of the group to which the victim belongs. Hate crimes can and do intimidate and disrupt entire communities and vitiate the civility that is essential to healthy democratic processes. In a democratic society, citizens cannot be required to approve of the beliefs and practices of others, but must never commit criminal acts on account of them. Current law does not adequately recognize the harm to public order and individual safety that hate crimes cause. Therefore, our laws must be strengthened to provide clear recognition of the gravity of hate crimes and the compelling importance of preventing their recurrence.

Accordingly, the legislature finds and declares that hate crimes should be prosecuted and punished with appropriate severity.

S 485.05 Hate crimes.

1. A person commits a hate crime when he or she commits a specified offense and either:

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

(b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

2. Proof of race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the people's burden under paragraph (a) or (b) of subdivision one of this section.

3. A "specified offense" is an offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); subdivision one of section 130.35 (rape in the first degree);

subdivision one of section 130.50 (criminal sexual act in the first degree); subdivision one of section 130.65 (sexual abuse in the first degree); paragraph (a) of subdivision one of section 130.67 (aggravated sexual abuse in the second degree); paragraph (a) of subdivision one of section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second degree); section 160.15 (robbery in the first degree); section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); or any attempt or conspiracy to commit any of the foregoing offenses.

4. For purposes of this section:

- (a) the term "age" means sixty years old or more;
- (b) the term "disability" means a physical or mental impairment that substantially limits a major life activity.

S 485.10 Sentencing.

1. When a person is convicted of a hate crime pursuant to this article, and the specified offense is a violent felony offense, as defined in section 70.02 of this chapter, the hate crime shall be deemed a violent felony offense.

2. When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or a class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.

3. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class B felony:

(a) the maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to section 70.00 of this chapter;

(b) the term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to section 70.02 of this chapter;

(c) the term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to section 70.04 of this chapter;

(d) the maximum term of the indeterminate sentence must be at least four years if the defendant is sentenced pursuant to section 70.05 of this chapter; and

(e) the maximum term of the indeterminate sentence or the term of the determinate sentence must be at least ten years if the defendant is sentenced pursuant to section 70.06 of this chapter.

4. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class A-1 felony, the minimum period of the indeterminate sentence shall be not less than twenty years.

The nature of and common circumstances relating to bias related crime on college campuses;

Hate crime laws are designed to send the message that hate and bias motivated crimes will not be tolerated, because they are often attempts to silence and instill fear into entire groups. Reporting hate related incidents helps survivors take advantage of recovery services and enables our community to build up statistics and patterns of crime, providing an opportunity of catching offenders or preventing the violence altogether.

The key criterion in determining whether or not any crime or incident fits into the definition of a hate or bias related crime is the motivation behind the incident. A hate or bias related crime is one that is motivated, at least in part, because of someone's bias or hatred of a person's or group's perceived race, religion, ethnicity, sexual orientation, or other characteristic. Victims of hate and bias related crimes often have intense feelings of vulnerability, anger, depression, physical ailments, learning problems, and difficult interpersonal relations. Hate crimes also have a psychological and emotional impact that extends far beyond the victim. Attacks motivated on the basis of bias against a person's beliefs, values or identity undermine freedom of expression, association, and assembly and tear at the pluralistic fabric of our society.

Using slurs and epithets is a way of showing someone that you believe they are less than human and undeserving of respect. Hate crimes are a way to send a message to members of certain groups or individuals that they are unwelcome in a particular neighborhood, community, school or workplace. Calling someone a name, refusing to rent them an apartment, verbal threats, vandalism, abusive phone calls and Internet hate mail are all examples of hate crimes. The most common form of bias motivated incidents on college campuses are demeaning jokes or harassing or threatening phone calls or e-mails. However, bias related physical attacks and vandalism do also occur. You can make a difference by speaking out when jokes or comments are made that are hateful or demeaning and by asking yourself if you use derogatory, degrading or offensive terms in describing others.

Observing general safety tips may help you to avoid becoming the victim of a hate or bias related crime. Be alert to your surroundings, both inside and outside. Listen to and act upon your feelings and instincts. Notice people, the lighting, and access to phones and exits. Use elevators, stairs and restrooms in well-trafficked areas. Don't study alone in an empty classroom. Avoid deserted parking lots, empty laundry rooms and other poorly lit or poorly populated locations. When possible, walk with a friend instead of walking alone in secluded areas or at night. When riding the subways during less traveled times of day, ride in the middle car with the conductor or the first car with the engineer.

Carry a whistle and blow it for attention when necessary. If you feel threatened while walking, cross the street, change direction or run to a place where there are other people. If a car is following you, turn around and walk quickly in the opposite direction. Get the license plate number and a description if possible. If you are being followed on foot, turn around to let the person know you have seen them and then run to a place where a number of people will be.

Always keep your apartment and car doors locked. If you live in an apartment with a fire escape outside a back window, you should secure it with a fire department approved gate, an alarm, or some barrier system. A window lock is not enough. Always close your blinds/shades/curtains at night. If you decide to bring someone home, introduce him or her to a friend, acquaintance or bartender so that someone knows who you left with. When driving a friend home, establish a signal that the friend is in the home and safe before you drive away. If a stranger is at your door, do not give the impression that you are home alone. Shout over your shoulder or indicate in some way that there is another person present. Never open the door to strangers without verifying their identity by asking for an identification tag. Do not give out personal information over the phone or Internet.

Finally, report all incidents of violence or harassment. Contact campus security or call 911 as soon after the incident as possible. If you saw the perpetrator, try to remember gender, age, height, race, weight, build, clothes and other distinguishing characteristics. If anything was said, such as anti-gay epithets or threats, make a mental note about them and write them down as soon as possible. If you want the crime to be reported as a hate or bias-related crime, tell the officer to note that on the report. If the police do not assist you properly, file a complaint and contact the Office of Student Affairs or the City information number, 311.

The procedures in effect at the college for dealing with bias related crime;

Students who have been a victim of a bias related crime should immediately report the incident to the following offices:

1. Student Affairs

Jose Magdaleno, Vice President for Student Affairs
Shuster Hall, Room 206. Tel. 718 960-8241

John Holloway, Associate Dean for Student Affairs
Shuster Hall, Room 206. Tel. 718 960-8242

Vincent Zucchetto, Executive Assistant to the Vice President for Student Affairs
Shuster Hall, Room 206. Tel. 718 960-8242

2. Public Safety/Security

Dominick Laperuta, Director of Public Safety,
APEX Building, Room 109. Tel. 718 960-8593

Fausto Ramirez, Assistant director of Public Safety,
APEX Building, Room 109. Tel. 718 960-8593

The availability of counseling and other support services for the victims of bias related crime;

Anyone who is a victim of a bias related crime is encouraged to seek counseling from a trained mental health professional. Experienced counselors, trained to assist with the consequences of bias related crime trauma, are on hand at the College's Counseling Center to provide crisis intervention, in-office counseling, referral to other support services and self-help groups. The center can also refer victims to community based support groups and professional organizations. The college will assist any student wishing to contact outside agencies, including local police, regarding charges and complaints of a bias related crime. The college can also assist in changing academic schedules after an alleged incident.

On-campus resources:

1. Campus Safety/Security: APEX Building, Room 109. Tel. 718 960-8593
2. Counseling Center: Old Gym, Room 114. Tel. 718 960-8761
3. Health Center: T-3 Building, Room 118. Tel. 718 960-8903
4. Division of Student Affairs: Shuster Hall, Room 206. Tel. 718 960-8241

Off Campus Resources:

1. New York City Police Department Detective Bureau; Hate Crimes Task Force; 1 Police Plaza (646) 610-5267
2. Manhattan District Attorney, Community Affairs Unit (212) 335-9082
3. Queens District Attorney, Anti bias Unit (718) 286-7041
4. Bronx District Attorney, (718) 590-2427; or (718) 590-2715
5. Brooklyn District Attorney, Community Affairs Unit (718) 250-2241
6. Staten Island District Attorney, Special Investigations/Bias Unit (718) 876-6300 or (718) 556-7167
7. NYC Victims Services Agency (212) 577-7777. This service is open 24 hours, seven days a week and provides crises intervention for crime victims.
8. The Gay and Lesbian Anti-Violence Project (212) 807-0197 (24-hour hotline). This service is open 10:00 am through 8:00 pm Monday through Thursday and 10:00 am through 6:00 pm on Friday. It provides short term crisis counseling, advocacy services, and referrals for long term counseling.
9. National Hate Crimes Hotline (208) 246-2292.
10. <http://HateCrimeNet.org>
11. http://www.lambda.org.safety_tips.htm You have the option of completing and submitting a hate crime incident report on this website.

OFFENSES UNDER THE HATE CRIMES STATUTE				
Specific Offense	Penal Law Section	Degree	Class Of Felony or Misdemeanor *	Imprisonment in years
Assault	§120.10	1	B	6 - 25

	§120.05	2	C	1 - 15
	§120.00	3	E	1- 4
Aggravated Assault Upon Person less than 11 years old	§120.12		D	1 - 7
	§120.13	1	D	1 - 7
	§120.14	2	E	1-4
Menacing	§120.15	3	A*	To 1 year
Reckless Endangerment	§120.25	1	C	1 - 15
	§120.20	2	E	1- 4
Manslaughter	§125.20	1	B	6 - 25
	§125.15	2	C	1 - 15
Murder	§125.25	2	A - II	3 to life
	§120.60	1	C	1 - 15
	§120.55	2	D	1 - 7
	§120.50	3	E	1- 4
Stalking	§120.45	4	A*	To 1 year
Rape	§130.35	1	A-II	3 to life
Criminal Sexual Act	§130.50	1	A-II	3 to life
Sexual Abuse	§130.65	1	C	1 - 15
	§130.70	1	A-II	3 to life
Aggravated Sexual Abuse	§130.67	2	B	6 - 25
	§135.10	1	D	1 - 7
Unlawful Imprisonment	§135.05	2	E	1- 4
	§135.25	1	A-I	20 to life
Kidnapping	§135.20	2	A-II	3 to life
	§135.65	1	C	1 - 15
Coercion	§135.60	2	E	1- 4
	§140.17	1	C	1 - 15
	§140.15	2	E	1- 4
Criminal Trespass	§140.10	3	A*	To 1 year
	§140.30	1	A-II	3 to life
	§140.25	2	B	6 - 25
Burglary	§140.20	3	C	1 - 15
	§145.12	1	A-II	3 to life
	§145.10	2	C	1 - 15
	§145.05	3	D	1 - 7
Criminal Mischief	§145.00	4	E	1- 4
	§150.20	1	A-I	20 to life
	§150.15	2	A-II	3 to life
Arson	§150.10	3	B	6 - 25
	§150.05	4	D	1 - 7
Petit Larceny	§155.25		E	1- 4
	§155.42	1	A-II	3 to life
	§155.40	2	B	6 -25
Grand Larceny	§155.35	3	C	1 - 15
	§155.30	4	D	1 - 7
	§160.15	1	A-II	3 to life
	§160.10	2	B	6 25
Robbery	§160.05	3	C	1 - 15
Harassment	§240.25	1	A*	To 1 year

THE CITY UNIVERSITY OF NEW YORK GUIDELINES FOR A UNIVERSITY-WIDE PROGRAM TO COMBAT BIGOTRY AND TO PROMOTE PLURALISM AND DIVERSITY:

At the January 24, 1994, meeting of the Board of Trustees of The City University of New York, a resolution was recommended by the Committee on Public Affairs to promote University policy to combat bigotry and reaffirm our commitment to pluralism and diversity. Adopted unanimously by the Trustees, the resolution calls upon the Chancellor to report to the Board on steps taken by the University and the colleges in furtherance of the policy by October 31, 1994. The Chancellor was asked to develop guidelines, by the March Board meeting, in consultation with the Council of Presidents and the leadership of the University Faculty Senate and Student Senate. These guidelines are the result of the consultative process.

The adopted Board resolution includes six whereas sections which should be reflected in the development of appropriate plans:

The Board of Trustees of The City University of New York is committed to engendering values and implementing policies that enhance respect for individuals and their cultures.

- This commitment is manifested in the statement of principles and recommendations for action on pluralism and diversity in The City University of New York adopted by the Board on January 20, 1988.
- Our cultural and ethnic diversity – our pluralism – is one of our most valued, significant and important characteristics.
- The student body of The City University of New York now includes students who trace their ancestries to over 130 countries, as well as growing numbers of students who are of color, women, immigrants, older adults and disabled persons.
- We must be proactive in developing programs that both combat bigotry and other biases in all their forms, as well as build on the strengths that our multicultural, multiracial, multigenerational student body offers.
- Such programs should build upon successful models of curricular and co-curricular pursuits developed by both members of the CUNY community, as well as with the advice and assistance of the extended CUNY family of supporters and resource persons.

The development of appropriate plans should be consistent with the By-laws of The Board of Trustees, including but not limited to Article 15.0 Preamble which states:

* Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Student participation, responsibility, academic freedom, and due process are essential to the operation of the academic enterprise. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

* Freedom to learn and to explore major social, political, and economic issues are necessary adjuncts to student academic freedom, as in freedom from discrimination based on racial, ethnic, religious, sex, political and economic differentiations.

* Freedom to learn and freedom to teach are inseparable facets of academic freedom. The concomitant of this freedom is responsibility. If members of the academic community are to develop positively in their freedom; if these rights are to be secure, then students should exercise their freedom with responsibility.*

By August 1, 1994, the Central Administration and the constituent colleges shall prepare such plans for submission to the Chancellor. Such plans should include a progress report on activities envisioned in the Board's statement on Pluralism and Diversity, University and college programs, schedule and projected, to combat bigotry, and measures taken to advance the January 24, 1994, Board policy resolution. The plans should address the following elements:

A description of curricular and extracurricular programs and projects directed at the elimination of bigotry, encouragement of inter-group harmony, tolerance and respect and increasing understanding among members of the higher education community. This may include orientation and training programs, professional development, role-playing sessions, leadership conferences and retreats, lectures and seminars, discussions of pertinent research and scholarship, and improvements in methods for cross-cultural communication.

A clear statement of the availability of procedures and channels developed by the college community to expeditiously address allegations of bigotry, as well as intervention and conflict resolution alternatives that may be utilized. This should include how the institution is organized and which offices or individuals are appropriately designated to be accessible.

Early communication, by college officials, as the facts warrant, of institutional aversion to acts of bigotry, including the issuance of appropriate and timely statements condemning prejudice or discrimination, consistent with the first amendment. This should be done while simultaneously reaffirming the positive message of the extraordinary importance of a collegiate environment where all participants are protected, regardless of their background or social characteristics.

The availability of additional options for dispute resolution, such as mediation and conciliation resources both on or off campus, as needed and where appropriate. This may include the identification of faculty and staff experts, experienced student leaders, alumni, or resource persons from the greater college and University community. Established offices, however, should remain on the front-line and serve as conduits to campus and external expertise, as deemed appropriate.

The dissemination of materials throughout the campus community in order to ensure maximum awareness and to provide visible evidence of an institutional commitment to an intellectually tolerant collegiate environment.

Efforts to combat bigotry and promote diversity should continue to be an inextricable part of the educational mission of the University, not an ancillary activity that is re-invigorated from time to time on ad-hoc basis. Our future efforts should build upon the excellent college and University-wide programs and activities that already exist, which were reviewed by the Board of Trustees, through its Committee on Public Affairs. This will permit CUNY to continue to rejoice in the cultural richness of its varied constituencies, unrivaled in American higher education, and reflective of the University's historic

commitment to educate all those who seek upward social and economic mobility. At the same time, the University can continue to build bridges between those constituencies so that the most positive atmosphere for learning may be provided for generations to come.
Board Minutes, March 21, 1994

IV-A STUDENT RIGHT-TO-KNOW INFORMATION

In compliance with the federal Student Right-to-Know Act, the college provides information to current and prospective students describing the College's graduation rate for degree seeking full-time undergraduate students. This information may be obtained by contacting the Office of Institutional Research, Shuster Hall room 306, 718-960-7246.

IV-B ATHLETIC PROGRAM PARTICIPATION NOTICE

The College files an annual report with the U.S. Secretary of Education on intercollegiate athletics which includes information on the participation of males and females on its teams, and the expenditures and revenues of those teams. Copies of the annual report on intercollegiate athletics are available at the reference desk of the library and the college varsity athletics website at www.lehman.edu.

IV-C CUNY POLICY ON THE SUBMISSION OF FRAUDULENT DOCUMENTS IN SUPPORT OF AN APPLICATION FOR ADMISSION:

The submission of documents in support of applications for admission such as transcripts, diplomas, test scores, references, or the applications themselves, that are forged, fraudulent, altered from the original, obtained under false pretenses, or otherwise deceptive (collectively referred to as fraudulent documents) is prohibited by The City University of New York (CUNY) and may be punishable by: a bar on applying for admission, suspension, and expulsion. The term applications for admission includes transfer applications.

PROCEDURE FOR IMPOSITION OF SANCTIONS

I. Pre-Enrollment

Whenever an applicant for admission to any college of CUNY submits, as part of an admission application, a document that is found to be fraudulent before an admission decision is made or before the applicant has enrolled, the applicant shall be barred from enrolling in any college of CUNY the year of the application and for a period of five years after the year of the application that contained the fraudulent material. If done a second time, there shall be a lifetime ban on admission to any college of CUNY. In the event of the submission of fraudulent documents, CUNY will notify the applicant

in writing of this prohibited act and the penalty, and advise the applicant of the opportunity to appeal the decision in writing to the Vice Chancellor for Student Development and Enrollment Management. The applicant may then submit a written statement and evidence demonstrating that the document is not fraudulent or advancing some other defense. The Vice Chancellor may reduce or withdraw the penalty, if he or she finds the document to be authentic, that the submission of the document was not the fault of the applicant, or otherwise deems it appropriate.

II. Post-Enrollment

If, after a student has completed registration or begun classes in a CUNY college, it is found that the student had submitted a fraudulent document in support of an application for admission, the student shall be suspended from CUNY for five years. A second offense shall result in expulsion. The suspension or expulsion shall apply to all colleges of CUNY. The accused student shall be notified of such suspension or expulsion in writing and shall be entitled to appeal within 30 days of receiving notification and request a hearing pursuant to Article XV of the CUNY Bylaws, at which the college faculty-student disciplinary committee shall determine the facts, based upon which the disciplinary committee may, if persuaded that the document is authentic or that another defense is demonstrated, withdraw or reduce the penalty. The penalty shall not take effect until after the period to appeal has expired or upon the completion of the hearing. An adverse decision of the disciplinary committee shall be appealable by the accused student to the college president and a Board committee pursuant to Article XV of the CUNY Bylaws.

III. Post- Graduation

If, after a student has graduated it is found that the graduate submitted a fraudulent document in support of an application for admission, then he or she shall be notified in writing. The accused graduate shall be entitled to a hearing pursuant to Article XV of the CUNY Bylaws, at which the college faculty-student disciplinary committee shall determine the facts, based upon which the disciplinary committee may make a decision to impose a penalty of suspension from CUNY for five years, and may also recommend the revocation of the degree or certificate that had been awarded to the student. A second offense shall result in expulsion. The suspension or expulsion shall apply to all colleges of CUNY. An adverse decision of the disciplinary committee imposing a suspension or expulsion shall be appealable to the college president and a Board committee pursuant to Article XV of the Bylaws. In the event the disciplinary committee recommends the revocation of a degree or certificate, the degree or certificate shall be revoked upon approval by the Board of Trustees after considering the recommendation of the faculty of the college.

IV. NOTIFICATION TO THE VICE CHANCELLOR

The Vice Chancellor for Student Development and Enrollment Management shall be notified of all bars from applying for admission, suspensions, and expulsions under this policy and shall implement them on a University-wide basis.

V. DISSEMINATION

CUNY officials shall publicize this policy and its penalties. Where appropriate, CUNY officials shall share the decisions, findings and supporting evidence on specific cases with civil and criminal authorities

EXPLANATION: With increasing frequency, officials of CUNY and its constituent campuses are receiving fraudulent applications for admission and fraudulent documents in support of applications for admission. The fraudulent documents include transcripts, diplomas, test scores and references. Typically, the registrars, admissions officers or other officials contact the issuing institution to confirm whether or not the document is proper and authentic. In the past, if CUNY confirmed that the document was fraudulent, the applicant has been barred from admission to any CUNY college for one year. The University Council of Admissions Officers and Registrars has recommended more severe penalties, including a lifetime ban, in light of the increasing frequency and seriousness of infractions and the importance of academic integrity. The University wishes to clarify the process for dealing with submission of fraudulent documents and to ensure that applicants and students understand the seriousness of submitting fraudulent documents and the potential consequences

IV-D - FREEDOM OF SPEECH

Freedom of speech is an essential tradition of any academic community. All members of the Lehman community must be vigilant in exercising their rights of expression so as not to preclude other persons' guaranteed right to give and receive expression as part of the deliberative process of the academic community. Preservation of this right on campus requires the scrupulous use of means of communication. Public-address systems and all other amplification devices are prohibited.

IV-E IDENTIFICATION CARDS

Identification cards, issued by the College, must be carried at all times. Students are required to present their I.D. cards upon the request of any College official. Any guest of a student visiting the campus must obtain a pass from Campus Security (The APEX, Room 109) and must present it upon request.

IV-F ATTENDANCE AND ABSENCES

Students are expected to attend classes regularly, and instructors are required to record attendance for grading and counseling purposes. Individual instructors, as well as departments or degree programs, may establish specific attendance requirements. Instructors have the right to weigh attendance and class participation in determining grades. It is the student's responsibility to ascertain the effect attendance may have on the grade in a course. Students receiving financial aid must be certified as attending classes regularly for continuing eligibility.

IV-G PETITIONING

For a petition to be circulated by any student or student group, two copies shall be filed with the Office of Student Activities. All copies of the petition must bear the name of the group or groups circulating the petition.

IV-H SOLICITATION ON CAMPUS

No student or non-student may use any part of the College buildings and grounds (including Bulletin boards) for soliciting or selling any merchandise or service without the express permission of the Vice President of Student Affairs. Lehman College and the City University of New York do not sponsor any products, merchandising schemes, or tours. Advertising appearing in student publications does not imply the sponsorship of the College.

IV-I REPRESENTING THE COLLEGE

No faculty member, staff member, student or student organization may be a self-appointed representative of Lehman College or any division thereof, nor of The City University of New York.

IV-J Policy on Guest Speakers

Student groups have the right to hear speakers of their choice in accordance with the rules set by the College. It may not, however, be assumed that speakers invited by students represent the views of the College.

IV-K Student Government

Student government consists of The Campus Association for Student Activities (CASA) which plans and administers programs and allocates funds for student groups, and the Student Conference which represents students' interests in the Lehman College Academic Senate.

IV-L Participation in College Governance

Students shall comprise a permanent one-third of the total membership of the Senate, based upon combining the total number of voting faculty and voting administration representatives. Senate meetings are open to all students and staff at the College. Students are also represented on College committees. The student senators comprise the Student Conference

IV-M The City University of New York – Student Complaint Procedure regarding faculty conduct in academic settings:

RESOLVED, that the procedures for handling student complaints about faculty conduct in formal academic settings be adopted, effective February 1, 2007.

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.")

A. 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.

B. 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.

C. 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.

D. 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.

E. 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.

V. 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. 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.

VI. 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 must comply with the bylaws of the University and the collective bargaining agreement between the University and the Professional Staff Congress.

VII. 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.

VIII. Board Review. During the spring 2009 semester, the Chancellery shall conduct a review of the experience of the colleges with these procedures, including consultation with administrators, faculty and students, and shall report the results of that review to the Board of Trustees, along with any recommended changes.

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

campus."