

COLLEGE



STUDENT HANDBOOK

2025-2026 EDITION



Greetings Medgar Evers Cougars!

On behalf of the Division of Student Success and Enrollment Management, I want to extend my sincerest welcome as you join the Medgar Evers College (MEC) community and family. Whether this is your first year at MEC or you are a returning student, your presence and active engagement help create a rich and rewarding academic environment. As a Cougar, you have access to a world class education that will prepare you for your chosen professions as well as equip you to make a meaningful impact in your respective communities.

Your success at MEC can be viewed as a partnership between three very important entities: the institution, your family/support system and you. In this partnership the institution is committed to providing you with a high-quality learning environment with the appropriate support services and resources that will develop you as a scholar and an engaged citizen. Next, your family and support system are a vital part of the partnership because many of them have made and are making a significant investment in your education. They understand how transformational a college education can be and they will help to provide the encouragement needed to complete your degree. And last, and perhaps more importantly, your success at MEC will take a deep investment on your part. A college education is both rewarding and challenging. Your professors and the support staff who will be working with you will demand a lot. However, as long as you stay focused and committed to your educational goals, you will one day join a network of Medgar Evers College alumni who are making a difference in the world!

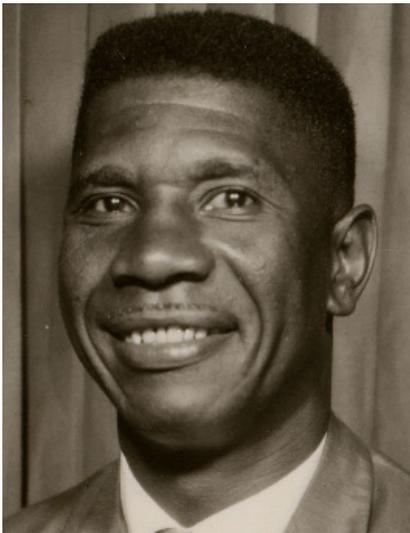
The Student Success and Enrollment Management Team is here to assist you in any way we can as you start and/or continue your journey at MEC. We are committed to offering you a rich and rewarding experience that will help facilitate your holistic development. No matter your interests, you will be able to find your place here. We encourage you to become actively engaged in the numerous opportunities for students both in and out of the classroom. The greater the effort you put in your education, the higher the chances of success. In other words, what you put into this experience will determine what you get out of it.

As a valued member of the MEC community, we ask that you always be mindful of our key principles, which are courage, strength and fortitude. These principles are what we expect each of our students to embody. They should be exemplified in everything you do.

Again, we look forward to working with you and welcome to the Medgar Evers Cougar family!

Best Wishes,

*Dr. Jesse F. Kane
SVP, Student Success and Enrollment Management*



"You can kill a man but you can't kill an idea"
Remembering the sacrifice of Medgar Wiley Evers

On June 12, 1963, Medgar Wiley Evers, the civil rights leader and NAACP field secretary was assassinated in the driveway of his Jackson, Mississippi home. Only 37 years old, he left behind a wife and three children. He was shot down by a white supremacist and Klansman who was convicted of the crime more than 30 years later. The assassination roused the conscience of a nation and helped pass the 1964 Civil Rights Act.

The College's June 8, 2017 commencement was a poignant moment to shed a fresh light on Evers' legacy, which was invoked by keynote speaker Hillary Rodham Clinton. She shared the stage with a pre-recorded video from Myrlie Evers-Williams and with Reena Evers-Everett and Daniel Evers-Everette (respectively Evers' widow, daughter and grandson). The family spoke of Evers and the continuing struggle.

Evers' profile in the popular culture has been heightened during this period of resurgent equality battles. Along with Martin Luther King Jr. and Malcolm X, his legacy was highlighted in *"I Am Not Your Negro,"* the acclaimed Raoul Peck film about James Baldwin.

Medgar Wiley Evers accomplished much in the short time he was with us: he increased NAACP membership; aided in the investigation of the murder of Emmett Till; and helped desegregate the University of Mississippi, among other things. Let us pause today to recall the ultimate sacrifice that he made.

Medgar Evers College was founded as a result of collaborative efforts by community leaders, elected officials, the Chancellor, and the Board of Trustees of The City University of New York. The College, named for the late civil rights leader, Medgar Wiley Evers (1925-1963), was established in 1969 and accredited in 1970, with a mandate to meet the educational and social needs of the Central Brooklyn community. The College is committed to the fulfillment of this mandate.

In keeping with the philosophy of The City University of New York and Medgar Evers College, we believe that education has the power to positively transform the lives of individuals and is the right of all individuals in the pursuit of self-actualization.

Medgar Evers College (CUNY) a four-year culturally diverse institution birthed out of the Black community of Central Brooklyn, is rooted in social justice, dedicated to increasing the upward mobility of its students and producing graduates who are civically engaged and prepared to provide leadership to address issues from local to global concern. It does so through:

- Rigorous curricula
- Innovative teaching and learning practices
- Scholarship
- Experiential Learning

THE MEDGAR EVERS COLLEGE SEAL



The Medgar Evers College seal symbolizes the theme: “Knowledge is the foundation of freedom and justice. Knowledge, freedom, and justice are the fundamental elements of peace.” The circular form of the seal represents the universality of the theme.

- The unmanacled hands represent freedom.
- The scales represent justice.
- The lamp and the open book represent knowledge.
- The central aspect of the seal is formed by the peace symbol.

The inspiration for the design of the College Seal came from the fact that Medgar Wiley Evers dedicated his life’s work to attaining a new birth of freedom in our time, where all mankind could obtain knowledge to function as useful citizens, enjoy the protection of justice, and live in peace.

A MESSAGE FROM THE MEDGAR EVERS COLLEGE ADMINISTRATION

INTRODUCTION

The Office of the Vice President for Student Success and Enrollment Management has prepared this publication of the 2025-2026 Student Handbook for the purpose of acquainting the student with a wide array of general information to support his or her matriculation at the College.

Accordingly, the standard term "student" is defined to include all persons who officially: (1) register and enroll on a full-time or part-time basis and (2) who maintain current enrollment status or (3) who may attend any other post-secondary educational institution while taking a class at Medgar Evers College.

This standard term is generic and applicable for all special, non-credit, certificate, diploma, and undergraduate students. Persons who are not officially enrolled for a particular term (i.e., summer), but who have a continuing relationship with the college are also considered "students" who are good standing and have no academic or financial liabilities to Medgar Evers College.

The standards of the student code of conduct, either academic or non-academic, in this publication apply to all groups of students as described above.

STATEMENT OF NON-DISCRIMINATION

Medgar Evers College is an equal opportunity and affirmative action institution. The College does not discriminate on the basis of age, sexual orientation, religion, race, color, national or ethnic origin, disability, veteran or marital status in its student admissions, employment, access to programs, and administration of education policies.

Medgar Evers College, as a unit of The City University of New York, adheres to all federal, state, and local laws and administration of education policies.

IMPORTANT NOTICE OF POSSIBLE CHANGES

The Board of Trustees of The City University of New York reserves the right to make changes of any nature in the academic programs and requirements of The City University of New York and its constituent Colleges. All programs, requirements, and courses are subject to termination or change without advance notice. Tuition and fees set forth in this publication are also subject to change by the Board of Trustees of The City University of New York.

*Note: Information in this schedule booklet is subject to change at the discretion of the College.

STUDENT RESPONSIBILITY DISCLAIMER

In accepting admission, students assume responsibility for knowing and complying with the regulations and procedures set forth in this schedule booklet and in subsequent ones, as appropriate. Once a student completes course entry, he/she is liable for the course(s) on his/her/their schedule/bill.

COUGAR COMPASS

Rev. 10092025

YOUR GUIDE TO CAMPUS LIFE AND COLLEGE RESOURCES

Admissions

mecadmissions@mec.cuny.edu; x6024

Academic Advising Center

AcAdviseCenter@mec.cuny.edu; x5170

Academic Center for Excellence in Student Support (ACCESS)

access@mec.cuny.edu; x5138

Academic Computing Lab

anthony@mec.cuny.edu

Accelerated Study in Associate Programs (ASAP)

asap@mec.cuny.edu; x8209

Akadémos (Bookstore)

www.mecbooks.com/help; 1-888-286-8249

Accessibility and Accommodations Services

aphifer@mec.cuny.edu; x5027

Athletics and Intramurals

cmurphy@mec.cuny.edu; x6072

Blackboard & Brightspace Administrator

swymore@mec.cuny.edu; x4866

Bursar

bursar@mec.cuny.edu; x6095

Career Management Services Center

mec-career@mec.cuny.edu; x6055

Center for Women's Development

womencenter@mec.cuny.edu; levelyn@mec.cuny.edu; x5155

Cougar Country Pantry

S-317, transitionacademy@mec.cuny.edu;
M: 10:00 AM – 2:00 PM T: 3:00 PM – 7:00 PM
W: 10:00 AM – 2:00 PM

Counseling and Psychological Services

cap@mec.cuny.edu; x6914

Cultivating Holistic Academic Mindsets to Promote Student Success (CHAMPSS) Program

champss@mec.cuny.edu

Department of Special Programs/ Percy E. Sutton SEEK Program

seek@mec.cuny.edu; x4970

Evening & Weekend Programs

eveweekend@mec.cuny.edu; x4894

Financial Aid

finaid@mec.cuny.edu; x6141

Freshman Year Program

fyp@mec.cuny.edu; x4960

Freshman Year Program

fyp@mec.cuny.edu; x4960

Health Services

healthservices@mec.cuny.edu;
awillie@mec.cuny.edu; x6075

Immigration Center

mecimmigration@cuny.edu; x6292

Information Technology Help Desk

helpit@mec.cuny.edu; x6262
M-TH: 8:00 AM - 8:00 PM
F: 8:00 AM - 6:00 PM S: 8:00 AM - 4:00 PM

Interfaith Services

riverasj@mec.cuny.edu; x6046

International Student Services

jphillips@mec.cuny.edu; x4893
pmartin@mec.cuny.edu; x6024

Library & Information Services

ask_a_librarian@mec.cuny.edu; x4871

Male Development & Empowerment Center

mdec@mec.cuny.edu; anbrereton@mec.cuny.edu; x6405

Public Safety and Campus Security

AB-1 CL17, publicsafety@mec.cuny.edu
x6069, x6003, 24/7

Registrar

mecregistrar@mec.cuny.edu; x6040

Scholarships

mecscholarship@mec.cuny.edu; x6981

Student Government Association

student-gov@mec.cuny.edu; x6240

Student Life & Development

studentlife@mec.cuny.edu; areece@mec.cuny.edu; x6050

Student Success

studentsuccess@mec.cuny.edu; x6046

Testing Center

asktesting@mec.cuny.edu; x4835

Transition Academy

transitionacademy@mec.cuny.edu;
wboone@mec.cuny.edu; x6988

TRIO Student Support Services

TRIO@mec.cuny.edu; x4953
Cemokpae@mec.cuny.edu; x4963

Veteran and Military Services

mecvets@mec.cuny.edu; x6145

**To call an office from off-campus use (718) 270 + extension listed, unless otherwise noted*

ACADEMIC DEANS AND DEPARTMENT CHAIRPERSONS

School of Business

Zulema Blair, Interim Dean; zblair@mec.cuny.edu

ACADEMIC DEPARTMENT	CHAIRPERSON
Accounting	Paul Cox, pcox@mec.cuny.edu
Business Administration	Nathaniel Ezuma, ezuma@mec.cuny.edu
Computer Information Systems	Sikiru A. Fadairo, sfadairo@mec.cuny.edu
Economics and Finance	Emmanuel Egbe, egbe@mec.cuny.edu
Public Administration	Wallace Ford, wford@mec.cuny.edu

School of Education

Ken Hoyte, Interim Dean; khoyte@mec.cuny.edu

ACADEMIC DEPARTMENT	CHAIRPERSON
Developmental and Special Education	Donna Wright, dwright@mec.cuny.edu
Multicultural Early Childhood and Elementary Education	Tabora Johnson, tjohnson@mec.cuny.edu

School of Liberal Arts

Owen Brown, Dean; obrown@mec.cuny.edu

ACADEMIC DEPARTMENT	CHAIRPERSON
English & World Languages	Susan Alice Fischer, safischer@mec.cuny.edu
Mass Communications, Creative, Performing Arts and Speech	Glenn McMillian, gmac@mec.cuny.edu
Psychology	Hollie Jones, hjones@mec.cuny.edu
Social and Behavioral Sciences	David Orenstein, dorenstein@mec.cuny.edu

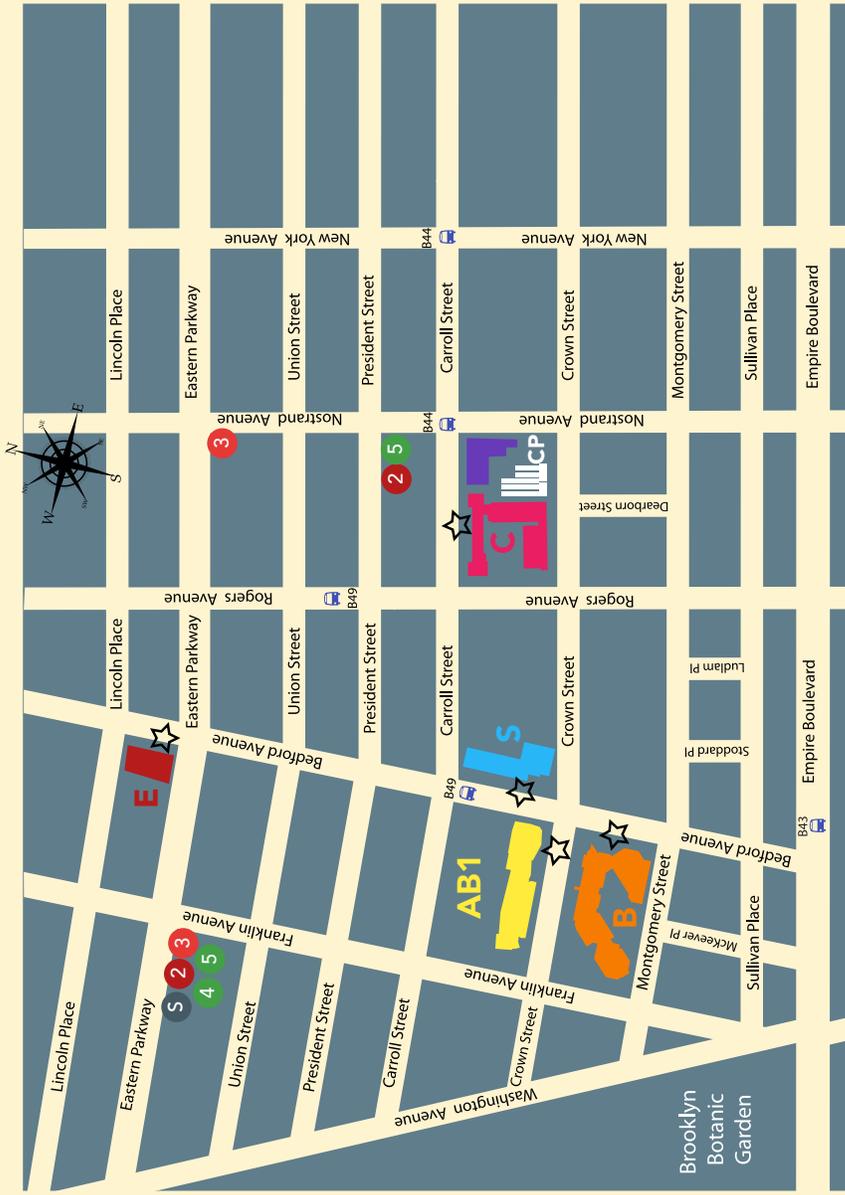
School of Science and Allied Health

Sandie Han, Dean; shu.han51@mec.cuny.edu

ACADEMIC DEPARTMENT	CHAIRPERSON
Biology	Chiyedza Small, csmall@mec.cuny.edu
Chemistry and Environmental Science	Oluwaseun Salako, osalako@mec.cuny.edu
Mathematics	Terrence Blackman, tblackman@mec.cuny.edu
Nursing	Shirley Daniels, daniels@mec.cuny.edu
Physical and Computer Science	Rosa Zavala-Gutierrez, rzgutierrez@mec.cuny.edu
Social Work	Edward Hernandez, ehernandez@mec.cuny.edu



MEDGAR EVERS COLLEGE CAMPUS MAP



- AB1** Academic Building I
1638 Bedford Avenue
- B** Bedford Avenue
1650 Bedford Avenue
- S** Student Services Building
1637 Bedford Avenue
- C** Carroll Building
1150 Carroll Street
- CP** Carroll Portables
Entry Through
1150 Carroll Street
- E** Eastern Parkway
1534 Bedford Avenue

MAP LEGEND:



MEC Preparatory School



Building Main Entrances
are ADA Accessible



Subway Stop



Bus Stop

REGISTRATION INFORMATION

Registrar:	Vacant 718-270-6040 office 718 270-6171 fax
Office:	S-107
Registrar:	Kirt Robinson mecregistrar@mec.cuny.edu 718-270-6040

GENERAL INFORMATION

Students register for classes according to the procedures established by the Registrar's Office. Students have the responsibility of keeping informed about their program of study and changes in College policies and procedures by consulting with their academic advisors, counselors, faculty mentors, and appropriate administrative offices. They should also refer to such College publications as the Catalog, Student Handbook, Semester Academic Calendar and DegreeWorks. The registration process for a student begins with filling out the advisement form, a document used to keep track of his/her program of study. It then proceeds to the selection and registration of courses and concludes with the payment of tuition and fees.

If a student has not met the requirements for admission or has outstanding debts, a "Stop" will be placed on the student's record and registration will be postponed until the "Stop" is cleared. Based on the type of "Stop", (i.e., Bursar, Financial Aid, Admissions, Athletic, Probation, Library, or Immunization) the student will be directed to the office responsible for clearing the "Stop." Once the "Stop" is cleared, the student can continue with the registration process.

1. Courses at Medgar Evers College are held Monday through Sunday.
2. Day Courses are held from 7:00 a.m. to 3:55 p.m., Monday through Friday.
3. Evening Courses are held Monday through Friday from 4:00 p.m. to 10:55 p.m.
4. Saturday Courses are held from 8:30 a.m. to 10:10 p.m.
5. Classes Held Off-campus may meet days, evenings, or weekends.
6. Sunday Courses are held from 9:00 a.m. to 8:40 p.m.

REGISTRATION CATEGORIES

- **New Students:** The Enrollment Office notifies new or First-Time Freshmen students of orientation and registration by mail or email or student email. Academic Advisement counselors are present during orientation and registration to assist students with the appropriate selection of courses based on students' individual academic background and Basic Skills Placement Test scores if applicable.
- **Readmit Students:** Students who are in good academic standing can apply for readmission during select times. Students seeking readmission must visit the Admissions Office to inquire about the final dates to file readmission applications for an upcoming semester. In order to be readmitted, students are mandated to settle any outstanding debts.

- **Transfer Students:** Students entering the College on an advanced standing basis and whose advanced standing credits have been evaluated are notified by the Admissions' Office when to register for classes upon posting of credit evaluation in CUNYfirst.
- **Continuing Students:** Registration for continuing students is ongoing via Schedule Builder during the registration period. Continuing students who have a "Stop" placed on their record will experience, delays in registration. Students should check CUNYFirst for the status of their records.

SCHEDULE BUILDER

Schedule Builder is a planning tool that helps students build an academic schedule that works best for them. With this tool, students can arrange selected courses into conflict-free timetable options making it easier to see what available options best fits into their personal and academic lives. Students must seek advisement before registering to ensure the correct selection of classes.

You may learn more by visiting the Schedule Builder page on the College's website. Tutorials are also available at www.cuny.edu/schedulebuilder.

ACADEMIC REVIEW & APPEAL COMMITTEE

The Academic Review & Appeal Committee (ARAC) at Medgar Evers College is tasked with the review and deliberation of all student petitions for reinstatement to the College, who are not in good academic standing and subsequently are ineligible to continue with their academic degree pursuits at MEC. In order to promote a thorough and holistic evaluation of all student petitions, ARAC is comprised of faculty members representing each of our academic schools, staff members from each academic advising unit, as well as the Financial Aid, Admissions and Registrar offices. The Committee meets at least twice during the fall and spring semesters.

All student petitions for reinstatement and supporting documentation must be submitted as hard copies to the designated offices below:

- ASAP Students: 718-804-8206, Room S-204
- SEEK Students: 718-270-4970, Room S-205
- Students under 30 credits, 718-270-4960, Room S-220
- Students with 30+ credits, 718-270-5170, Room S-220

Any issues or concerns regarding the petition for reinstatement process may be directed to the attention of the ARAC Chair, email: ARAC@mec.cuny.edu.

CUNYFIRST

CUNYFirst and the CUNY Portal: CUNYFirst (City University of New York Fully Integrated Resources and Services Tool) is a website that allows students to view semester class schedules and grades, access transcripts, view and/or pay their tuition, view financial awards, submit original documents if applicable, and update mailing address information.

How to Access

1. Go to <https://home.cunyfirst.cuny.edu> or <https://www.cuny.edu/about/administration/offices/cis/cunyfirst/#1>

2. Click on First-Time Users, then follow onscreen directions.

Student Email: Student Email allows Medgar Evers College students to send and receive email, receive College-wide news, updates, and other informative information from The City University of New York.

To access your account, you must visit the Medgar Evers College website at www.mec.cuny.edu.

1. Click the icon that reads Student E-mail.
2. On the page that follows, click the link which reads Student E-mail.
3. A log-in screen will appear.
4. In the area that reads User Name, type your first name, last name of your student email; i.e. john.smith@student.mec.cuny.edu.
5. Your password will be your date of birth in reverse YYYYMMDD, i.e., if your date of birth is June 7, 1977 then your password will look like this 19770607.

If you are unable to gain access, and do not have an account, please visit Academic Computing, Room B-2014; 1650 Bedford Avenue for assistance.

CUNY E-Permit via CUNY Portal: The Online Permit process allows students to plan to take courses at other CUNY Colleges without having to directly (in person) contact both the home and host colleges for approval. The intent of this process is to provide a convenient means of obtaining permission to register for courses offered at other CUNY colleges.

This will enhance the opportunity of graduating in a timely manner and allow students to pursue academic interests not offered at their home college. All ePermit requests are now available through students' CUNYfirst Account. The navigation is as follows: Self Service > Student Center > Other Academics > ePermit. Select the Term and ePermit option. Students must be currently enrolled for request being made for a subsequent semester; maintain a cumulative grade point average of 2.0; and pass all CUNY entrance exams if applicable.

REGISTRATION PROCEDURES

Before the registration period, students should:

1. Consult an Academic Advisor using one of the following links below:
 - Email: Acadvisecenter@mec.cuny.edu; or
 - Email: SEEK@mec.cuny.edu; or
 - Email: FYP@mec.cuny.edu; or
 - Email: ASAP@mec.cuny.edu; or
 - Email: acollins@mec.cuny.edu (School of Education)
2. Consult an Academic Advisor.
3. Plan a schedule of courses and an alternative schedule.
4. Remove all "Stops" and get financial aid clearance.
5. Be sure they have all the necessary forms and bring them on your scheduled day.

EARLY REGISTRATION

Early Registration is a process available to all students who are currently enrolled and in good academic standing. It is an opportunity for students to receive first choice of the courses that are offered the following semester. Registering early can save money and time. Early Registration for the fall semester

usually occurs during the first and second week of April. Students who register early also get an opportunity to bursar early, thus avoiding long lines found during the regular registration period. Students who register early in the fall can pay during the first and second week in July. Early Registration for the spring semester usually occurs during the first and second week of November. Students who register early for the spring semester can pay at that time or the first and second week of December.

REGULAR REGISTRATION

All students who failed to take advantage of Early Registration (continuing students) and those who could not (probation, first-time freshmen, transfers, re-admits), will receive a letter/postcard or email notice indicating the date and time they may register. If he/she does not receive a letter/postcard or email notice indicating the registration date and time:

1. Continuing Students should contact the Registrar's Office, 1637 Bedford Avenue, Room S-301, 718-270-6040 (Tel) or mecregistrar@mec.cuny.edu.
2. New, Transfer and Readmitted Students should contact the Admissions Office, 1637 Bedford Avenue, 718-270-6024 (Tel) or Admissions@mec.cuny.edu.

LATE REGISTRATION

The Late Registration period begins the first day of classes. During this time, a student can either register for courses or make changes to courses previously selected. Late Registration is the most critical period due to cancellations, and closed courses. In addition, there is also an additional fee of \$25.00 for registering late during this period.

PROGRAM CHANGE PERIOD

The Registrar's Office has two Program Change periods per semester. The first period is scheduled for students who register early, and the second occurs during late Registration. There is no fee charged to students who wish to make changes in their early registered schedule. However, students who wish to make changes during late Registration period will incur an \$18.00 fee.

REFUNDS

The refund periods are extremely important because of the timetable for refunding tuition. If a student wishes to receive a 100% refund, he/she must drop from all courses, either in person or via CUNYFirst before the first day of classes. A complete listing of all refund percentages and the applicable dates are outlined in the Academic Calendar. For additional information, please refer to the section of the catalog pertaining to Tuition, Fees and Refunds.

TUITION PAYMENT POLICY

You are legally bound to pay for courses once you are registered. If you decide not to attend the College, you are legally obligated to cancel your registration by "Officially Withdrawing" from courses prior to the first day of classes. If not, you will be billed and if you fail to pay your tuition, your credit may be adversely affected.

TRANSCRIPTS

Students can request their transcript through the College's online service by using one of the links listed below:

- <https://www.cuny.edu/about/administration/offices/registrar/transcripts/>
- <https://www.parchment.com/u/registration/33038/institution>

NAME CHANGES AND OFFICIAL DOCUMENTS

Students can send documents to their document uploader, which is through their CUNYfirst account.

To upload and submit documents using the CUNYfirst Document Uploader:

- Log into CUNYfirst.
- Select Student Center and navigate to Student Tools.
- Select Document Upload. The Document Upload page displays with your name and 8-Digit CUNYfirst ID.
- Using the Document Class drop-down menu, select one of the following document classes corresponding to the document to be uploaded:
 - Admissions
 - Financial Aid
 - Health Services
 - Registrar
- A Document Type drop-down menu is added to the Document Upload page.

Additional information can be found on the Registrar's webpage: Registrar's Office - Office of Admissions (cuny.edu).

BURSAR

DROPPING AND WITHDRAWING FROM COURSES

Tuition charges are based on registration; students are responsible for tuition charges notwithstanding attendance, completion and or grades for registered courses.

It is not guaranteed that classes associated with an unpaid balance are automatically dropped by the Bursar. Students are responsible to drop their courses if they are unable to attend and/or pay for registered courses. Courses drop by students on and after the first official day of the semester will incur tuition liability charges.

Students who withdraw from courses are a 100% liable for all tuition charges related to that course. In addition, withdrawing from courses could affect financial aid awards and eligibility. Students should consult with a financial aid counselor before withdrawing from classes to determine if a financial obligation will incur.

COURSE CANCELLATION

The Office of the Bursar reserves the right to cancel courses for students who do not satisfy their tuition payment by their due date. All Students whose classes are canceled by Bursar due to non-payment have the opportunity to re-register; however, it is not guarantee students will be able to re-register for the same courses canceled as registration is filled on a first-come basis.

OUTSTANDING BALANCES AND STOPS

A Bursar stop is placed on a student record if payment is not satisfied by the payment due date. A Bursar stop prevents a student from being able to enroll for courses at any CUNY school.

Bursar stops will only be lifted once the outstanding balance is paid in full. Students in arrears six months or more will be forwarded to a third-party collection agency.

WITHDRAWAL/DROP REFUNDS

The tuition bill payment will be refunded in full if classes are canceled prior to official start of classes and the student does not incur other university charges.

If registration is completed and classes are subsequently withdrawn from or dropped to part-time status, the refund if eligible will be made according to the Cuny Tuition Liability Schedule.

Beginning with the first official day of classes, students that drop below full-time or drop below their originally registered credit level may be assessed a tuition penalty. The tuition liability begins on the first day of classes as indicated in the official CUNY Academic Calendar regardless of attendance in class. Adjustments for tuition will be determined on the effective date of the drop. Any adjustment of charges will be made according to the CUNY Tuition Liability Schedule. Additionally, withdrawing may adversely affect financial aid awards allotted and may also result in creating a tuition liability to Medgar Evers College.

TUITION REFUND LIABILITY

Students who register during the college specified late registration period and settle their tuition bill creates a tuition refund liability. Late registration occurs after the first day of classes as stated in the official Medgar Evers College Academic Calendar.

No tuition refund liability is created until a tuition bill is settled. Once a tuition bill is settled, refund liability, if any, is based upon the refund schedule in the CUNY Tuition Liability Schedule.

REFUND OF EXCESS FINANCIAL AID

The CUNYfirst system will automatically refund the credit balance which is the result of Federal financial aid within TWO weeks of either the date the aid was credited to the student's account or the first day of the semester, whichever is later.

DIRECT DEPOSIT

For the quickest delivery of this refund, students should sign up for direct deposit. To enroll for direct deposit, go to Student Center>Finances – Enroll in direct deposit

REFUND BY MAIL

Students who do not choose direct deposit, will receive refund mailed to the address listed on CUNYfirst. Please make sure to update your contact information in CUNYfirst.

HOW REFUNDS ARE HANDLED

Excess funds will be refunded via the CUNYfirst system to the student directly, either by direct deposit or paper check. Direct deposit will deposit the funds to the bank account specified by the student. A paper check (made payable to the student) will be sent to the student's address as listed on CUNYfirst.

REFUNDS ISSUED IN ERROR

In the event that the student receives a refund in error Medgar Evers College reserves the right to

reclaim such funds.

529 PLAN RULES REGARDING EXCESS DISTRIBUTIONS

If there is an excess distribution of funds Medgar Evers College is unable to refund the 529 plan directly. Any excess funds from a 529 plan payment will be refunded to the student. Please refer to Publication 970 and consult a tax advisor or 529 plan administrator regarding the excess funds.

SPECIAL RULES AND EXCEPTIONS

- Credit balances based on check payments will be held for 7-21 days before a refund check is issued through CUNYfirst.
- Enrollment status must match financial aid packaging status (e.g., full-time, part-time, etc.) and the fee bill.
- Payments made by credit card/echeck will be refunded to the credit card/echeck account used to pay the tuition, which may or may not be the student's actual account (e.g., the parent's account).

HOW TO PAY

PAY ONLINE

You could use a debit/credit card and/or an e-check to pay online. There is a 2.65% processing fee for credit/debit card payments. E-check are free of charges.

1. Log in to your CUNYfirst account.
2. Navigate to Self Service > Student Center.
3. In the Finances section, click the Account Inquiry link.
4. On the Account Summary page, select the MAKE A PAYMENT

PAY IN PERSON

Our cashiering stations are located at S-308. Forms of payment accepted are cash and money order. Credit cards are not accepted in person.

NELNET TUITION PAYMENT PLAN

Log into CUNYFirst Self-Service and go to Student Center. Go to Finances and select Enroll/Manage Payment Plan. For additional help, please call Nelnet at 888-470-6014.

FINANCIAL AID

Be sure to apply for as many types of aid as you may be eligible for by filling out a Free Application for Federal Student Aid (FAFSA) and a Tuition Assistance Program (TAP) form. For additional information about financial aid please go to the Financial Aid Office website.

TUITION WAIVERS AND THIRD-PARTY CONTRACTS

If you have a waiver or third-party voucher, you must submit it to the cashiers at S-308 by your tuition payment due date. Waivers and vouchers submitted after this date may not be accepted.

The college does not send a paper bill to your home. All bills are available online.

Payment due dates are based on the first registration transaction. Please visit our website for the latest information on your tuition payment due date. Anticipated financial aid, Nelnet payment plans, waivers and third-party vouchers must be posted to the student account by the corresponding payment due



date. Tuition charges are based on registration.

Non-payment and not attending courses are not considered an official drop. If you do not plan on attending courses for any reason, please drop your courses prior to the first official day of the semester. Otherwise, you will be charged tuition liability for registered and dropped courses.

For more information, please visit our website: <http://www.mec.cuny.edu/bursar>

	NEW YORK STATE RESIDENTS	OUT-OF-STATE RESIDENTS
Full-Time Students	\$ 3,465.00 per semester	\$ 620 per credit
Part-Time Students	\$ 305 per credit	\$ 620 per credit
Non-Degree Students	\$ 445 per credit	\$ 915 per credit
Student Activity Fee (Full-Time)	\$ 90.00 per semester	\$ 90.00 per semester
Student Activity Fee (Part-Time)	\$ 58.00 per semester	\$ 58.00 per semester
Consolidated Service Fee	\$ 15.00 per semester	\$ 15.00 per semester
University Senate Fee	\$1.45 per semester	\$1.45 per semester
Technology Fee: Full-Time	\$ 125.00 per semester	\$ 125.00 per semester
Technology Fee: Part-Time	\$ 62.50 per semester	\$ 62.50 per semester
Late Registration Fee	\$ 25.00	\$ 25.00
Program Change Fee	\$ 18.00	\$ 18.00
Transcript Fee	\$ 7.00	\$ 7.00
Transfer Application Fee	\$ 70.00	\$ 70.00
Non-Degree Application Fee	\$ 65.00	\$ 65.00
Re-Admission Fee	\$ 20.00	\$ 20.00
Duplicate ID Card	\$ 10.00	\$ 10.00
Duplicate Diploma Fee	\$ 30.00	\$ 30.00
Bad Check Fee	\$ 20.00	\$ 20.00

**Effective Fall 2025 Semester*

DEFINITION OF TERMS PERTAINING TO TUITION AND FEES

- 1. New York State Resident:** A resident student is one who has had his or her principal place of abode in New York State for a period of at least twelve consecutive months immediately preceding the first day of classes for the semester for which the residency determination is made, and states his or her intention to live permanently and maintain his or her principal place of abode in New York State.
- 2. Full Time (Undergraduate):** A student who is enrolled for 12 or more credits or the equivalent.
- 3. Part Time (Undergraduate):** A student who is enrolled for fewer than 12 credits or the equivalent.

- 4. Activity Fee:** The Activity Fee is paid by all students each semester in which they register for courses. It covers the use of the library, campus facilities, free admission to social and cultural events.

SPECIAL FEES

- **Late registration:** \$25 beginning with the first day of the term.
- **Program changes:** \$18 for adding a course. A student who adds and drops a course at the same time must pay the \$18 fee. The fee will cover all additions made at one time by telephone, online, or in person.

IMPORTANT NOTICE

If you have already graduated with a bachelor's degree from college and have registered for additional courses, your tuition is subject to change to the non-degree rate.

OFFICE OF FINANCIAL AID

The Office of Financial Aid assists students in achieving their educational goals through a variety of financial resources. We administer federal, state, and institutional funding to eligible students in the form of grants, work-study, loans, and scholarships.

Eligible students must complete the Free Application for Federal Student Aid (FAFSA) and State Aid Application (if applicable) to receive federal and state funding: www.fafsa.gov.

Financial Aid representatives are available to address any questions and concerns students may have regarding aid eligibility.

FINANCIAL AID OFFICE
1637 Bedford Avenue, Room S-110

FAFSA LAB
1637 Bedford Avenue, Room S-106

FINANCIAL AID PROGRAMS

Federal Pell Grant (PELL)

Pell is a Federal program awarded to all applicants who meet certain eligibility criteria. Applicants must:

1. Be enrolled as a matriculated student
2. Be in an eligible program
3. Be a U.S. citizen or eligible non-citizen
4. Have a High School Diploma or GED, pass an approved ability to benefit test (ATB), enroll in a school that participates in an approved state process, or complete his or her state's requirements applicable to homeschooling
5. Maintain satisfactory academic progress as defined by the institution
6. Not be in default on a Title IV Student Loan borrowed for attendance at any institution
7. Not owe a repayment on a Title IV Grant for attendance at any institution
8. Not have borrowed in excess of Title IV Loan limits

9. Demonstrate financial need

EXPECTED FAMILY CONTRIBUTION/HOW IS AID DETERMINED

Expected Family Contribution (EFC) is an index number calculated by contributing factors like family taxes, assets, and benefits. Your EFC is used to determine your eligibility of financial aid.

Wondering how the amount of your federal student aid is determined? Check here: [https:// studentaid.gov/complete-aid-process/how-calculated](https://studentaid.gov/complete-aid-process/how-calculated)

FEDERAL PELL GRANT PROGRAM - LIFETIME ELIGIBILITY USED (LEU)

Once you have received a Pell Grant for 12 semesters, or the equivalent, you will no longer be eligible for additional Pell Grants. You are eligible to receive a Pell Grant for up to 12 semesters or the equivalent. If you have exceeded the 12-semester maximum, you will lose eligibility for additional Pell Grants. Equivalency is calculated by adding together the percentage of your Pell eligibility that you received each year to determine whether the total amount exceeds 600%.

For example, if your maximum Pell Grant award amount for the 2025-2026 school year is \$6,930 but you only receive \$3,465.00 because you were only enrolled for one semester, you would have used 50% of your maximum award for that year. If in the following school year, you were enrolled only three-quarter time, you would have used 75% of your maximum award for that year. Together, you would have received 125% out of the total 600% lifetime limit. To track your LEU, visit www.NSLDS.ed.gov.

To be eligible for additional Pell Grant funds:

- Student must be eligible to receive Pell Grant funds for the payment period.
- Student must be enrolled at least half-time in the payment period(s) (6 credit hours) during the semester the student exceeds 100 percent of the Pell award.
- Student must be maintaining Satisfactory Academic Progress.

FEDERAL STANDARDS FOR SATISFACTORY ACADEMIC PROGRESS (SAP)

Federal Satisfactory Academic Progress (SAP) and program pursuit standards require a student to have a Minimum GPA of a "C" average (2.0 GPA) by the end of their second academic year. Further, to be eligible to receive assistance from all Title IV Programs, students, after their fourth semester of study, must complete a certain number of credits in relation to the credits they have attempted, and have the appropriate Grade Point Average at the beginning of the semester in which they are seeking payment. Students are required to complete their coursework in no more than 150 percent of an academic program's published length.

Appeal of Financial Aid Probation/Suspension

A student may appeal a determination of "Not Meeting Satisfactory Academic Progress" (SAP) for Title IV aid through the following procedure:

1. Submit a Satisfactory Academic Progress Appeal. The application contains the following information:
 - a. reasons why his/her did not achieve the minimum academic requirements;
 - b. reasons why his/her aid should not be terminated, and,
 - c. supplement any written appeal with documentation to support why satisfactory academic progress was not maintained.

2. Appeals will be reviewed by a committee to determine if the student's claim is justified. The student is then advised of the decision.

Please contact the SAP office at SAP@mec.cuny.edu for further details.

Under this standard, all undergraduate students are expected to maintain a minimum cumulative GPA based on the number of credits attempted as in the following table:

CREDITS ATTEMPTED	MINIMUM GPA
.001 - 12.999	1.50
13 - 24.999	1.75
25 - upward	2.00

Thus, all students eligible to receive Title IV financial aid awards must maintain Satisfactory Academic Progress in his or her educational program to be awarded aid. Below is an SAP Chart, which displays the attempted credits and the required minimum earned credits needed to meet progress (Pace of Progression) in order to receive Title IV awards for the academic year.

SATISFACTORY ACADEMIC PROGRESSION (SAP) CHART

AA DEGREE MAXIMUM TIME-FRAME (60 CREDIT DEGREE X (1.5) = 90)						
Credits Attempted	16 - 20.999	21 - 25.999	26 - 30.999	31 - 35.999	36 - 40.999	41 - 45.999
Required Percentage of Credits Earned	9.99	14.99	19.99	24.99	33.99	42.99

AA DEGREE MAXIMUM TIME-FRAME (60 CREDIT DEGREE X (1.5) = 90)						
Credits Attempted	46 - 50.999	51 - 55.999	56 - 60.999	61 - 65.999	66 - 70.999	71 - 75.999
Required Percentage of Credits Earned	45.99	49.99	53.99	55.99	57.99	59.99

ASSOCIATE DEGREE MAXIMUM TIME-FRAME (60 CREDIT DEGREE X (1.5) = 90)				
Credits Attempted	76 - 80.999	81 - 84.999	85 - 90.000	90.001 - 999.999

Required Percentage of Credits Earned	61.99	64.99	66.69	99.99
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BACHELOR DEGREE MAXIMUM TIME-FRAME (60 CREDIT DEGREE X (1.5) = 180)						
Credits Attempted	25 - 30.999	31 - 36.999	37 - 45.999	46 - 48.999	49 - 60.999	61 - 72.999
Required Percentage of Credits Earned	14.99	24.99	34.99	39.99	44.99	49.99

BACHELOR DEGREE MAXIMUM TIME-FRAME (60 CREDIT DEGREE X (1.5) = 180)						
Credits Attempted	73 - 94.999	95 - 120.999	121 - 129.999	130 - 138.999	139 - 150.999	151 - 151.999
Required Percentage of Credits Earned	54.99	59.99	60.99	61.99	62.99	63.99

BACHELOR DEGREE MAXIMUM TIME-FRAME (60 CREDIT DEGREE X (1.5) = 180)				
Credits Attempted	152 - 156.999	157 - 164.999	165 - 180.999	181 - 999.999
Required Percentage of Credits Earned	64.99	63.99	66.69	99.99

WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

The William D. Ford Federal Direct Loan Program provides student and parent loans. The Direct Loan Program differs from traditional student loan programs in that the Federal Government provides the loan principal; private lenders are not involved. (Flexible repayment options and consolidation are also available.)

On Direct Subsidized Loans the Federal Government pays the accruing interest on the loan while the student is in school and during certain deferment periods. All students must complete a FAFSA in order to apply for a Direct Loan. An entrance counseling interview is required and the completion of Master Promissory Note (MPN). An Exit Counseling Interview is required after the student has graduated or stops attending school for any reason(s). The loan is need-based and a student may not borrow more than his/her need. A student's financial need is based on the following formula:

$$\text{Cost of Attendance} - \text{Estimated Family Contribution} = \text{Financial Need}$$

DIRECT UNSUBSIDIZED LOANS

A student in need of additional aid may apply for a Direct Unsubsidized Loan. (Interest accrues from the date of loan origination and is the responsibility of the borrower.) For this type of loan, repayment of loan principal does not begin until the student has left school and the grace period has expired. An entrance counseling interview and the completion of a Master Promissory Note (MPN) is required. An Exit Counseling Interview is required after the student has graduated or stop attending school for whatever reason(s).

FEDERAL DIRECT PLUS LOAN

FPLUS Loans make funds available to parents borrowing on behalf of their children. The loan is unsubsidized, so parent borrowers are responsible for accruing interest from the date of loan origination.

Repayment begins while the student is still in school and there is no grace period. FPLUS Loans may be counted as part of the expected family contribution and are not based on demonstrated financial need.

Loan amounts depend on the student's year in school and enrollment status. All students must be enrolled on at least a half-time basis to qualify for a loan.

Borrowers of all Direct Loan Programs must sign a promissory note agreeing to repay the loan.

CITY UNIVERSITY SUPPLEMENTAL TUITION ASSISTANCE (CUSTA)

The CUSTA Award is a City University administered program to assist students who experience a reduction in their TAP Award in their 5th semester of TAP eligibility. To be eligible for the CUSTA Award, students must be:

1. Enrolled in an undergraduate program at a CUNY Senior or Technical College.
2. Enrolled on a full-time basis.
3. Eligible for the maximum TAP Award.
4. At least a fifth-semester TAP eligible recipient who has not exhausted their TAP eligibility.

The Search For Education, Elevation And Knowledge (Seek) Program: This Program assists in providing higher education opportunities for educationally and economically disadvantaged students. Students are provided with specialized counseling, tutorial services, academic instruction, and additional financial aid stipends for books and fees. Requirements for eligibility are on the Freshmen Application for Admissions.

Accelerated Study In Associate Programs (ASAP): ASAP assist students in earning associate degrees within three years by providing a range of financial, academic, and personal supports including comprehensive and personalized advisement, career counseling, tutoring, waivers for tuition and mandatory fees, MTA MetroCards, and additional financial assistance to defray the cost of textbooks. To learn more about ASAP eligibility, visit ares.mec.cuny.edu/academic-affairs/asap.

STATE PROGRAMS

Tuition Assistance Program (TAP): TAP is a State Grant Program for New York State residents attending postsecondary institutions fulltime in the state. The Program provides grant assistance to help eligible students meet tuition charges.

1. Students in associate degree or certificate programs are eligible for up to three years of assistance (36 payment points).
2. Students in bachelor degree programs are eligible for up to four years of assistance (48 payment points).
3. SEEK students are eligible for up to five years of assistance (60 payment points).

Awards vary according to tuition charges, type of institution attended, family net taxable income and the academic year in which the student receives his/her first payment. At Medgar Evers College, the minimum award is \$100 and the maximum is 86% of the cost of tuition.

Applicants must apply annually to be considered for this program. The TAP application can be completed at <http://www.hesc.ny.gov>.

After the application has been completed, Higher Education Services Corporation (HESC) will determine the students' eligibility and will mail a response directly to the student.

For additional information on all Financial Aid Programs, please visit the website at <https://www.mec.cuny.edu/admissions/financial-aid/types-of-financial-aid/>

Part-Time TAP: Part-Time TAP is a program from New York State that allows for partial TAP payments for students taking 6 to 11 credits. To apply you must complete a FAFSA and a TAP application.

Aid For Part-Time Study (APTS): APTS is a State Financial Aid Program for part-time undergraduate students. To be eligible for an APTS award, students must enroll for at least 3 credits but less than 12 real/equated credits. A minimum of 3 credits must be real credits. APTS recipients must be in good academic standing, i.e. maintain a grade point index of at least 2.0. To be considered for APTS student must meet academic requirements, complete a FAFSA, a TAP application along with the CUNY Supplement form located on CUNYfirst Student Service Center. Awards are also based on availability of funds against the allocated budget and on a first-come, first-serve basis.

Summer TAP: Students who elect to use TAP during the summer session must register for 6-degree credits. These 6-degree credits will be counted as 3 TAP points. Student must also indicate school code 1415 on the TAP application for the summer term for which the student plans to be considered.

State Standards For Academic Performance: State eligibility standards require students to complete a certain percentage of course work, accrue a certain amount of credits and have an appropriate cumulative Grade Point Average (GPA) at the beginning of each semester of state supported study. Please refer to the chart below which outline these requirements.

State Aid and Tap Academic Performance Charts: The New York State Tuition Assistance Program (TAP) Performance Charts apply to all students receiving payments from the TAP program.

Good academic standing requirement for New York State financial aid programs consists of both an "Academic Progress" and a "Program Pursuit" component as explained below:

To be eligible for a TAP award, students must be enrolled for at least 12-15 credits or the

equivalent. Courses may be counted toward full-time study only if they are applicable toward a degree. Electives are acceptable when taken in accordance with published degree requirements. A student may take courses not applicable to a degree in a given semester as long as the coursework is above the minimum full-time requirement of 12-15 credits.

Undergraduate students may receive TAP awards for eight semesters; SEEK students may receive TAP awards for 10 semesters.

TO RECEIVE EACH TAP PAYMENT:

- You must have completed a specific number of credits in the previous TAP semester
- You must have accumulated a specific number of credits towards your degree
- You must maintain a specific minimum GPA (grade point average)
- You must have declared a major by the time you complete 60 credits

In order to receive TAP and scholarships, a student must meet specific academic standards. Students will be evaluated depending on when they received their first TAP payment and whether they are in a remedial program.

Standard of Satisfactory Academic Progress for the Purpose of Determining Eligibility for State Student Aid.

Effective 2010-2011 for non-remedial students receiving first NYS award payment in 2010-2011 and thereafter. Remedial students and students enrolled in an approved certificate program will use the 2006 SAP charts.

PROGRAM: BACCALAUREATE PROGRAM										
Calendar: Semester 2010-11 and thereafter (non-remedial students)										
Before Being Certified for This Payment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
A Student Must Have Accrued at Least This Many Credits	0	6	15	27	39	51	66	81	96	111
With At Least This Grade Point Average	0	1.5	1.8	1.8	2.0	2.0	2.0	2.0	2.0	2.0

PROGRAMS: ASSOCIATE PROGRAM

Calendar: Semester 2010-11 and thereafter (non-remedial students)

Before Being Certified for This Payment	1st	2nd	3rd	4th	5th	6th
A Student Must Have Accrued at Least This Many Credits	0	6	15	27	39	51
With At Least This Grade Point Average	0	1.3	1.5	1.8	2.0	2.0

Note: The 2011-12 enacted NYS budget mandates the following standards of progress, enacted in 2006-07, shall be used for non-remedial students who first receive State aid in 2007-08 through 2009-10 and for students who meet the definition of “remedial student” in 2010-11 and thereafter. The enacted budget defines remedial for purposes of SAP.

Standard of Satisfactory Academic Progress for the Purpose of Determining Eligibility for State Student Aid

PROGRAM: BACCALAUREATE PROGRAM

Calendar: Semester 2006-07, 2007-08 through 2009-10 and 2010-11 and thereafter remedial students (if a student’s first award was in 2010-11 and thereafter, and he/she does not meet the definition of a remedial student, see charts for non-remedial students)

Before Being Certified for This Payment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
A Student Must Have Accrued at Least This Many Credits	0	3	9	21	33	45	60	75	90	105
With At Least This Grade Point Average	0	1.1	1.2	1.3	2.0	2.0	2.0	2.0	2.0	2.0

PROGRAMS: ASSOCIATE PROGRAM

Calendar: Semester Calendar 2006-07, 2007-08 through 2009-10 and 2010-11 and thereafter remedial students (if a student's first award was in 2010-11 and thereafter, and he/she does not meet the definition of a remedial student, see charts for non-remedial students)

Before Being Certified for This Payment	1st	2nd	3rd	4th	5th	6th
A Student Must Have Accrued at Least This Many Credits	0	3	9	18	30	45
With At Least This Grade Point Average	0	0.5	0.75	1.3	2.0	2.0

THE AMERICAN WITH DISABILITIES ACT (ADA) STUDENTS

Beginning with the 2015-2016 academic year, for ADA students who received their first state award during the 2010-2011 academic year and thereafter and who are enrolled less than full-time, good academic standing will be determined using new SAP standards which does not modify the requirements for disabled students, but aligns them to be equivalent with those required of full-time students.

PROGRAM: BACCALAUREATE PROGRAM

Calendar: Semester 2015-16 and thereafter (ADA Part-time students)

Before Being Certified for This Payment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
A Student Must Have Accrued at Least This Many Credits	0	3	9	21	33	45	60	75	90	105
With At Least This Grade Point Average	0	1.1	1.2	1.3	2.0	2.0	2.0	2.0	2.0	2.0

Students with a part-time course load that includes noncredit remedial courses must carry at least three semester hours of credit-bearing work, pursuant to section 145-2.1(a)(1) of the Commissioner's Regulations: "Effective for academic terms beginning on or after July 1, 1984, a student carrying a part-time program that includes noncredit remedial courses shall carry at least three semester hours a semester." That means, for example, that a student taking the minimum three semester hours must enroll only in credit-bearing courses.

PROGRAMS: ASSOCIATE PROGRAM

Calendar: Semester 2010-11 and thereafter (non-remedial students)

Before Being Certified for This Payment	1st	2nd	3rd	4th	5th	6th
A Student Must Have Accrued at Least This Many Credits	0	3	9	18	30	45
With At Least This Grade Point Average	0	0.5	0.75	1.3	2.0	2.0

EXCELSIOR SCHOLARSHIP

The Excelsior Scholarship provides aid to two-year and four-year college students, who resident in New York State, and whose families earn up to \$125,000 annually for the 2021–2022 academic year. Eligible students can take advantage of Excelsior after all other aid is applied.

For further information on the Excelsior Scholarship, please visit the Office of Financial Aid or www.hesc.ny.gov/Excelsior.

NEW YORK STATE JOSÉ PERALTA DREAM ACT

The Senator José Peralta New York State DREAM Act gives undocumented and other students access to New York State–administered grants and scholarships that support their higher education costs. The DREAM Act opens the doors of higher education to thousands of students, providing access to the Excelsior Scholarship, Tuition Assistance Program, and other state administered scholarships that were not previously available to them. You do not need to complete a Free Application for Federal Student Aid (FAFSA) application.

Please visit the website at: <https://www.hesc.ny.gov/dream>. If you meet the eligibility criteria, complete the NYS DREAM Act application to apply for one or more HESC-administered grant and scholarship programs.

SCHOLARSHIPS

The College awards merit and need-based scholarships to selected students who meet criteria. Fall 2021 will launch the start of the MEC Scholarship Hub where students can find information and apply to available opportunities. For updates on accessing the Hub, please check the Financial Aid landing page.

For questions about specific awards, please email us at mecscharship@mec.cuny.edu

FRESHMAN YEAR PROGRAM

The mission of the Freshman Year Program (FYP) is to provide a comprehensive guide to being successful in college as well as a foundation to a particular area of study or concentration. The program assist students in developing the confidence and necessary drive and skill set to transition from high school to college, and to complete their course of study in a timely manner. FYP intends to fulfill this mission via the following goals/objectives: 1) demonstration of knowledge of self; 2) exiting developmental/remedial skills courses; 3) accumulating 30 credits prior to the start of their second academic year; 4) demonstrating critical thinking skills; 5) technological proficiency; 6) civic engagement; 7) career orientation; 8) relating to diversity, and 8) providing students with a smooth transition into their Sophomore Year of College. It culminates into a Freshman Year Experience that integrates and incorporates both academic and non-academic programming that facilitates a socially inclusive and supportive environment to address the social, emotional, and academic needs of our students.

COURSE DESCRIPTIONS

Freshman Seminar 101 (FS 101): is designed to provide first-time college students and first and second semester Re-Admit students with the necessary skills required for a successful college experience. Five interdisciplinary modules will be presented: Bonding, Orientation, Study/Library Skills, Wellness, and Education/Careers.

Freshman Seminar 102 (FS 102): will be a focal point for the development of critical thinking and research skills via established learning communities between LIB 100 and an introductory course of the student's major. Students will have the benefit of taking three courses in a cohort with their peers that will highlight and reinforce their FS 101 learning experiences. They will have the opportunity to become more research-oriented in the context of their majors and minors, complete a service-learning component, become exposed to internships, and expand their career opportunities in their discipline.

GOALS/OBJECTIVES

Students will use critical thinking skills to:

1. Develop their own interests, values, and skills through targeted activities and career assessments.
2. Develop a personal brand that is reflected in an e-portfolio
3. Develop an effective biography, cover letter, resume, and elevator pitch
4. Learn effective interviewing techniques and communication strategies to positively impact employers
5. Develop an understanding and an awareness of organizations, its structure, the job description and evaluation
6. Compare and contrast themselves with successful individuals within their career fields to see what worked and what didn't
7. To learn and discuss the practical knowledge needed to assist them in making informed financial and life skill decisions upon graduation.
8. Analyze and apply multiple sources of financial information when prioritizing financial decisions.
9. Learn about graduate and professional education programs that are affiliated with their majors and career choices.

STUDENT LEARNING OUTCOMES

At the end of this course students will be able to:

1. Effectively research career opportunities and job engines that reflect a personalized career development plan (developed in FS 101).
2. Utilize technological tools such as e-portfolio to develop and update their personal brand that is reflected on the internet
3. Assess and articulate where they see themselves within an organization that is affiliated with their career goals and how to get promoted within that organization
4. Analyze the relationship between various careers and personal earning goals.
5. Create their own personalized career development plan set and achieve financial goals
6. Analyze how personal and cultural values impact spending and other financial decisions
7. Master time management strategies that will transform to the world of work and wellness

1637 Bedford Avenue, Room S-219
Brooklyn, New York 11225
718-270-4960 • fyp@mec.cuny.edu

ACADEMIC ADVISING CENTER

The mission of the Academic Advising Center (AAC) is to provide students above 29 credits with accurate advisement, information, and resources related to curriculum requirements, academic standards, college policies, procedures and regulations, and personal concerns that may affect their academic performance.

Our advising philosophy takes a developmental approach, stressing the advisor-student relationship and the active role of students in developing an academic plan that is consistent with their academic and professional goals. The AAC's operation is based on a dual model, which entails providing academic advisement and faculty mentoring services to students via an assigned academic advisor and department faculty. This model enables advisors and faculty mentors to work collaboratively to meet students' needs while simultaneously addressing factors that influence student retention.

GOALS

The primary goal of the Academic Advising Center is to provide effective academic advising services to our students. The Center's motto "Preparation, Professionalism, Dedication" reinforces our intrusive advisement methodology that provides for initial review, follow-up, continued outreach, and appropriate interventions to cultivate students' academic progress and success.

Each Academic Advisor assists students with the following:

- Creating an Education Action Plan if on academic probation
- Mapping four-year degree plan via DegreeWorks to ensure timely graduation
- Utilizing DegreeWorks advising/graduation audit system and Navigate appointment and communication systems
- Developing educational and professional goals during their undergraduate college experience and beyond
- Understanding the purpose of general education and its relation to curricula

- Identifying and assisting with resolving pedagogical issues related to grades, academic progress, and degree completion
- Addressing personal, social, and financial problems which serve as barriers to academic success
- Reviewing and resolving TAP course issues
- Filing for a change of major
- Liaising with Department Chairpersons to resolve issues
- Filing for graduation
- Other academic matters that may impede academic progress

Students can schedule a thirty-minute appointment to speak with their assigned academic advisor or “walk-in” to utilize our fifteen-minute fast-track available advisor service.

ADVISOR-ADVISEE EXPECTATIONS FOR PROFESSIONAL ADVISORS AND STUDENTS

Academic advising is a two-way street. Your professional advisor has responsibilities to you, but you must also fulfill expectations.

You can expect your advisor to:	Your advisor expects you to:
Listen to your interests and concerns and respect your values and decisions	Utilize Navigate to schedule and attend advising appointments at least once per semester before advance registration
Be courteous, welcoming, supportive, and respectful	Be courteous, open, and respectful
Provide accurate, clear, and timely information about degree requirements, policies, procedures, and deadlines	Read and check your assigned student email account and Degree Works regularly
Be knowledgeable about current campus resources, services, and opportunities and make appropriate referrals to support your success	Come prepared and on time to each advising appointment, having reviewed your degree requirements, educational plan, and course options
Support you in exploring and defining your academic, career, and personal goals	Bring a list of questions to your advising appointment and ask questions of your advisor if you do not understand something being discussed
Assist you in developing a holistic educational plan that incorporates degree requirements and is consistent with your interests, abilities, and goals	Take an active role in discussing your interests, skills, abilities, goals with your advisor
Work with you to monitor your success and progress toward meeting your educational plan	Be open to receiving feedback and advice

You can expect your advisor to:	Your advisor expects you to:
Offer advice on how to make the most of your educational experience, strengthen your learning, and develop skills to help you in the classroom and the workplace	Work with your advisor to develop an educational plan consistent with your academic and career interests, abilities, and goals
Discuss your academic and career interests and experiential learning opportunities that support those and help you achieve your educational plan	Become knowledgeable about campus resources, policies, procedures, and deadlines
Encourage you to build and maintain relationships with faculty and staff on campus	Explore your academic and career interests by seeking advice and information from individuals, offices, and experiential learning opportunities
Empower you to be an active participant in your education, make informed decisions, and develop short- and long-term goals	Monitor your learning, academic success, and progress toward degree completion each semester
Be available to advise you through scheduled appointments, email, or other types of meetings	Provide the requested information and follow through on referrals
Maintain accurate advising records and protect confidentiality according to FERPA guidelines	Seek assistance from your advisor as soon as possible if you experience extenuating circumstances
Stay abreast of campus policies, procedures, and curriculum, as well as advising best practices	Take responsibility for and ownership of your educational plan

1637 Bedford Avenue, Room S-219
 Brooklyn, New York 11225
 718-270-5170 • AcademicAdvising@mec.cuny.edu

PERCY ELLIS SUTTON SEARCH FOR EDUCATION, ELEVATION AND KNOWLEDGE (SEEK) PROGRAM

The Percy Ellis Sutton Search for Education, Elevation and Knowledge (SEEK) Program, one of the major initiatives of The City University of New York (CUNY), was created by the Board of Higher Education of The City University in 1964. In 2009, the SEEK Program was renamed in honor of Percy E. Sutton, who was instrumental in the creation of the program. SEEK is designed for students who require financial and academic support to complete a college education. Students in the program receive up to ten semesters of economic and academic support while meeting the requirements towards a baccalaureate degree and up to six semesters to complete an associate degree.

Basic Skills instruction, individual and group counseling, and academic support services are provided

to each Special Programs/SEEK student by faculty and staff who have a wealth of experience in these areas. Students also receive a financial aid stipend for educational expenses. Funding of these supportive services is provided by The New York State Higher Education Opportunity Program Act. At Medgar Evers College, the primary goal of the SEEK Program is to provide students with the financial, academic, and psychosocial resources needed to succeed while in college, and upon graduation.

THE MAJOR OBJECTIVES OF THE SEEK PROGRAM

1. To provide a permanent and structured program of special assistance to students who require and can utilize supportive services to overcome educational and economic disadvantages to obtain a quality college education and to expand career and social options available to them.
2. To provide, by means of special funding, a range of intensive supportive services (as provided for under the Higher Education Opportunity Act) to aid each Special Programs student to bridge, as successfully and expeditiously as possible, the gap between basic skills instruction and the regular college curriculum.
3. To explore, develop, and demonstrate innovative techniques to enable students to achieve their academic goals.

1637 Bedford Avenue, Room S-205 • Brooklyn, New York 11225
718-270-4970 • seek@mec.cuny.edu

ACADEMIC ELIGIBILITY

An applicant is academically eligible for SEEK if:

1. Has a high school diploma or a state-approved equivalency diploma.
2. Has an academic average of less than 80% or ranks at the 65th or lower percentile of his or her graduating class if he/she is currently enrolled in high school at the time of application.

ECONOMIC ELIGIBILITY 2022-2023	
Number in Household (Including head of household)	Total Annual Household Income
1	\$27,861
2	\$37,814
3	\$47,767
4	\$57,720
5	\$67,673
6	\$77,626
7	\$87,579
8	\$97,532
For more than 8 persons	Add \$8,288 for each additional person

ACCELERATED STUDY IN ASSOCIATE PROGRAMS (ASAP)

Accelerated Study in Associate Programs (ASAP) is a comprehensive program for students pursuing their Associate degree. ASAP is designed to help students earn their degrees as quickly as possible by providing a range of financial, academic and personal supports.

Key ASAP program features include a dedicated ASAP Advisor to guide your progress from entry to graduation, access to a OMNY cards, textbook stipend, career development, and tuition scholarship for financial aid eligible students.

ASAP ELIGIBILITY CRITERIA

- Complete all CUNY admissions requirements.
- Be a New York City resident and/or eligible for in-state tuition.
- Agree to study full-time (minimum 12 credits per semester) in an ASAP-approved Associate degree program.
- Complete the FAFSA at <http://www.fafsa.gov> and the New York State TAP application at <https://www.hesc.ny.gov/>. Undocumented students are eligible to apply to Senator Jose Peralta's NYS Dream Act for additional financial assistance at: <https://www.hesc.ny.gov/dream/> (Students not in receipt of financial aid but otherwise eligible may join ASAP but are responsible for paying all tuition and fees).
- Current CUNY or transfer students may have 16 or fewer credits at the completion of the semester prior to entering the program and must be good academic standing (GPA of 2.0 or above).
- Be fully skills proficient or have no more than one outstanding deep developmental course needs at the time of entry.
- Students interested in joining ASAP should contact 718-804-8209, email: asap@mec.cuny.edu, or visit the ASAP office in the S-Building (1637 Bedford Avenue), Room 206.

CULTIVATING HOLISTIC ACADEMIC MINDSETS TO PROMOTE STUDENT SUCCESS (CHAMPSS)

Through a generous grant from the Office of the Mayor of New York, Medgar Evers College received a \$20 million grant, the largest in institutional history. With this transformative gift, we are implementing the MEC Cultivating Holistic Academic Mindsets to Promote Student Success (CHAMPSS) Program, designed to provide first-year freshman, transfer students, and continuing students comprehensive support services that include financial, social, and academic advisement to ensure successful matriculation experience at the College, leading to the completion of a baccalaureate degree.

PARTICIPATION AND CRITERIA

The program launched in the Fall of 2022 with 255 students in the initial cohort. To participate students are required to complete an application and must meet the following requirements:

- Freshman, current full-time, transfer or re-admit degree-seeking MEC students.
- 2.0 or better Grade Point Average.
- Students must have demonstrated financial need.

Students selected for the CHAMPSS Program at MEC will be required to sign an agreement that requires them to fully participate in all programs, mandatory orientation, and activities. Failure to abide by the expectations of the program may result in students' losing eligibility for the program.

Program Hallmark Incentives:

- Financial Assistance to close the cost of attendance gaps.
- Students are eligible for up to \$3,500 per semester. CHAMPSS funds are awarded after all other aid and scholarships are applied.
- Book scholarships
- Metro cards to assist with transportation (for in-person classes)
- Priority advisement and registration
- Professional learning and student development opportunities
- Communications Skill-Building Enhancement
- Tiered mentoring opportunities with Faculty/Staff and peers
- Access to counseling services as needed

STAFF AND ADVISORS

The dedicated staff of the CHAMPSS Program will work with the students to ensure each student is supported every step of the way. Participants will be guided towards completing 30 credits per academic year to keep them on track to graduate in four-years (bachelor's) and two-years (transfers with associates). By integrating the appropriate academic and social supports in the program, students will be able to focus on their education without the distractions and challenges that can often derail success.

1637 Bedford Avenue, Room S-124
Brooklyn, New York 11225
718-270-6024 • CHAMPSS@mec.cuny.edu

ACCESSIBILITY AND ACCOMMODATIONS SERVICES

The Office of Accessibility and Accommodations Services is located in the B-1020-1024 suite in the 1650 Bedford Avenue building. The Office is responsible for authorizing and providing accommodations to students, faculty, and staff members with disabilities. The accommodations provided are in accordance with and under the regulations and guidelines of the Americans with Disabilities Act. The Office serves all individuals based on appropriate documentation received from medical, psychological, or educational professionals. All information presented to the Office is securely filed and kept completely confidential. Accommodations and services provided due to the nature of an individual's disability may include but not be limited to the following:

1. Extra time on exams
2. Use of a note taker in class
3. Use of a tape recorder in class
4. Individualized tutoring
5. Use of Assistive Technology
6. Classroom Relocation (due to nonworking elevator or mobility difficulty)
7. Textbooks in alternate format

8. Large print
9. Handicapped parking authorization
10. Referrals to learning disability testing
11. Voter Registration Assistance
12. Referral to outside resources

Mr. Anthony Phifer is the Director of Accessibility and Accommodations Services and the 504 Coordinator for the College. Mr. Phifer office can be reached at 718-270-5027, Google Voice Number: 732-860-8475, or by e-mail at aphifer@mec.cuny.edu.

DISABILITY ACCOMMODATIONS SPECIALIST

Ms. Mea Kemp is the Disability Accommodations Specialist. Ms. Kemp is responsible for receiving and reviewing all requests for accommodations and services, reviewing all documentation of disability and providing the appropriate accommodations and services after consultation with the Director. Ms. Kemp also coordinates all academic testing procedures, serves as a liaison between students and professors along with the Director and coordinates tutoring services for students in collaboration with the Learning Center at the College. Ms. Kemp can be reached at 718-270-5039, Google Voice Number: 646-397-0209, or by email at meak@mec.cuny.edu.

ACADEMIC ADVISOR

Mr. Nelson Carrillo is the Senior Academic Advisor. Mr. Carrillo is responsible advising students on classes required to complete their degrees and assisting students with registration for classes. Mr. Carrillo can be reached at 718-270-5057 or by email at ncarrillo@mec.cuny.edu.

HEALTH SERVICES

The Office of Health Services (OHS) educates students to become preventive health consumers to meet today's health challenges. We are diligent in our quest for quality health care by seeking our community-based organizations' best services. Since "prevention is the key to good health or wellness," the OHS, with other collaborations, has instituted various preventive health programs that will benefit students on campus, such as college-wide health fairs, referrals (medical/dental), and enrollment in NYC Health Insurance Plans.

The OHS ensures that students comply with immunization regulations as stipulated by New York State Public Health Law (PHL2165 (MMR), and NYS PHL2167 (Meningococcal Meningitis information) and provides advocacy, education, materials, workshops as well as related culturally competent preventive practices to manage, enhance and improve their health to achieve optimal academic and personal success.

New York State Public Health Law 2165 requires students born after January 1, 1957, to submit documentation proving immunity to Measles, Mumps, and Rubella. The following constitutes proof of immunity: two doses of Measles and one dose each of Mumps and Rubella or blood titer results showing immunity to each disease. To register and remain in classes, students must comply with this law. Students must also submit a Meningococcal Meningitis Response form that acknowledges the

mandatory receipt of Meningococcal disease and vaccination information. Vaccination is not required. This form must be signed by the student or parent/guardian if the student is under the age of eighteen and submitted to the Office of Health Services. Students who fail to complete and return this form will not be allowed to register for classes.

Along with processing immunizations, the Office of Health Services is also actively involved in health initiatives, health and wellness screening, and educational events. Workshops and seminar presentations are held on many timely health issues, including Hypertension, Obesity, Smoking Cessation, Substance Abuse, Domestic Violence, HIV/AIDS and Risk Reduction, Nutrition, Sexual education and LGBT Cultural Competency.

ELIGIBILITY AND COST

The Office of Health Services is a facility available to all Medgar Evers College students with a validated ID, and services offered are free. The OHS provides CUNY-sponsored immunization clinics which assist students to comply with NYS Guidelines. Referrals for immunizations and health care are offered when necessary on an individualized basis.

LOCATION

1637 Bedford Avenue, Room S-217
718-270-6075 • HealthServices@mec.cuny.edu

TRANSITION ACADEMY

MISSION

To address the essential needs of students faced with hardship by providing the necessities and resources needed to transform their lives.

The Transition Academy has been established at Medgar Evers College to support students who are experiencing homelessness, issues of housing instability and food insecurity due to eviction, domestic violence, illness, family emergencies, or similar causes.

We can provide assistance to help students navigate through the complex process of the homeless system and work on streamlining finding adequate housing.

Our Services Include:

- Food Pantry
- Food Vouchers
- Navigating the shelter system
- Transportation to school
- Referrals to agencies that help with housing and eviction prevention
- Advocacy and Referrals for students dealing with Domestic Violence
- Counseling referrals
- SNAP (Supplemental Nutrition Assistance Program) Applications
- Available clothing items and personal hygiene toiletries
- Job Placement

COUGAR COUNTRY FOOD PANTRY

The Cougar Country Food Pantry at Medgar Evers College offers nutritionally balanced, nonperishable food items as well as fresh produce to students who are enrolled at the College and are experiencing food insecurity.

MEC students who visit the pantry must be enrolled, and present their student ID card/government-issued ID and course schedule to access the pantry. For more information about how to obtain a pantry pack, students can send an email to: transitionacademy@mec.cuny.edu.

PANTRY HOURS

Mondays: 10:00 am – 2:00 pm

Tuesdays: 3:00 pm – 7:00 pm

Wednesdays: 10:00 am – 2:00 pm

MEDGAR EVERS COLLEGE TRANSITION ACADEMY

1150 Carroll Street, Room 207

Brooklyn, New York 11225

Phone: 718-270-6988 • Email: transitionacademy@mec.cuny.edu

CAREER MANAGEMENT SERVICES (OCMS)

The Office of Career Management Services (OCMS) is a significant resource for Medgar Evers College students. Providing career-oriented activities such as workshops, events, coaching, recruitment and other resources.

OUR MISSION

The mission of the Office of Career Management Services is to assist students with professional preparation through career exploration, recruitment and enhancement activities. The OCMS provides guidelines, best practices, and co-curricular programming which, when students fully engage, afford them the opportunity to become life-long custodians of their professional experience.

The Office of Career Management Services Empowers, Engages and Equips (the 3 E's) students with:

- developing the professional skills necessary to confidently compete in the world of work,
- the ability to be proactive when managing their career planning and development,
- making smooth transitions from student to professional or when making a career change,
- cultivating strong relationships with employers and industry leaders, and
- the practice of life-long learning

PROGRAM DESCRIPTION

To accomplish this mission, the Career Center utilizes in-person, as well as, online technology to engage and assist students. From mock interviews and executive guest speakers, to internship recruitment, and assistance with obtaining professional attire, the Career Center provides a multitude of resources that address students' career-related needs.

THE FOUR-YEAR CAREER ACTION PLAN

The Four-year Career Action Plan is intended to assist students with managing their professional progression while completing their college education. The Plan is a check list of co-curricular and career activities that students should engage in to be ready for the “world of work” once they reach graduation.

SERVICES PROVIDED

- Career Assessment/Career Exploration
- Career Coaching
- Mock Interviews
- Industry Exposure/Employer Seminars
- Resume-Building
- Internship/Job Search Assistance
- Recruitment Initiatives / Career Fairs
- Micro-credentials and Certifications
- Graduate School Awareness

ONLINE MICRO-CREDENTIALS

In today’s emerging job market, Micro-credentials or digital certificates are used to demonstrate to employers that a certain skill set has been mastered. Because of this, micro-credentials are useful for those seeking employment or career advancement opportunities. The OCMS has access to a wide array of free, online asynchronous resources available to students and alumni.

REGISTRATION & MANAGEMENT

The OCMS uses Symplicity as our department’s registration and management system. Students are encouraged to register an account on Symplicity. Once the account has been activated by OCMS staff, students may schedule resume reviews, search for internships, full-time and part-time opportunities, and receive ongoing information on upcoming career events and activities. To register your Symplicity account, go to <https://mec-cuny-csm.symplicity.com>

LOCATION

1637 Bedford Avenue, Room S-302
718-270-6055 • mec-career@mec.cuny.edu

STUDENT LIFE AND DEVELOPMENT

MISSION

In keeping with the College Strategic Plan, the Office of Student Life & Development seeks to create community on campus. It values a holistic college experience and strives to create an environment that encourages opportunities for involvement. The Office of Student Life & Development fulfills its mission by sponsoring campus wide programming, working in collaboration with the Student Government Association, clubs and organizations, and advisement, and by fostering leadership development and

providing various engagement opportunities for Medgar Evers College students.

The office treasures diversity in all forms and its goal is to create safe spaces for expression. Student Life & Development is dedicated to developing students and providing real time occasions to take learning beyond the classroom. The Office of Student Life & Development is a resource for all students, and supports all students in their quest for success.

CAMPUS-WIDE PROGRAMS & EVENTS

In a continuous effort to create community on campus, the Office of Student Life & Development is proud to offer a number of programs and events to the MEC student body and community. The office works in collaboration with the Student Government Association, clubs and organizations, academic departments and administrative units to engage and meet the diverse needs of students.

Here is a sampling of what the office has to offer:

- **Club Fair and Spring Fest:** These events provides an excellent opportunity for students to meet new people, develop leadership skills, build an impressive array of qualifications and have fun while doing it all. Students can reconnect with peers; enjoy music and offerings by various clubs and organizations, Student Government Association, administrative units and community partners.
- **Leadership Development and Training:** The Office of Student Life is dedicated to creating opportunities for students to develop and hone their leadership skills. Understanding that students are at different stages in leadership our programs are designed to augment our student's leadership skills at various stages of development.
- **Club and Organizations Training:** We want all of our clubs and organizations to be successful. At the beginning of the fall semester the office provides leadership training for Clubs and organization officers; covering topics from budgeting and finance to effective event planning and advertising.
- **Student Leadership Symposiums:** This program is designed to introduce MEC students to new and different ideas and concepts of leadership by providing resources and tools that will expose and create an opportunity for dialogue with professionals in various fields of study. Three workshops will be offered each semester.
- **The National Society of Leadership And Success Medgar Evers College Chapter (NSLS):** The Medgar Evers College Chapter of the National Society of Leadership and Success aims to assist students in creating the lives they desire, by helping students discover what they truly want to do, by giving them the support and tools to achieve their goals, Members have access to presentations from renowned industry leaders; leadership training workshops, peer to peer support groups, online success coaches and more. There is a one-time membership fee but the return is worth it.
- **Student Life Diversity & Inclusion Initiative**
This initiative is a series of activities designed to address issues of diversity and multiculturalism on campus designed to:
 - Enhance a climate of mutual respect between and among members of the Medgar Evers

College Community.

- o Foster appreciation and awareness of among students of their own culture and others.
- o Engage and support our cultural, religious and social justice clubs.
- o Inspire action and encourage students to address social injustice.
- o Generate collaboration among cultural, religious and social justice and civic engagement clubs

- **Community Engagement & Volunteerism:** This initiative is designed to engage and expose our students to volunteerism and advocacy through community outreach. It further encourages students to be civically engaged to make a difference in the civic life of their communities and develop the knowledge, skills, values and motivation to make that difference.

STUDENT CLUBS AND ORGANIZATIONS

The Office of Student Life & Development coordinates student activities, clubs and organizations, and associations, with academic departments, and other administrative units. Clubs, organizations, and associations who plan activities are required to utilize the college services and resources through the Office of Student Life & Development.

To send electronic correspondence to all of the Clubs and Organizations e-mail: student-club@mec.cuny.edu.

CHARTERING A STUDENT CLUB AND ORGANIZATION

Any student group wishing to be officially recognized as a student organization at Medgar Evers College must file the following information with the Office of Student Life and Development:

1. Purpose of organization
2. List of officers
3. Student members must be enrolled in the College
4. Membership must consist of ten (10) students with a minimum GPA of 2.0 and be in good standing with the College
5. Letter from a faculty member consenting to serve as an advisor. Advisor must be a faculty or staff member.
6. Constitution and By-Laws (Sample available from Student Life & Development)
7. Written consent from the national organization, if appropriate.

If the purpose, program, and constitution of the proposed organization is not in conflict with policies, rules, and regulations, materials are forwarded to the Director of Student Life and Development and Vice President for Student Success & Enrollment Management and/or the Dean of Student Affairs.

The following certification guidelines apply each semester a student holds office, whether by election, appointment, or ex-officio status: i.e. club board members. In the guidelines, credit hours refer to actual credit hours, and not equivalent or contact hours.

Position holders for a leadership position must be enrolled in a degree or credit bearing certificate program at Medgar Evers College and must be clear of probationary status.

- a) A student must be enrolled or planning to be enrolled in the Fall 2021 Session in order to be certified for the appointed position.
- b) Full time students must plan to carry a minimum of 12 credit hours.*

- c) Part-time students must plan to carry a minimum of 6 credit hours.*
- d) In order to serve each semester, a student must have completed and earned a passing grades in at least 50% of the credits for which they registered the prior semester (i.e. Spring 2021 Semester), but in no event less than 3 credits.*
- e) Undergraduate students must have a minimum cumulative grade point average of 2.0 and be in good standing to participate in student leadership positions.*
- f) Chief executive officers and the Chairperson of the University Student Senate must have a minimum GPA of 2.5.*
- g) Each student member must have the minimum GPA.**
- h) Those holding office must be clear of probationary status.**

**Per CUNY Policy 7.15 Student Government and University Student Senate*

***Per the Medgar Evers College Student Government Constitution*

To learn more about the Student Clubs and Organizations at Medgar Evers College, contact the Office of Student Life & Development at 1637 Bedford Avenue, Room S-301B; Brooklyn, New York 11225; studentlife@mec.cuny.edu.

STUDENT GOVERNMENT ASSOCIATION

All students of Medgar Evers College are members of the Student Government Association (SGA). The executive body of the SGA is President, Day Vice President, Evening Vice President, Corresponding Secretary, Recording Secretary, and Treasurer.

The elected class representatives [Freshman Class President (1*), Freshman Class Representatives (3*), Sophomore Class President (1*), Sophomore Class Representatives (3*), Junior Class President (1*), Junior Class Representatives (3*), Senior Class President (1*), and Senior Class Representatives (3*)] constitute the Student Council.

**Number of persons elected/appointed to this position*

The following guidelines apply to a student that is holding office, whether by election, appointment, or ex-officio status in Student Government Association. In the guidelines, credit hours refer to actual credit hours, and not equivalent or contact hours. Position holders for a leadership position must be enrolled in a degree or credit bearing certificate program at Medgar Evers College and meet the following criteria:

- i) A student must be enrolled or planning to be enrolled in the Fall 2025 Session in order to be certified for the appointed position.
- j) Full time students must plan to carry a minimum of 12 credit hours.*
- k) Part-time students must plan to carry a minimum of 6 credit hours.*
- l) In order to serve each semester, a student must have completed and earned a passing grades in at least 50% of the credits for which they registered the prior semester (i.e. Spring 2021 Semester), but in no event less than 3 credits.*
- m) Grade Point Average (GPA) requirements: 2.7 cumulative or better (Corresponding and

- Recording Secretaries) and 2.5 cumulative or better (Class Presidents & Class Representatives). Each student member must have the minimum GPA.**
- n) Those holding office must be clear of probationary status.**

**Per CUNY Policy 7.15 Student Government and University Student Senate*

***Per the Medgar Evers College Student Government Constitution*

The SGA is concerned with many student activities including club budgets, the formation of new clubs, and the sponsoring of extra-curricular programs of intellectual, cultural and social value for the entire student body. The SGA also participates in the College's decision-making processes that affect the general student body.

Additionally, by participating in various college-wide and departmental committees, students have the opportunity to share in the full range of responsibilities present in the planning and governance of the academic and non-academic aspects of student life at Medgar Evers College.

Visit the office or send an email to find out how you can get involved in events and activities for the academic year or to offer feedback or comments. The body welcome student support and participation at all levels and would love to hear from you.

Student Services Building • 1637 Bedford Avenue, S-210
718-270-6040 • student-gov@mec.cuny.edu

DEPARTMENT OF ATHLETICS & INTRAMURALS

Medgar Evers College is a Division III NCAA institution that holds membership in the following conferences: the City University of New York Athletic Conference (CUNYAC) and the Eastern Collegiate Athletic Conference (ECAC). The college sponsors 13 varsity sports and three club sports (bowling, netball, and swimming). The Intercollegiate and Intramurals Program coordinates a variety of athletics activities.

Men's and Women's Varsity Sports

- Basketball
- Cross Country
- Indoor Track & Field
- Outdoor Track & Field
- Soccer
- Volleyball

Mixed Sports

- Cheerleading

Medgar Evers College is committed to the physical and emotional well-being of our student-athletes

and the social development of the whole person. We recognize that great demands are placed on student-athletes who participate in intercollegiate athletics; we are committed to supporting our student-athletes in achieving the most out of their college experience.

To be eligible to compete in intercollegiate athletics, you must meet the following:

- Enrolled in a full-time undergraduate studies program (12 credits), in good academic standing, and maintain satisfactory progress toward a baccalaureate or an equivalent four-year degree.
- Cumulative grade point average of 2.0/4.0
- Completed no more than ten full-time semesters (this includes full-time semesters from other institutions)
- Competed in no more than four years in the given sport.

If a student-athlete is enrolled in a two-year degree program or its equivalent at Medgar Evers College, that student-athlete was admitted to Medgar Evers College under the same standards as a four-year degree-seeking student are admitted, and the two-year degree program is not considered a terminal program.

The focus of the intramurals sports is “to promote leisure-time activities, informal instruction and sports competitions for the general student body.” Activities initiated in response to student interest include aerobics, aquatics, volleyball, soccer, basketball, etc. These activities occur at 1150 Carroll Street Building which housed the aquatics center, gymnasium, and fitness center.

For more information, The Department Athletics & Intramurals can be reached by telephone at 718-270-6072 and through the website at www.mecathletics.com.

CENTER FOR WOMEN’S DEVELOPMENT

Founded in 1982, the Center for Women’s Development (CWD) supports the self-actualization of students by providing specialized resources needed to assist Medgar Evers College female students in their academic and personal pursuits. The CWD services and programs promote the self-empowerment, self-awareness, and respect of women while encouraging them to achieve academic excellence as well as hone their leadership and life skills in a collegial environment conducive to teaching and learning. Emerging from the CWD are four programs: Upsilon Theta Pi Honor’s Society, Sisters Having a Definite Excellent Strategy (S.H.A.D.E.S), a student driven group as well as the Women of Distinction and Role Model programs recognize students for their community give back and service. Through collaborations with community based organizations, community leaders, and other Medgar Evers College departments conduct programs and workshops to foster the growth and development of students.

Each program uniquely promotes the CWDs mission of providing direct services, support, and programming to female students by offering specialized services that support personal development and self-actualization. Programs assist students in addressing issues affecting self-actualization and quality of life, actively addressing issues faced by female students, providing support that includes counseling, advocacy, referrals, and the development and implementation of educational forums. The CWD provides printed and audio visual materials on women, families, and gender issues, compiles resource information, and maintains a mini-library as well as an extensive Resource Directory. The CWD

also sponsors individual and group counseling around issues of self-esteem stress, family violence, parenting, empowerment, and other quality-of-life issues for all students and open to the community.

LOCATION

1150 Carroll Street Building, Room M-2 • Brooklyn, New York 11225
Contact: 718-270-5155, Google Voice: 201-614-3813

COUNSELING AND PSYCHOLOGICAL SERVICES

At Medgar Evers College, CUNY, the counseling mission is to motivate and assist students in pursuing higher education objectives and personal development for self-actualization. Counseling is a collaborative process that involves the development of a unique, confidential helping relationship. The counselor acts as a facilitator in helping the client understand more accurately about him/herself and the world around them. Mental Health Counselors provide short-term individual counseling in the psycho-social areas, such as depression, anxiety, self-esteem, academic difficulties, domestic violence, bereavement/grief, strengthening personal relationships, and adjustment issues. The Office of Counseling and Psychological Services also provides assessment and referrals for students to the appropriate mental health services in the community and clinics currently offering tele-therapy services in addition to in-person sessions.

The primary function of Counseling Services is to help students cope with academic, career, and personal problems that may interfere with their ability to achieve academic success and actualize their human potential. The counseling philosophy at Medgar Evers College is “to motivate and assist students in their pursuit of education, career, and personal/social empowerment for life-long self-development.” At Medgar Evers College our motto is, “*Counseling is Always in Season*”.

Counseling and Psychological Services also facilitates workshops for students about issues such as self-esteem, healthy relationships, racial trauma, bereavement/grief, anger management, stress management, anxiety, depression, and college-readiness skills. In addition, Counselors utilize their skills to assist students and clients in achieving objectives through the explorations of a problem and its ramifications, examination of attitudes and feelings, consideration of alternative solutions, and decision-making.

LOCATION AND HOURS OF OPERATION

The Office of Counseling and Psychological Services is located in the Bedford Building located at 1650 Bedford Ave, Room B-1005. We are providing therapy services remotely via phone and video call. Our services are **free and confidential** for all Medgar Evers College students who are currently enrolled for the semester.

The Office of Counseling and Psychological Services hours of operations are: Monday-Friday, 9am-5pm. To schedule an appointment, please email Cap@mec.cuny.edu and we will get in touch with you to set up a time that works for you.

MALE DEVELOPMENT AND EMPOWERMENT CENTER (MDEC)

The Male Development & Empowerment Center was established in the year 2000 with the purpose of increasing the male student population at Medgar Evers College. Across the United States, higher education has experienced a crisis in male participation. Medgar Evers College became one of the first institutions in the nation to positively and proactively attempt to recruit, retain, and graduate male students.

THE MISSION OF MDEC

To create an on-going learning community of male students organized around academic support, social interaction, civic engagement and personal development for the purpose of assisting students to persist to graduation.

HOW THE MALE DEVELOPMENT & EMPOWERMENT CENTER OPERATES

Academic Support: MDEC offers academic support through peer-to-peer and cohort tutoring, assistance in study and test-taking skills, time management, workshops on research involvement, scholarships awareness workshops. MDEC holds discussion groups, review sessions, and workshops for students in specific courses or areas of study. The tutoring staff includes peer tutors chosen for academic excellence in their chosen fields.

Civic Engagement: MDEC encourages students to get involved through Civic and Community Engagement encourages students to get involved through working relationships with the school and the community. Emphasizes the importance of giving back to the community, instilling a sense of civic responsibility in students and empowering them to make a difference by staying informed and taking action.

Career Awareness and Readiness: MDEC provides extensive support for the development and implementation of student career plans through collaborations with on-campus and external partners. MDEC seeks to bring awareness to employment opportunities and internships for students.

Fitness and Wellness: MDEC enhances student learning experience by providing fitness, nutrition, and mental health programs. Collaborate with services and facilities that promote healthy lifestyles, build community and foster student success.

Art and Cultural Expressions: MDEC provide students with various outlets to express themselves through Art and Culture. MDEC collaborates internally and externally to expose students to multiple forms of cultural and artistic expressions like poetry, music, literature, debate, dance, etc. and encourages students to become self-aware of their own culture and enhance cultural diversity.

ELIGIBILITY

The MDEC program includes all regardless of age, race, color, religion, ethnic or national origin, gender, sexual orientation, gender identity, gender expression, or disability.

Location: 1150 Carroll Street, M8 • Brooklyn, NY 11225

Tel: 718-270-6405

MDEC Assistant Director: Andre Brereton

Email: anbrereton@mec.cuny.edu

ELLA BAKER/CHARLES ROMAIN CHILD DEVELOPMENT CENTER

Quality child-care is essential to the educational goals of many CUNY students. University child-care programs serve students and their children. The Ella Baker /Charles Romain Child Development Center (EBCR) of Medgar Evers College provides both a Pre-School and an Afterschool Program, which meets the needs of both child and the student parent.

EBCR is NAEYC (National Association for the Education of Young Children) Accredited. The Center is licensed by the DOHMH Division Child Care and OFCS for children ages 2 thru 12. The program also follows the DOE standards for 3K and 4K.

PROGRAMS

Preschool: We try to create different types of environments where children blossom while learning the ways children naturally absorb information: through play. This allows them to acquire skills, and helps them reach their fullest potential emotionally, physically, socially and intellectually. Designed for children between the ages of 2 to 5, EBCR Child Development Center follows high quality standards with key indicators for excellence.

Afterschool: Being in school all day can be stressful for children growing up. The After School Program at EBCR is designed to be a place where children can relax while also learning new skills and completing homework assignments. The program caters to the older children of students attending evening classes. Teachers are on hand to help children with their homework as well as keep them engaged in art and social interactions.

CONTACT INFORMATION

Tel: 718-270-6017 • Email: childcarecenter@mec.cuny.edu

CHARLES EVANS INNIS MEMORIAL LIBRARY

The Medgar Evers College library faculty and staff develop and deliver user-focused in-person and virtual services to connect a diverse college community and all academic disciplines to a wide array of print and e-resources held by the library, through partnerships with other libraries, and online via the Internet. The library faculty work to enhance information services through their commitment to students, innovation, scholarly publication, and research.

To help students achieve academic and lifelong learning success, library faculty collaborate with other teaching faculty and provide credit-based information literacy courses and in-class workshops. This approach includes learning how to use online databases and online bibliographic management systems more efficiently. The library connects students with research and with course support, provides faculty with materials for their own scholarship, and maintains connections with other libraries, both within and beyond the City University. The CUNY Library consortium provides CLICS service to the CUNY community allowing borrowing from other CUNY libraries.

The library fosters information discovery through innovative programs offered in collaboration with MEC departments and programs across campus. The library hosts art exhibitions and creates both physical and online displays on various topics.

COLLECTIONS

The Library offers a broad range of information resources to support the varied curricula of the college and its educational mission. Library holdings include print and e-books, databases, periodicals, multimedia materials, online bibliographic management software, and archives in physical and electronic formats.

- Materials can be located via the Library's website using OneSEARCH and the online databases: <http://www.mec.cuny.edu/library/>.
- Reference services are provided in-person, and via LibChat on the Library's website, virtually. In addition, library department faculty offer individual research consultations (in person and online).
- For further information, contact the Library via the LibChat widget on the Library's Website: <http://www.mec.cuny.edu/library>, email ask_a_librarian@mec.cuny.edu or call 718-270-4873.
- The Reserve Collection is composed of books and e-resources placed on reserve by instructors as required reading or to supplement class instruction.
- The Medgar Evers College Archives collects records that chronicle the history and academic achievements of the College as well as unpublished materials of historical value generated by individuals and organizations. To preserve our holdings and to make them widely accessible, we are digitizing valuable and/or fragile objects and creating both on-site and electronic exhibits and displays.
- The Special Collections currently contain rare books, periodicals, newspapers, and pamphlets relating to several subject areas: the African American Experience of the Diaspora; Southern Africa from the 1960s to 1980s; the African and Caribbean heritage. These materials are listed in the library catalog and can be used in-house only.

ACADEMIC CENTER FOR EXCELLENCE IN STUDENT SUPPORT (A.C.E.S.S.)

The mission statement of the Academic Center for Excellence in Student Support (A.C.E.S.S.) is complementary to the mission of the College, which is to develop and maintain a high quality professional undergraduate education.

A.C.E.S.S. Objectives

- To assist our students to acquire the skills to become independent learners.
- To provide academic support accommodation to Differently Abled Students as stipulated by federal legislation.
- To provide professional service to our students in an environment that is conducive to learning.
- To provide workshops to assist our students in fulfilling their basic skills and graduating requirements.
- To assist students in finding ways to enhance and achieve the most out of the learning and studying process: for example, encouraging study groups along with supplemental instruction.
- To work with other departments and programs to provide academic support to students most in need.

To this end, the mission of the A.C.E.S.S. is to assist our students to become independent learners, so they can ultimately use their skills to decipher, appreciate and manipulate related and advanced levels of various subject areas, and also use their knowledge to negotiate real-life circumstances.

LOCATION

1650 Bedford Avenue, Room 1045 (inside library) • Brooklyn, New York 11225
Phone: 718-270-5138 • Email: acess@mec.cuny.edu

TRIO STUDENT SUPPORT PROGRAM

Medgar Evers College TRIO-SSS Program is part of the Division of Student Success and Enrollment Management. Through a Department of Education grant competition, MEC was awarded a five-year (2020-2025) Student Support Services (SSS) grant for \$1.3 million to provide opportunities for academic development, assist students with basic college requirements, and to motivate students toward the successful completion of their postsecondary education.

The purpose of the SSS Program is to increase the number of disadvantaged, low-income college students, first-generation college students, and college students with disabilities in the United States who successfully complete a program of study at the postsecondary level. The support services that are provided should increase the retention and graduation rates for these categories of students and facilitate their transfer from two-year to four-year colleges and universities.

Medgar Evers College SSS program serves 140 SSS students each year and provides free services to eligible students. The federal TRIO programs are educational opportunity outreach programs designed to motivate and support students from disadvantaged backgrounds.

MISSION

TRIO Student Support Services (SSS) empowers first-generation, low-income, and students with a disability in their pursuit of a college degree through intensive individualized support and advocacy.

- Identify qualified individuals from disadvantaged backgrounds;
- Prepare them for a program of postsecondary education;
- Provide support services for such students who are pursuing programs of postsecondary education;
- Motivate and prepare students for graduate programs; and
- Train individuals serving or preparing for services, in programs and projects so designed.

ELIGIBILITY AND SERVICES

TRIO Student Support Services (SSS) provides free services to eligible students. You may be eligible if you have documented financial needs, a documented disability, academic need, or neither parents graduated from a four-year college.

- You are a U.S. citizen, national or meet the residency requirements for federal student financial assistance
- Neither of your parents graduated from a four-year college or
- You have documented financial need or
- You have a documented disability and
- You have an academic need

CONTACT

Cletus Emokpae • Director, Student Support Services (TRIO)
1150 Carroll Street, C-317 • Brooklyn, NY 11225
Phone: 718-270-4963 • Fax: 718-270-5177 • Cemokpae@mec.cuny.edu

APPENDIX I: THE CITY UNIVERSITY OF NEW YORK BOARD OF TRUSTEES BYLAWS ARTICLE XV STUDENTS

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, as set forth in the university's non-discrimination policy.

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 (1) the laws of the city, state and nation; (2) the bylaws and resolutions of the board, including the rules and regulations for the maintenance of public order pursuant to article 129-a of the education law ("Henderson rules"); and (3) the governance plan, policies, regulations, and orders of the college.

Such laws, bylaws, resolutions, policies, rules, regulations and orders shall, of course, be limited by the right of students to the freedoms of speech, press, assembly and petition as construed by the courts.

SECTION 15.2. STUDENT ORGANIZATIONS.

a. Any group of students may form a team (excluding intercollegiate athletics), student media/publications, 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 chief student affairs officer 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.

The board recognizes that students have rights to free expression and association. At the same time, the board strongly believes that respect for all members of the university's diverse community is an essential attribute of a great university and requires viewpoint neutrality in the recognition of student

teams, student media/publications, organizations, associations, clubs or chapters.

Each student leader and officer of student organizations recognized by or registered with the institution, as well as those seeking recognition by the institution, must complete training on domestic violence, dating violence, stalking, and sexual assault prevention and on CUNY's Policy on Sexual Misconduct prior to the organization receiving recognition or registration.

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. i. The power to charter or otherwise authorize teams (excluding intercollegiate athletics), student media/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. All such decisions must be based upon viewpoint neutral criteria as detailed in the Fiscal Accountability Handbook and must be based upon the written submissions of the student team, publication, organization, association, club or chapter, which will describe its intent to conduct activities for the benefit of students. ii. All decisions declining a charter or authorization must be in writing and are appealable to the college or school's chief student affairs officer or designee, who shall render a final written decision on the appeal. iii. Appeals must be based upon one or both of the following two grounds: the denial was arbitrary and capricious or discriminated against the applicant based upon viewpoint.

2. The power to delegate responsibility for the effective implementation of its regulatory functions hereunder to any officer or committee which it may appoint.

c.

1. Any person or organization affiliated with the college may file a complaint with the chief student affairs officer if there is reason to believe that a student organization has violated any of the standards of conduct set forth in section 15.1 above. The chief student affairs officer shall promptly notify the affected organization, investigate any complaint and report the results of that investigation along with a recommendation for appropriate action to the complainant and the student government which shall take action as it deems appropriate, except that in the case of a complaint against the student government itself, the chief student affairs officer shall report the results of the investigation and the recommendation for appropriate action directly to the president.

2. The complainant or any student organization adversely affected pursuant to paragraph C (1) above may appeal to the president. The president may take such action as he or she deems appropriate, and such action shall be final.

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. Decisions of the student elections review committee may be appealed to the college president, whose decision shall be final. An appeal from the decision of the student elections review committee must be made in writing to the President within ten (10) calendar days of the decision. The President shall consult with the student elections review committee and render a decision as expeditiously as possible which may

affirm, reverse, or modify the decision of the student elections review committee.

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. THE UNIVERSITY STUDENT SENATE.

There shall be a university student senate responsible, subject to the board of trustees, 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 15.4. STUDENT DISCIPLINARY PROCEDURES.

Complaint Procedures:

a. A University student, employee, organization, department or visitor who believes she or he is the victim of a student's misconduct (hereinafter "complainant") may make a charge, accusation, or allegation against a student (hereinafter "respondent") which if proved, may subject the respondent to disciplinary action. Such charge, accusation, or allegation must be communicated to the chief student affairs officer of the college the respondent attends.

b. The chief student affairs officer of the college or her or his designee shall conduct a preliminary investigation in order to determine whether disciplinary charges should be preferred. The chief student affairs officer or her or his designee shall advise the respondent of the allegation against her or him, explain to the respondent and the complainant their rights, consult with other parties who may be involved or who have information regarding the incident, and review other relevant evidence. The preliminary investigation shall be concluded within thirty (30) calendar days of the filing of the complaint, unless: (i) said complaint involves two or more complainants or respondents; or (ii) said complaint involves a matter that is also under investigation by law enforcement authorities. In those cases, the preliminary investigation shall be completed within sixty (60) calendar days. Further, if the matter has been previously investigated pursuant to the CUNY Policy on Sexual Misconduct, the chief student affairs officer shall dispense with a preliminary investigation and rely on the report completed by the Title IX Coordinator. Following the completion of the preliminary investigation, the chief student affairs officer or designee shall take one of the following actions:

1. Dismiss the matter if there is no basis for the allegation(s) or the allegation(s) does not warrant disciplinary action. The individuals involved shall be notified that the complaint has been dismissed;
2. Refer the matter to mediation (except in cases involving allegations of sexual assault, stalking or

other forms of sexual violence); or

3. Prefer formal disciplinary charges.

c. In cases involving the CUNY Policy on Sexual Misconduct, both the Complainant and Respondent may be accompanied by an advisor of their choice (including an attorney) who may assist and advise throughout the entire process, including all meetings and hearings. Advisors may represent a party and fully participate at a hearing, but may not give testimony as a witness.

d. In the event that a respondent withdraws from the college after a charge, accusation or allegation against a respondent has been made, and the college prefers formal disciplinary charges, the respondent is required to participate in the disciplinary hearing or otherwise to resolve the pending charges and shall be barred from attending any other unit of the university until a decision on the charges is made or the charges are otherwise resolved. Immediately following the respondent's withdrawal, the college must place a notation on her/his transcript that she/he "withdrew with conduct charges pending." If the respondent fails to appear, the college may proceed with the disciplinary hearing in absentia, and any decision and sanction shall be binding, and the transcript notation, if any, resulting from that decision and penalty shall replace the notation referred to above.

Mediation Conference:

e. The college may offer the respondent and the complainant the opportunity to participate in a mediation conference prior to the time the disciplinary hearing takes place in an effort to resolve the matter by mutual agreement (except in cases involving sexual assault, stalking and other forms of sexual violence). The conference shall be conducted by a qualified staff or faculty member designated by the chief student affairs officer. The following procedures shall be in effect at this conference:

1. An effort shall be made to resolve the matter by mutual agreement through such process as the mediator deems most appropriate; provided, however, that the complainant must be notified of her/his right to end the mediation at any time.

2. If an agreement is reached, the faculty or staff member conducting the conference shall report her/his recommendation to the chief student affairs officer for approval and, if approved, the complainant and the respondent shall be notified, and a written memorandum shall be created memorializing the resolution and any consequences for non-compliance.

3. If no agreement is reached within a reasonable time, or if the respondent fails to appear, the faculty or staff member conducting the conference shall refer the matter back to the chief student affairs officer who may prefer disciplinary charges, or, if charges have been preferred, proceed to a disciplinary hearing.

4. The faculty or staff member conducting the mediation conference is precluded from testifying at a college hearing regarding information received during the mediation conference, or presenting the case on behalf of the college.

Notice of Charges and Hearing:

f. Notice of the charge(s) and of the time and place of the hearing shall be personally delivered to

the respondent, or sent by certified or overnight mail and email to the address appearing on the records of the college. Notice shall also be sent in a similar manner to the complainant to the extent the charges relate to her/him. The chief student affairs officer is also encouraged to send the notice of charges to any other e-mail address that he or she may have for the respondent and the complainant. The hearing shall be scheduled within a reasonable time following the filing of the charges or the mediation conference. Notice of at least seven (7) calendar days shall be given to the respondent in advance of the hearing unless the respondent consents to an earlier hearing. The respondent is permitted one (1) adjournment as of right. Additional requests for an adjournment must be made at least five (5) calendar days prior to the hearing date, and shall be granted or denied at the discretion of the chairperson of the faculty-student disciplinary committee. If the respondent fails to respond to the notice, appear on the adjourned date, or request an extension, the college may proceed in absentia, and any decision and sanction shall be binding.

g. The notice shall contain the following:

1. A complete and itemized statement of the charge(s) being brought against the respondent including the rule, bylaw or regulation she/he is charged with violating, and the possible penalties for such violation.
2. A statement that the respondent and the complainant have the right to attend and participate fully in the hearing including the right:
 - (i) to present their side of the story;
 - (ii) to present witnesses and evidence on their behalf;
 - (iii) to cross-examine witnesses presenting evidence;
 - (iv) to remain silent without assumption of guilt; and
 - (v) to be assisted or represented by an advisor or legal counsel at their expense; if the respondent or the complainant requests it, the college shall assist in finding a legal counsel or advisor.
3. A warning that anything the respondent says may be used against her/him at a non- college hearing.

Pre-Hearing Document Inspection:

h. At least five (5) calendar days prior to the commencement of a student disciplinary hearing, the college shall provide the respondent and the complainant and/or their designated representative, with similar and timely access to review any documents or other tangible evidence that the college intends to use at the disciplinary hearing, consistent with the restrictions imposed by Family Education Rights and Privacy Act ("FERPA"). Should the college seek to introduce additional documents or other tangible evidence during, or some time prior to, the disciplinary hearing, the respondent and the complainant shall be afforded the opportunity to review the additional documents or tangible evidence. If during the hearing the complainant or the respondent submits documentary evidence, the chairperson may, at the request of any other party grant an adjournment of the hearing as may be necessary in the interest of fairness to permit the requesting party time to review the newly produced evidence.

Admission and Acceptance of Penalty Without Hearing:

i. At any time after receiving the notice of charges and hearing but prior to the commencement of a disciplinary hearing, the respondent may admit to the charges and accept the penalty that the chief student affairs officer or designee determines to be appropriate to address the misconduct. This agreed upon penalty shall be placed on the respondent's transcript consistent with subparagraphs q(19) and (20) herein. Before resolving a complaint in this manner, the chief student affairs officer must first consult with the complainant and provide the complainant an opportunity to object to the proposed resolution, orally and/or in writing. If a resolution is reached over the complainant's objection, the chief student affairs officer or designee shall provide the complainant with a written statement of the reasons supporting such resolution, and the complainant may appeal the decision to enter into the resolution to the president.

Emergency Suspension:

j. The president or her/his designee may in emergency or extraordinary circumstances, temporarily suspend a student pending an early hearing as provided in this bylaw section.

15.4. to take place within not more than twelve (12) calendar days, unless the student requests an adjournment. Such suspension shall be for conduct which impedes, obstructs, impairs or interferes with the orderly and continuous administration and operation of any college, school, or unit of the university in the use of its facilities or in the achievement of its purposes as an educational institution. Prior to the commencement of a temporary suspension of a student, the college shall give the student oral notice (which shall be confirmed via email to the address appearing on the records of the college) or written notice of the charges against her/him and, if she/he denies them, the college shall forthwith give the student an informal oral explanation of the evidence supporting the charges and the student may present informally her/his explanation or theory of the matter. When a student's presence poses a continuing danger to person or property or an ongoing threat of disrupting the academic process, notice and opportunity for denial and explanation may follow suspension, but shall be given as soon as feasible thereafter. The complainant shall be notified in the event that an emergency suspension is imposed against a student, and/or when the suspension is subsequently lifted to the extent that the suspension involves the complainant in the same manner notice is given to the student.

Faculty-Student Disciplinary Committee Structure:

k. Each faculty-student disciplinary committee shall consist of two (2) faculty members or one (1) faculty member and one (1) member of the Higher Education Officer series (HEO), and two (2) student members and a chairperson, who shall be a faculty member. A quorum shall consist of the chairperson and any two (2) members, one of whom must be a student. Hearings shall be scheduled promptly (including during the summers) at a convenient time and efforts shall be made to insure full student and faculty representation.

l. The president shall select in consultation with the head of the appropriate campus governance body or where the president is the head of the governance body, its executive committee, three (3) members of the faculty of that college to receive training upon appointment and to serve in rotation as chairperson of the disciplinary committee. The following schools shall be required to select two (2) chairpersons: CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism. If none of the chairpersons appointed from the campus can serve, the president, at her/his discretion, may request that a chairperson be selected by lottery

from the entire group of chairpersons appointed by other colleges. The chairperson shall preside at all meetings of the faculty-student disciplinary committee and decide and make all rulings for the committee. She/he shall not be a voting member of the committee but shall vote in the event of a tie.

m. The faculty members shall be selected by lot from a panel of six (6) elected biennially by the appropriate faculty body from among the persons having faculty rank or faculty status. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) faculty members. The HEO members shall be selected by lot from a panel of six (6) HEOs appointed biennially by the president. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) HEOs. The student members shall be selected by lot from a panel of six (6) elected annually in an election in which all students registered at the college shall be eligible to vote. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) students. In the event that the student or faculty panel or both are not elected, or if more panel members are needed, the president shall have the duty to select the panel or panels which have not been elected. No individuals on the panel shall serve on the panel for more than four (4) consecutive years. Notwithstanding the above, in cases of sexual assault, stalking and other forms of sexual violence, the president shall designate from the panels one (1) chairperson, two (2) faculty/HEO members, and two (2) students, who shall be specially trained on an annual basis, and who shall constitute the faculty-student disciplinary committee in all such cases.

n. In the event that the chairperson cannot continue, the president shall appoint another chairperson. In the event that a seat becomes vacant and it is necessary to fill the seat to continue the hearing, the seat shall be filled from the respective faculty, HEO, or student panel by lottery.

o. Each academic year, the chief student affairs officer, or her or his designee, shall appoint/identify one or more college employees to serve as presenters for the hearings. This list shall be forwarded to the Office of the Vice Chancellor for Student Affairs, and the Office of the General Counsel and Sr. Vice Chancellor for Legal Affairs prior to the first day of the academic year.

p. Persons who are to be participants in the hearings as witnesses or have been involved in preferring the charges or who may participate in the appeals procedures or any other person having a direct interest in the outcome of the hearing shall be disqualified from serving on the committee.

Faculty-Student Disciplinary Committee Procedures:

q. The following procedures shall apply to faculty-student disciplinary proceedings:

Hearing:

1. The chairperson shall preside at the hearing. The chairperson shall inform the respondent of the charges, the hearing procedures and her or his rights.

2. All faculty student disciplinary committee hearings are closed hearings unless the respondent requests an open public hearing. Notwithstanding such requests, the chairperson shall not permit an open hearing in cases involving allegations of sexual assault, stalking, or other forms of sexual violence. Furthermore, the chairperson has the right to deny the request and hold a closed hearing when an open public hearing would adversely affect and be disruptive to the committee's normal operations.

In the event of an open hearing, the respondent must sign a written waiver acknowledging that those present will hear the evidence introduced at the hearing.

3. After informing the respondent of the charges, the hearing procedures, and her or his rights, the chairperson shall ask the respondent to respond. If the respondent admits the conduct charged, the respondent shall be given an opportunity to explain her/his actions before the committee and the college shall be given an opportunity to respond and present evidence regarding the appropriate penalty. If the respondent denies the conduct charged, the college shall present its case. At the conclusion of the college's case, the respondent may move to dismiss the charges. If the motion is denied by the committee, the respondent shall be given an opportunity to present her or his defense.

4. Prior to accepting testimony at the hearing, the chairperson shall rule on any motions questioning the impartiality of any committee member or the adequacy of the notice of the charge(s). Subsequent thereto, the chairperson may rule on the admissibility of the evidence and may exclude irrelevant, unreliable or unduly repetitive evidence. In addition, if any party wishes to question the impartiality of a committee member on the basis of evidence which was not previously available at the inception of the hearing, the chairperson may rule on such a motion. The chairperson shall exclude from the hearing room all persons who are to appear as witnesses, except the respondent and the complainant.

5. The college shall make a record of each fact-finding hearing by some means such as a stenographic transcript, an audio recording or the equivalent. The college must assign a staff member for each hearing, with the sole responsibility of ensuring that the hearing is recorded in its entirety. No other recording of the proceedings may be permitted. A respondent who has been found to have committed the conduct charged after a hearing is entitled upon request to a copy of such a record without cost upon the condition that it is not to be disseminated except to the respondent's representative or attorney. In the event of an appeal, both the respondent and the complainant are entitled upon request to a copy of such a record without cost, upon the condition that it is not to be disseminated except to their representatives or attorneys.

6. The college bears the burden of proving the charge(s) by a preponderance of the evidence.

7. The role of the faculty-student disciplinary committee is to listen to the testimony, ask questions of the witnesses, review the testimony and evidence presented at the hearing and the papers filed by the parties and render a determination. In the event the respondent is found to have committed the conduct charged, the committee shall then determine the penalty to be imposed.

8. The college, the respondent and the complainant are permitted to have lawyers or other representatives or advisors act on their behalf during the pendency of a disciplinary action, which shall include the calling and examining of witnesses, and presenting other evidence. Any party intending to appear with an attorney shall give the other party 5 (five) calendar days' notice of such representation.

9. The chairperson of the faculty-student disciplinary committee retains discretion to limit the number of witnesses and the time of testimony for the presentations by any party and/or their representative.

10. In the event that the respondent is charged with a sexual assault, stalking or other forms of sexual misconduct, neither the respondent nor the complainant shall be permitted to cross-examine the other directly. Rather, if they wish to, the respondent and the complainant may cross-examine each

other only through a representative. If either or both of them do not have a representative, the college shall work with them to find a representative to conduct such cross-examination. In the alternative, the complainant and respondent may provide written questions to the chairperson to be posed to the witness.

11. In a case involving the CUNY Policy on Sexual Misconduct:

- a) Evidence of the mental health diagnosis and/or treatment of a party may not be introduced.
- b) Evidence of either party's prior sexual history may not be introduced except that (i) evidence of prior sexual history between complainant and respondent is admissible at any stage of the hearing, and (ii) past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the stage of that hearing related to penalty

Penalty Phase:

12. If the respondent has been found responsible, then all parties may introduce evidence related to the respondent's character including any past findings of a respondents' responsibility for domestic violence, stalking, or sexual assault or any other sexual violence. The College may introduce a copy of the respondent's previous disciplinary record; including records from any CUNY institution the respondent has attended, where applicable, provided the respondent was shown a copy of the record prior to the commencement of the hearing. The previous disciplinary record shall be submitted to the committee in a sealed envelope, bearing the respondent's signature across the seal, and shall only be opened if the respondent has been found to have committed the conduct charged. The previous disciplinary records, as well as documents and character evidence introduced by the respondent, the complainant, and the college shall be opened and used by the committee for dispositional purposes, i.e., to determine an appropriate penalty if the charges are sustained. The complainant and respondent may also provide or make an impact statement. Such evidence and impact statements shall be used by the committee only for the purpose of determining an appropriate penalty if the charges are sustained.

Decision:

13. The committee shall deliberate in closed session. The committee shall issue a written decision, which shall be based solely on the testimony and evidence presented at the hearing and the papers filed by the parties.

14. The respondent shall be sent a copy of the faculty-student disciplinary committee's decision within seven (7) calendar days of the conclusion of the hearing, by regular mail and e-mail to the address appearing on the records of the college. In cases involving two or more complainants or respondents, the respondent shall be sent a copy of faculty- student disciplinary committee's decision within fourteen (14) calendar days of the conclusion of the hearing. The chief student affairs officer is also encouraged to send the decision to any other e-mail address that he or she may have for the respondent. The decision shall be final subject to any appeal. In cases involving a crime of violence or a non-forcible sex offense, as set forth in FERPA, the complainant shall simultaneously receive notice of the outcome of the faculty-student disciplinary committee's decision as it relates to the offense(s) committed against the complainant, in the same manner as notice is given to the respondent.

15. When a disciplinary hearing results in a penalty of dismissal or suspension for one term or more, the decision is a university-wide penalty and the respondent shall be barred from admission to, or attendance at, any other unit of the university while the penalty is being served.

Appeals:

16. A respondent or a complainant may appeal a decision of the faculty-student disciplinary committee to the president on the following grounds: (i) procedural error, (ii) newly discovered evidence that was not reasonably available at the time of the hearing, or (iii) the disproportionate nature of the penalty. The president may remand for a new hearing or may modify the penalty either by decreasing it (on an appeal by the respondent) or increasing it (on an appeal by the complainant). If the president is a party to the dispute, her/his functions with respect to an appeal shall be discharged by an official of the university to be appointed by the chancellor or her or his designee. If the penalty after appeal to the president is one of dismissal for one term or more, a respondent or a complainant may appeal to the board committee on student affairs and special programs. The board may dispose of the appeal in the same manner as the president.

17. An appeal under this section shall be made in writing within fifteen (15) calendar days after the delivery of the decision appealed from. This requirement may be waived in a particular case for good cause by the president or the board committee as the case may be. Within three (3) calendar days of the receipt of any appeal, either to the president or the board committee on student affairs and special programs, the non-appealing party shall be sent a written notice of the other party's appeal. In addition, the respondent and/or the complainant shall have the opportunity to submit a written opposition to the other party's appeal within fifteen (15) calendar days of the delivery of the notice of receipt of such appeal.

18. The president shall decide and issue a decision within fifteen (15) calendar days of receiving the appeal or within fifteen (15) calendar days of receiving papers in opposition to the appeal, whichever is longer. The board committee shall decide and issue a decision within five (5) calendar days of the meeting at which it hears the appeal.

Notations on Transcripts:

19. In cases in which a respondent has been found responsible for a Clery Act reportable crime of violence, the college must place a notation on her/his transcript stating that she/he was suspended or expelled after a finding of responsibility for a code of conduct violation. In all other cases, the college must place a notation of the findings and penalty on a respondent's transcript unless a mediation agreement, under subparagraph e(2) herein, the determination of the chief student affairs officer or designee under subparagraph l herein, the committee's decision under subparagraph q(13) herein, or the decision on any appeal under subparagraphs q(16)-(18) herein expressly indicate otherwise.

20. A notation of expulsion after a respondent has been found responsible for a Clery Act reportable crime of violence shall not be removed. In all other cases, a notation of expulsion, suspension or any lesser disciplinary penalty shall be removed, as a matter of right, upon the request of the respondent to the Chief Student Affairs Officer made, four years after the conclusion of the disciplinary proceeding or one year after the conclusion of any suspension, whichever is longer. If a finding of responsibility for any violation is vacated for any reason, any such notation shall be removed.

SECTION 15.5. ACTION BY THE BOARD OF TRUSTEES.

Notwithstanding the foregoing provisions of this article, the board of trustees reserves full power to suspend or take other appropriate action against a student or a student organization for conduct which



impedes, obstructs, or interferes with the orderly and continuous administration and operation of any college, school, or units of the university in the use of its facilities or in the achievement of its purposes as an educational institution in accordance with procedures established by the board of trustees.

SECTION 15.6. COLLEGE GOVERNANCE PLANS.

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

APPENDIX I:

**THE CITY UNIVERSITY OF NEW YORK
POLICY ON ACCEPTABLE USE OF COMPUTER RESOURCES**

THE CITY UNIVERSITY OF NEW YORK

POLICY ON ACCEPTABLE USE OF COMPUTER RESOURCES

I. INTRODUCTION

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

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

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

II. APPLICABILITY

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

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

III. DEFINITIONS

1. "CUNY Computer Resources" refers to all computer and information technology hardware, software, data, access and other resources owned, operated, or contracted by CUNY. This includes, but is not limited to, desktop and laptop computers, handheld devices that allow or are capable of storing and transmitting information (e.g., cell phones, tablets), mainframes, minicomputers, servers, network facilities, databases, memory, memory sticks, and associated peripherals and software, and the applications they support, such as e-mail, cloud computing applications, and access to the internet.
2. "E-mail" includes point-to-point messages, postings to newsgroups and listservs, and other electronic messages involving computers and computer networks.

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

IV. RULES FOR USE OF CUNY COMPUTER RESOURCES

1. Authorization.

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

2. Purpose.

- a. Use of CUNY Computer Resources is generally limited to activities relating to the performance by CUNY employees of their duties and responsibilities, by students in connection with their college courses and activities, and by retired CUNY teaching faculty, librarians, and other retired employees approved by the college president or where the employee is a member of the Central Office staff then by the Chancellor or his or her designee. For example, use of CUNY Computer Resources for private commercial or not-for-profit business purposes, for private advertising of products or services, or for any activity meant solely to foster personal gain, is prohibited. Similarly, use of CUNY Computer Resources for partisan political activity is also prohibited.
- b. Except with respect to CUNY employees other than faculty, where a supervisor has prohibited it in writing, incidental personal use of CUNY Computer Resources is permitted so long as such use does not interfere with CUNY operations, does not compromise the functioning of CUNY Computer Resources, does not interfere with the User's employment or other obligations to CUNY, and is otherwise in compliance with this policy, including subsection 2.a. above. Users should be aware that personal messages, data and other information sent or received through a User's CUNY account or otherwise residing in a CUNY Computer Resource are subject to CUNY review pursuant to Section 13 of this policy and may also be subject to public disclosure pursuant to FOIL.

3. Compliance with Law.

- a. CUNY Computer Resources may not be used for any purpose or in any manner that violates CUNY rules, regulations or policies, or federal, state or local law. Users who engage in electronic communications with persons in other states or countries or on other systems or networks may also be subject to the laws of those other states and countries, and the rules and policies of those other systems and networks. Users are responsible for ascertaining, understanding, and complying with the laws, rules, policies, contracts, and licenses applicable to their particular use.
- b. Examples of applicable federal and state laws include those addressing defamation, invasion of privacy, obscenity and child pornography, and online gambling, as well as the following:

Computer Fraud and Abuse Act
Copyright Act of 1976
Electronic Communications Privacy Act
Export control regulations issued by the U.S. Departments of Commerce, State and Treasury
Family Educational Rights and Privacy Act
FOIL

New York State Law with respect to the confidentiality of library records

- c. Examples of applicable CUNY rules and policies include those listed below. Other rules and policies may be found in the Manual of General Policy and on the CUNY Legal Affairs website:

Gramm-Leach-Bliley Information Security Program
IT Security Policies & Procedures
Policy on Maintenance of Public Order (the “Henderson Rules”)
Sexual Harassment Policy
University Policy on Academic Integrity
Web Site Privacy Policy

4. Licenses and Intellectual Property.

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

5. False Identity and Harassment. Users may not employ a false identity, mask the identity of an account or computer, or use CUNY Computer Resources to engage in abuse of others, such as sending harassing, obscene, threatening, abusive, deceptive, or anonymous messages within or outside CUNY.

6. Confidentiality.

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

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

8. Disruptive Activities.

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

9. CUNY Names and Trademarks.

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

10. Security.

- a. CUNY employs various measures to protect the security of its computer resources and of Users' accounts. However, CUNY cannot guarantee such security. Users are responsible for engaging in safe computing practices such as guarding and not sharing their passwords, changing passwords regularly, logging out of systems at the end of use, and protecting Non-Public University Information, as well as for following CUNY's IT Security Policies and Procedures.
- b. Users must report incidents of non-compliance with IT Security Policies and Procedures or other security incidents to the University Chief Information Officer and Chief Information Security Officer, and the Chief Information Officer at the affected User's college.

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

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

13. CUNY Access to Computer Resources.

- a. Copying. CUNY may copy a User's account and/or hard drive on a CUNY Computer Resource, without monitoring or inspecting the contents of such account and/or hard drive, at any time for preservation of data or evidence, without notice to the User.

- b. General Monitoring Practices. CUNY does not routinely monitor, inspect, or disclose individual usage of CUNY Computer Resources without the User's consent. In most instances, if the University needs information located in a CUNY Computer Resource, it will simply request it from the author or custodian. However, CUNY IT professionals and staff do regularly monitor general usage patterns as part of normal system operations and maintenance and might, in connection with these duties, observe the contents of 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 stored in any CUNY Computer Resource dedicated to their use will not be intruded upon by CUNY except as outlined in this policy.
- c. Monitoring without Notice.
- i. Categories. CUNY may specifically monitor or inspect the activity and accounts of individual users of CUNY computer resources, including individual login sessions, 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 determine whether CUNY may be vulnerable to liability, or when failure to act might result in significant bodily harm, significant property loss or damage, or loss of evidence, as determined by the college president or a vice president designated by the president or, in the case of the Central Office by the Chancellor or his or her designee, after consultation

with the Office of General Counsel and the Chair of the University Faculty Senate (if a current CUNY faculty member's account or activity is involved) or Vice Chair if the Chair is unavailable;

- E. when there is a reasonable basis to believe that CUNY policy or federal, state or local law has been or is being violated, as determined by the college president or a vice president designated by the president or, in the case of the Central Office by the Chancellor or his or her designee, after consultation with the Office of General Counsel and the Chair of the University Faculty Senate (if a current CUNY faculty member's account or activity is involved) or Vice Chair if the Chair is unavailable;
- F. when an account appears to be engaged in unusual or unusually excessive activity, as indicated by the monitoring of general activity and usage patterns, as determined by the college president or a vice president designated by the president and the college chief information officer or his or her designee or, in the case of the Central Office by the Chancellor or his or her designee, after consultation with CUNY's chief information officer or his or her designee, the Office of General Counsel, and the Chair of the University Faculty Senate (if a current CUNY faculty member's account or activity is involved) or Vice Chair if the Chair is unavailable; or
- G. as otherwise required by law.

ii. Procedures. In those situations in which the Chair of the University Faculty Senate is to be consulted prior to monitoring or inspecting an account or activity, the following procedures shall apply:

- A. if the monitoring or inspection of an account or activity requires physical entry into a faculty member's office, the faculty member shall be advised prior thereto and shall be permitted to be present to observe, except where specifically forbidden by law; and
- B. the college president or the Chancellor, as the case may be, shall report the completion of the monitoring or inspection to the Chair and the CUNY employee affected, who shall also be told the reason for the monitoring or inspection, except where specifically forbidden by law.

iii. Other Disclosure.

- A. CUNY, in its discretion, may disclose the results of any general or individual monitoring or inspection to appropriate CUNY

personnel or agents, or law enforcement or other agencies. The results may be used in college disciplinary proceedings, discovery proceedings in legal actions, or otherwise as is necessary to protect the interests of the University.

B. In addition, users should be aware that CUNY may be required to disclose to the public under FOIL communications made by means of CUNY Computer Resources whether in conjunction with University business or as incidental personal use.

C. Any disclosures of activity of accounts of individual Users to persons or entities outside of CUNY, whether discretionary or required by law, shall be approved by the General Counsel and shall be conducted in accordance with any applicable law. Except where specifically forbidden by law, CUNY employees subject to such disclosures shall be informed promptly after the disclosure of the actions taken and the reasons for them.

- iv. Annual Statement. The Office of General Counsel shall issue an annual statement of the instances of account monitoring or inspection that fall within categories D through G above. The statement shall indicate the number of such instances and the cause and result of each. No personally identifiable data shall be included in this statement.
- v. Privacy Policy. See [CUNY's Web Site Privacy Policy](#) for additional information regarding data collected by CUNY from visitors to the CUNY website at www.cuny.edu.

14. Waiver of Policy

- a. A CUNY employee or student may apply to the General Counsel for an exception or waiver from one or more of the provisions of this policy. Such application may be for a single use or for periodic or continuous uses, such as in connection with a course or program. Any application for a waiver should be made prior to using the CUNY Computer Resource for the purposes described in the application.
- b. The written waiver application must state:
 - i. the policy provision or provisions for which the User is seeking a waiver;
 - ii. how the User plans to use CUNY Computer Resource to be covered by the waiver and the reasons why the User believes a waiver should be approved;
 - iii. if the waiver involves confidential research information, what steps will be taken to protect such information;

- iv. the length of time for which the waiver is being requested; and
 - v. if a student, how and by whom the student will be supervised.
- c. The General Counsel shall consult with the CUNY's chief information officer and the president of the applicant's college (or, if the applicant is a Central Office employee, the Chancellor) or their designees, prior to making a determination regarding the application.
- d. Users should be aware that CUNY cannot waive federal, state or local law; for example, the contents of CUNY Computer Resources (including confidential research information) may be subject to a valid subpoena regardless of the terms of any waiver.

15. Enforcement.

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

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

17. Disclaimer.

- a. CUNY shall not be responsible for any damages, costs or other liabilities of any nature whatsoever with regard to the use of CUNY Computer Resources. This includes, but is not limited to, damages caused by unauthorized access to CUNY Computer Resources, data loss, or other damages resulting from delays, non-

deliveries, or service interruptions, whether or not resulting from circumstances under the CUNY's control.

- b. Users receive and use information obtained through CUNY Computer Resources at their own risk. CUNY makes no warranties (expressed or implied) with respect to the use of CUNY Computer Resources. CUNY accepts no responsibility for the content of web pages or graphics that are linked from CUNY web pages, for any advice or information received by a user through use of CUNY Computer Resources, or for any costs or charges incurred by a user as a result of seeking or accepting such advice or information.
- c. CUNY reserves the right to change this policy and other related policies at any time. CUNY reserves any rights and remedies that it may have under any applicable law, rule or regulation. Nothing contained in this policy will in any way act as a waiver of such rights and remedies.

Approved by the Board of Trustees on January 29, 2007, Cal. No. 4.D., with amendments approved on June 25, 2012, Cal. No. 5.A. and June 29, 2015, Cal. No. 5.A.

APPENDIX II:

**THE CITY UNIVERSITY OF NEW YORK
ACADEMIC INTEGRITY POLICY**

Academic Integrity Policy

Academic dishonesty is prohibited in The City University of New York. Penalties for academic dishonesty include academic sanctions, such as failing or otherwise reduced grades, and/or disciplinary sanctions, including suspension or expulsion.

Academic integrity is at the core of a college or university education. Faculty assign essays, exams, quizzes, projects, and so on both to extend the learning done in the classroom and as a means of assessing that learning. When students violate the academic integrity policy (i.e., “cheat”), they are committing an act of theft that can cause real harm to themselves and others including, but not limited to, their classmates, their faculty, and the caregivers who may be funding their education. Academic dishonesty confers an unfair advantage over others, which undermines educational equity and fairness. Students who cheat place their college’s accreditation and their own future prospects in jeopardy.

1. Definitions and Examples of Academic Dishonesty.

1.1 Cheating is the unauthorized use or attempted use of material, information, notes, study aids, devices, artificial intelligence (AI) systems, or communication during an academic exercise. Example of cheating include:

- Copying from another person or from a generative AI system or allowing others to copy work submitted for credit or a grade. This includes uploading work or submitting class assignments or exams to third party platforms and websites beyond those assigned for the class, such as commercial homework aggregators, without the proper authorization of a professor. Any use of generative AI tools must be in line with the usage policy for specific assignments as defined in the course of the syllabus and/or communicated by the course instructor.
- Using artificial intelligence tools to generate content for assignments or exams, including but not limited to language models or code generators, without written authorization from the instructor.
- Unauthorized collaboration on assignments or examinations.
- Taking an examination or completing an assignment for another person or asking or allowing someone else to take an examination or complete an assignment for you, including exams taken on a home computer.
- Submitting content generated by another person or an AI tool or any other source as solely your own work as your own, including, but not limited to, material obtained in whole or in part from commercial study or homework

help websites, or content generated or altered by AI or digital paraphrasing tools without proper citation.

- Fabricating and/or falsifying data (in whole or in part).
- Giving assistance to acts of academic misconduct/dishonesty.
- Altering a response on a previously graded exam or assignment and then attempting to return it for more credit or a higher grade without permission from the instructor.
- Submitting substantial portions of a paper or assignment to more than one course for credit without permission from each instructor.
- Unauthorized use during an examination of notes, prepared answers, or any electronic devices such as cell phones, computers, smart watches, or other technologies to copy, retrieve, generate or send information.

1.2. **Plagiarism** is the act of presenting ideas, research or writing that is not your own as your own. Examples of plagiarism include:

- Copying another person's or an AI tool's actual words or images without the use of quotation marks and citations attributing the words to their source.
- Presenting another person's ideas or theories in your own words without acknowledging the source.
- Failing to acknowledge collaborators on homework and laboratory assignments.
- Internet plagiarism, including submitting downloaded term papers or parts of term papers, paraphrasing or copying information from the internet without citing the source, or "cutting & pasting" from various sources without proper attribution.
- Unauthorized use of AI-generated content; or use of AI-generated content, whether in whole or in part, even when paraphrased, without citing the AI as the source.

1.3. **Obtaining Unfair Advantage** is any action taken by a student that gives that student an unfair advantage in his/her academic work over another student, or an action taken by a student through which a student attempts to gain an unfair advantage in his or her academic work over another student. Examples of obtaining unfair advantage include:

- 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.

1.4. Falsification of Records and Official Documents

Examples of falsification include:

- 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.
- Falsifying medical documentation that has a bearing on campus access or the excuse of absences or missed examinations and assignments.

2. Methods for Promoting Academic Integrity

2.1. The CUNY Policy on Academic Integrity, and, if applicable, the college’s procedures for implementing the Policy, shall be posted to each college’s website with a link provided in the Learning Management System (LMS) shell. It is recommended that the link also be included in each course syllabus. Orientation sessions for all new faculty (full- and part-time) and students shall incorporate a discussion of academic integrity.

2.2. All college catalogs, student handbooks, faculty handbooks, and college websites shall include the CUNY Policy on Academic Integrity and, if applicable, college procedures implementing the policy and the consequences of not adhering to the Policy.

2.3. Each college shall subscribe to an electronic plagiarism detection service and shall notify students of the fact that such a service is available for use by the faculty. Colleges shall make faculty aware of the availability of such services and faculty should inform students of their use.

3. Reporting

3.1. Each college’s president shall appoint an Academic Integrity Officer in consultation with the elected faculty governance leadership. The Academic Integrity Officer shall serve as the initial contact person with faculty members when they report incidents of suspected academic dishonesty. The Academic Integrity Officer may be the college’s Student Conduct Officer,

another student affairs official, an academic affairs official, or a tenured faculty member. Additional duties of the Academic Integrity Officer are described in Sections 4.1., 4.2.1., 4.2.2., 4.3 and 4.4.

3.2. A faculty member who suspects that a student has committed a violation of the CUNY Academic Integrity Policy shall review with the student the facts and circumstances of the suspected violation whenever feasible. Thereafter, a faculty member who concludes that there has been an incident of academic dishonesty sufficient to affect the student's final course grade shall report such incident on a Faculty Report Form in substantially the same format as the sample annexed to this Policy and shall submit the Form to the college's Academic Integrity Officer, copying his/her Department Chair. Each college shall use a uniform form throughout the college, which shall contain, at a minimum, the name of the instructor, the name of the student, the course name and number, the date of the incident, an explanation of the incident and the instructor's contact information. All instances of academic dishonesty that are reported to the Academic Integrity Officer shall be recorded for documentation and tracking purposes.

3.3. The Academic Integrity Officer shall update the Faculty Report Form after a suspected incident has been resolved to reflect that resolution. Unless the resolution exonerates the student, as described in Section 4.4, the Academic Integrity Officer of each college shall place the Form in a confidential academic integrity file created for each student alleged to have violated the Academic Integrity Policy and shall retain each Form for the purposes of identifying repeat offenders, gathering data, and assessing and reviewing policies. Unless they exonerate the student, written decisions on academic integrity matters after adjudication also shall be placed in the student's academic integrity file. The Academic Integrity Officer shall be responsible for maintaining students' academic integrity files.

4. Procedures for Imposition of Sanctions

4.1. Determination on academic vs. disciplinary sanction.

The Academic Integrity Officer shall determine whether to seek a disciplinary sanction in addition to an academic sanction. In making this determination, the Academic Integrity Officer shall consult with the faculty member who initiated the case and may consult with student affairs and/or academic affairs administrators as needed. Before determining which sanction(s) to seek, the Academic Integrity Officer also shall 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. Prior violations include both violations at the student's current college and violations that occurred at any other CUNY college. In making the determination on prior violations, the Academic Integrity Officer shall determine whether the student previously attended any other CUNY college and, if so, shall request and be given access to the academic integrity file, if any, at such other CUNY college.

The Academic Integrity Officer should seek disciplinary sanctions only if (i) there is a substantial violation; (ii) the student has previously violated the Policy; or (iii) academic sanctions may not be imposed because the student has timely withdrawn from the applicable course. Examples of substantial violations include but are not limited to: forging a grade form or a transcript; stealing an examination from a professor or a university office; having a substitute take an examination or taking an examination for someone else; having someone else write a paper for the student or writing a paper for another student; generating entire assignments or exam responses using AI without authorization, sabotaging another student's work through actions that prevent or impede the other student from successfully completing an assignment; and violations committed by a graduate or professional student or a student who will seek professional licensure. The college also should consider any mitigating circumstances in making this determination.

4.2. Procedures in Cases Involving Only Academic Sanctions.

4.2.1. Student Admits to the Academic Dishonesty and Does Not Contest the Academic Sanction.

If a faculty member wishes to seek only an academic sanction (i.e., a reduced grade) and students do not contest either their guilt or the particular reduced grade the faculty member has chosen, then the student shall be given the reduced grade, unless the Academic Integrity Officer decides to seek a disciplinary sanction. 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. A reduced grade may be an "F" or another grade that is lower than the grade that the student would have earned but for the violation. The faculty member shall inform the Academic Integrity Officer of the resolution via email and the Officer shall update the applicable Faculty Report Form to reflect that resolution.

4.2.2 Student Admits to the Academic Dishonesty but Contests the Academic Sanction.

In a case where a student admits to the alleged academic dishonesty but contests the particular academic sanction imposed, the student may appeal the academic sanction through the college's grade appeal process. The student shall be allowed, at a minimum, an opportunity to present a written position with supporting evidence. The committee reviewing the appeal shall issue a written decision explaining the justification for the academic sanction imposed.

4.2.3. Student Denies the Academic Dishonesty

In a case where a student denies the academic dishonesty, a fact-finding determination shall be made, at each college's option, by an Academic Integrity Committee established by the College's governance body or by the Student-Faculty Disciplinary Committee established under Article XV of the CUNY Bylaws. Each college's Academic Integrity Committee shall adopt procedures for hearing cases. (If a college opts to use its Student-Faculty Disciplinary Committee for this purpose, that Committee shall use Article IX procedures.) These procedures,

at a minimum, shall provide students with (i) written notice of the charges against them; (ii) the right to appear before the Committee; and (iii) the right to present witness statements and/or to call witnesses. Those procedures also shall provide the faculty member with the right to make an appearance before the Committee and/or present supporting documents. The Committee may request the testimony of any witness and may permit any such witness to be questioned by the student and by the administrator presenting the case. Academic Integrity Committees and Student-Faculty Disciplinary Committees, as applicable, shall issue written decisions and send copies of their decisions to the college's Academic Integrity Officer. The Academic Integrity Officer may not serve on a college's Academic Integrity Committee.

4.3. Procedures in Cases Involving Disciplinary Sanctions.

If the college decides to seek a disciplinary sanction, the case shall be processed under Article XV of the CUNY Bylaws. If the case is not resolved through mediation under Article XV, it shall be heard by the college's Faculty-Student Disciplinary Committee.

If the college seeks to have both a disciplinary and an academic sanction imposed, the college shall proceed first with the disciplinary proceeding and await its outcome before addressing the academic sanction. The student's grade shall be held in abeyance by using the PEN grade established for this purpose, pending the Committee's action. 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. The student may appeal the finding in accordance with Article XV procedures and/or may appeal the grade imposed by the faculty member in accordance with section 4.2.2. If the Faculty-Student Disciplinary Committee finds that the alleged violation did not occur, then no sanction of any kind may be imposed.

Where a matter proceeds to the Faculty-Student Disciplinary Committee, the Academic Integrity Officer 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 explained below, the suspected violation was held to be unfounded.

4.4. Required Action in Cases of No Violation

If either the Academic Integrity Committee or the Faculty- Student Disciplinary Committee finds that no violation occurred, the Academic Integrity Officer shall remove all material relating to that incident from the student's confidential academic integrity file and destroy the material.

5. Implementation

Each college shall implement this Policy and may adopt its own more specific procedures to implement the Policy. Colleges' procedures must be consistent with the policy and procedures described in the Policy. **CUNY BOT adopted a revised "Policy on Academic Integrity" on June 27, 2011, which went into effect on July 1, 2011 (6.27.2011.Cal.5.L). Amended and replaced on June 27, 2022. (6.27.2022. No. 4.F.)**

EXPLANATION Revision to the 2022 Academic Integrity Policy is necessary because the current policy does not address the advent of Artificial Intelligence and its use by students at CUNY. Preparing students to learn from and use AI responsibly and ethically is critical to the University’s mission, to ensuring academic integrity, to securing the rigor of the University’s academic programs. Further, students must become facile with the use of AI to learn effectively in today’s world and to prepare for their AI-assisted careers and lives in the future.

APPENDIX III:

**THE CITY UNIVERSITY OF NEW YORK
POLICY ON DRUGS AND ALCOHOL**

THE CITY UNIVERSITY OF NEW YORK POLICY ON DRUGS AND ALCOHOL

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

Federal law requires that CUNY adopt and implement a program to prevent the use of illicit drugs and abuse of alcohol by students and employees. As part of its program, CUNY has adopted this policy, which sets forth (1) the standards of conduct that students and employees are expected to follow; (2) CUNY sanctions for the violation of this policy; and (3) responsibilities of the CUNY colleges/units in enforcing this policy. CUNY’s policy also (1) sets forth the procedures for disseminating the policy, as well as information about the health risks of illegal drug and alcohol use, criminal sanctions for such use, and available counseling, treatment, or rehabilitation programs, to students and employees; and (2) requires each college to conduct a biennial review of drug and alcohol use and prevention on its campus.

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

CUNY STANDARDS OF CONDUCT

The unlawful manufacture, distribution, dispensation, possession, or use of drugs or alcohol by anyone, on CUNY property (including CUNY residence halls), in CUNY buses or vans, or at CUNY-sponsored activities, is prohibited. In addition, CUNY employees are prohibited from illegally providing drugs or alcohol to CUNY students. Finally, no student may possess or consume alcoholic beverages in any CUNY residence hall, regardless of whether the student is of lawful age, except for students living in the Graduate School and University Center’s graduate housing facilities who may lawfully possess and consume alcoholic beverages. For purposes of this policy, a CUNY residence hall means a residence hall owned and/or operated by CUNY, or operated by a private management company on CUNY’s behalf.

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

CUNY SANCTIONS

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

STUDENTS

Students are expected to comply with the CUNY and college policies with respect to drugs and alcohol. Any student found in violation may be subject to disciplinary action under Article 15 of the Bylaws of the Board of Trustees, which may result in sanctions up to and including expulsion from the University.

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

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

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

EMPLOYEES

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

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 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 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.

Adopted by CUNY Board of Trustees: June 22, 2002 and amended on May 2, 2011 (BOT May 2, 2011 Calendar Minutes: Item # 5.A.).

APPENDIX IV:

**THE CITY UNIVERSITY OF NEW YORK
POLICY ON ACCESS TO COLLEGE FACILITIES**

Access to College Facilities

Campus Facilities

As Medgar Evers College is a commuter school, there are no residences or dormitories on campus. Additionally, there aren't any off-campus student organizations. The College's normal hours of operation are 7:00AM to 11:00 PM Monday to Saturday and 9:00 AM to 6:00 PM Sunday. College-issued identification cards must be on your person any time you are on college property – this is also a University regulation. The college reserves the right to refuse entry or remove anyone regardless of status for rule infractions or safety reasons.

Identification Cards

College and University policy require that you carry your validated college-issued identification card on your person at all times while in our buildings or any City University controlled facility. It must be presented upon request by any public safety or administrative agent of the University. These cards are the property of the College.

Guests

All visitors to the college are expected to comport themselves in a manner consistent with an academic environment. Guests must sign in at the front Public Safety desk and show identification to the officer on duty. Guests are subject to the lawful instructions of all members of the Security, as well as the Administrative staff. If a guest appears to be intoxicated, refuses to follow procedures of producing identification or follow sign in procedures, entry to the building will be denied.

Off-Hours Access

During non-business hours when the college is closed, entry to buildings is not allowed except with written authorization.

Security Considerations Used in the Maintenance of Campus Facilities

The Facilities and Buildings & Grounds departments maintain college buildings. The college utilizes contractors who help maintain the college's fire alarm and fire suppression system, access control and CCTV systems. Any conditions, which appear unsafe, should be directly reported to any security staff person, as soon as possible. An automatic piped water-based fire suppression system is supplemented by numerous dry chemical portable fire extinguishers. Public Safety/Security Officers patrol the building and grounds several times a tour, every tour, each day of the year. All Public Safety staff carries mobile radios programmed through a repeater to enhance effectiveness. The aforementioned devices are checked during guard tour building rounds and building perimeter tours. Additionally, a special mobile radio located at the dispatch desk can communicate with any of the other CUNY campuses, as well as the central office. Deficiencies should be reported to Public Safety for repair/service.

Weapons Policy

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

APPENDIX V:

**THE CITY UNIVERSITY OF NEW YORK
POLICY ON SEXUAL MISCONDUCT**

THE CITY UNIVERSITY OF NEW YORK

POLICY ON SEXUAL MISCONDUCT

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PREAMBLE

This Policy prohibits Sexual Misconduct at The City University of New York (“CUNY”). In addition to defining what constitutes Sexual Misconduct and explaining the resources available to those affected by Sexual Misconduct, this Policy details CUNY’s procedures for investigating and adjudicating allegations of Sexual Misconduct. CUNY’s process for addressing allegations of Sexual Misconduct is based on federal, state and local laws, including Title IX, the federal law that prohibits sex discrimination in education and New York State’s Education Law Article 129-B, also known as the “Enough is Enough” law. Each time there is a change in the law, CUNY must review and revise this Policy.

In May 2020, the United States Department of Education (“USDOE”) issued regulations that significantly limited the behavior that constitutes sexual harassment prohibited by Title IX—this behavior is now referred to as Title IX Sexual Harassment.

Title IX Sexual Harassment is defined by the USDOE to mean conduct on the basis of sex that occurs in CUNY’s education program or activity against a person in the United States and that satisfies one or more of the following: (1) a CUNY employee conditioning the provision of an aid, benefit, or service of CUNY on an individual’s participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to CUNY’s education program or activity; or (3) Sexual Assault, Dating Violence, Domestic Violence, or Stalking as defined in this Policy.

The regulations mandate a specific procedure for the investigation, resolution and adjudication of allegations of Title IX Sexual Harassment (“Title IX grievance procedure”). The regulations state that educational institutions may still prohibit sexual misconduct that falls outside of the narrow definition of Title IX Sexual Harassment and CUNY will continue to prohibit, investigate and adjudicate such conduct - for example, conduct that has a reasonable connection to CUNY but occurs outside of CUNY’s education program or activity, conduct that occurs outside the United States or unwelcome physical or verbal conduct of a sexual nature that does not meet the severe, pervasive and objectively offensive standard.

This Policy uses Sexual Misconduct as an umbrella term that covers all conduct prohibited by the Policy—regardless of whether that conduct meets the Title IX Sexual Harassment definition or not. Sexual Misconduct that falls outside the scope of Title IX Sexual Harassment will be referred to as a Non-Title IX Sexual Misconduct matter.

While the regulations specify a strict and complex Title IX grievance procedure for Title IX Sexual Harassment matters, those procedures are not required when Sexual Misconduct falls outside the scope of Title IX and CUNY determined that it would not use the Title IX grievance procedure for Non-Title IX Sexual Misconduct matters. Therefore, to ensure compliance with Title IX, as now interpreted, as well as other federal, state and local laws, this Policy provides two different sets of procedures: Title IX Sexual Harassment matters will follow the Title IX grievance procedure required by the regulations and Non-Title IX Sexual Misconduct matters will follow a different process that largely mirrors the CUNY investigation and adjudication process that existed under previous versions of this Policy, with a few changes and updates.

I. POLICY STATEMENT

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

1. Defining conduct that constitutes Sexual Misconduct;
2. Providing clear guidelines for students, employees and visitors on how to report incidents of Sexual Misconduct;
3. Providing ongoing assistance and support to all parties after allegations of Sexual Misconduct have been made;
4. Promptly and respectfully responding to and investigating allegations of Sexual Misconduct, pursuing disciplinary action when appropriate and taking action to investigate and address any allegations of retaliation;
5. Providing awareness and prevention information on Sexual Misconduct, including widely disseminating this Policy, as well as a “Students’ Bill of Rights” and implementing training and educational programs on Sexual Misconduct to college constituencies;
6. Gathering and analyzing information and data that will be reviewed in order to improve safety, reporting, responsiveness and the resolution of allegations of Sexual Misconduct;
7. Distinguishing between the specific conduct defined as Title IX Sexual Harassment by the USDOE and the broader definition of Sexual Misconduct prohibited by this Policy; and
8. Ensuring compliance with the federal regulations under Title IX, and other federal, state and local laws.

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

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

1. [The CUNY Policy on Equal Opportunity and Nondiscrimination](#)² prohibits discrimination on the basis of numerous protected characteristics in accordance with federal, state and local law. That policy addresses sex discrimination other than Sexual Misconduct covered by this policy.
2. [The CUNY Campus and Workplace Violence Prevention Policy](#)³ addresses workplace violence.
3. [The CUNY Domestic Violence and the Workplace Policy](#)⁴ addresses domestic violence in or affecting employees in the workplace.

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

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

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

⁴ http://policy.cuny.edu/general-policy/article-v/#policy_5.061.

4. [The CUNY Procedures for Implementing Reasonable Accommodations and Academic Adjustments](https://www.cuny.edu/about/administration/offices/legal-affairs/policies-procedures/reasonable-accommodations-and-academic-adjustments/)⁵ addresses the procedures CUNY will follow when there is a request for a reasonable accommodation or academic adjustment.

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

II. SCOPE OF THIS POLICY

This Policy governs the conduct of CUNY students, employees and visitors. Visitors may report a violation of this Policy and may also be subject to restrictions for failing to comply with this Policy.

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

III. PROHIBITED CONDUCT AND DEFINITIONS

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

The following behaviors constitute Sexual Misconduct prohibited under this Policy:

- a. **Dating Violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct. Dating violence includes the threat of sexual assault or physical abuse. The existence of such a relationship is determined based on a consideration of the following factors: (1) The length of the relationship; (2) The type of relationship and (3) The frequency of interaction between the persons involved in the relationship. A relationship may be romantic or intimate regardless of whether the relationship was sexual in nature.
- b. **Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim by a person with whom the victim shares a child, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under applicable domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under applicable domestic or family

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

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

violence laws. Domestic violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct.

- c. **Sexual Assault: Contact** is any sexual contact, including sexual touching for the purpose of sexual gratification of either party or degrading or abusing such person, without a person's consent. Sexual touching includes contact under or over clothing with another person's anus, breasts, buttocks, genitals, groin or inner thigh; touching another person anywhere with any of these body parts; making another person touch any of these body parts under or over clothing; or the emission of ejaculate on the clothing or body of another person.
- d. **Sexual Assault: Penetration** is any form of vaginal, anal, or oral penetration or attempted penetration, however slight, by a penis, object, tongue, or finger without a person's consent. This term includes incest and statutory rape.
- e. **Sexual Harassment** is unwelcome verbal or physical behavior based on a person's sex (including sexual orientation, gender, gender expression and gender identity, including transgender status). Conduct is considered "unwelcome" if the individual did not request or invite it and considered the conduct to be undesirable or offensive. This includes unwelcome conduct when: (1) a CUNY employee conditions the provision of an aid, benefit, or service of CUNY on an individual's participation in unwelcome sexual conduct (quid pro quo); and/or (2) such conduct alters the conditions of, or has the effect of interfering with, an individual's educational or work experience by creating an intimidating, hostile or offensive environment (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of a complainant. While it is not possible to list all circumstances that might constitute Sexual Harassment, the following are some examples of conduct that might constitute such harassment:
 - i. Suggestive body language or inappropriate or unwelcome physical contact that does not qualify as Sexual Assault: Contact;
 - ii. Verbal abuse or offensive comments of a sexual nature, including sexual slurs, persistent or pervasive sexually explicit statements, questions, jokes or anecdotes, degrading words regarding sexuality or gender, suggestive or obscene letters, notes, or invitations;
 - iii. Making lewd or sexual comments about an individual's appearance, body, or clothing;
 - iv. Visual displays or distribution of sexually explicit drawings, pictures, or written materials;
 - v. Undue and unwanted attention, such as repeated inappropriate flirting, staring, or making sexually suggestive gestures; or
 - vi. Offensive comments regarding a person's sexual orientation, gender identity or gender expression, such as persistent mocking or disparagement of a person based on a perceived lack of stereotypical masculinity or femininity.
- f. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for their safety or the safety of others or (2) suffer substantial emotional distress. This Policy addresses stalking that is based on sex (including sexual orientation, gender, gender expression and gender identity, including transgender status). All other stalking will be addressed under other applicable policies.

- g. Title IX Sexual Harassment** is a subset of the broader definition of Sexual Harassment above. It is defined by the USDOE to mean conduct on the basis of sex⁷ that occurs in CUNY’s education program or activity against a person in the United States and that satisfies one or more of the following: (1) a CUNY employee conditioning the provision of an aid, benefit, or service of CUNY on an individual’s participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to CUNY’s education program or activity; or (3) Sexual Assault, Dating Violence, Domestic Violence, or Stalking as defined in this Policy.
- h. Voyeurism** is unlawful surveillance and includes acts that violate a person’s right to privacy in connection with their body and/or sexual activity such as:
- i. Viewing another person’s sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent.
 - ii. Recording images (e.g. video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness where that person would have a reasonable expectation of privacy, without that person’s consent;
 - iii. Disseminating images (e.g. video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness where that person would have a reasonable expectation of privacy, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure; or
 - iv. Using or installing, or permitting the use or installation of a device for the purpose of recording another person’s sexual activity, intimate body parts or nakedness in a place where the person would have a reasonable expectation of privacy without that person’s consent.

Other important terms and concepts addressed in this Policy:

- a. Consent** means affirmative consent.
- b. Affirmative Consent** is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity or gender expression.
- i. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
 - ii. In order to give consent, one must be of legal age (17 years or older in New York).
 - iii. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
 - iv. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by lack of consciousness or being asleep, being

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

- involuntarily restrained, or if the individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- v. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
 - vi. Consent may be initially given but withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.
- c. **Sexual Act/Sexual Activity** is
- i. Any form of vaginal, anal, or oral penetration or attempted penetration, however slight, by a penis, object, tongue or finger.
 - ii. Any sexual contact, including sexual touching. Sexual touching includes contact under or over clothing with another person’s anus, breasts, buttocks, genitals, groin or inner thigh; touching another person anywhere with any of these body parts; making another person touch any of these body parts under or over clothing; or the emission of ejaculate on the clothing or body of another person.
- d. **Complainant** refers to the individual who alleges that they have been the subject of Sexual Misconduct, and may be a CUNY student, employee (including all full-time and part-time faculty and staff and paid/unpaid interns) or visitor. Under this Policy, the alleged incident(s) may have been brought to the college’s attention by someone other than the complainant.
- e. **Confidentiality** is the commitment not to share any identifying information with others, except as required by law in emergency circumstances (such as risk of death or serious bodily harm). Confidentiality may only be offered by individuals who are not required to report known incidents of Sexual Misconduct to college officials. Licensed mental health counselors, medical providers and pastoral counselors may offer confidentiality. See additional discussion in Section VI.
- f. **Day** Whenever this Policy refers to a “day,” it means a calendar day other than a Saturday, Sunday or federal or state holiday.
- g. **Knowingly submitting false statements or information** means knowingly making false statements or submitting false information in connection with any allegation of Sexual Misconduct (as opposed to providing information which, even if erroneous, is provided in good faith). Anyone who knowingly makes false statements or submits false information in connection with any allegation of Sexual Misconduct will be subject to disciplinary action in accordance with CUNY Bylaws, policies and collective bargaining agreements.
- h. **Non-Title IX Sexual Misconduct Matter** is the term used to describe allegations of Sexual Misconduct that do not meet the definition of Title IX Sexual Harassment and therefore will be resolved, investigated and adjudicated pursuant to the procedures outlined in Section XII.
- i. **Party** is a complainant or respondent.
 - j. **Preponderance of evidence** is the standard of evidence used during the investigation and adjudication of Sexual Misconduct allegations under this Policy. A preponderance of the evidence means whether it is more likely than not that the Sexual Misconduct occurred.
 - k. **Privacy** is the assurance that an individual or the college will only reveal information about allegations of Sexual Misconduct to those who need to know the information in order to carry out their duties or responsibilities or as otherwise required by law. Individuals who are unable to offer the higher standard of confidentiality under law, but who are still

committed to not disclose information more than necessary, may offer privacy. See additional discussion in Section VI.

- l. **Respondent** refers to the individual who is alleged to have committed Sexual Misconduct against a CUNY student, employee, or visitor.
- m. **Retaliation** is adverse treatment of an individual as a result of that individual's reporting Sexual Misconduct, assisting someone to report Sexual Misconduct, opposing in a reasonable manner an act or policy believed to constitute Sexual Misconduct, or participating in any manner (or refusing to participate) in an investigation or resolution under this Policy. Adverse treatment includes intimidation, threats, coercion or discrimination for the purpose of interfering with any right or privilege secured by this Policy. All individuals are prohibited from engaging in retaliation, including complainants, respondents and others, such as friends or relatives of the parties.
- n. **Title IX Formal Complaint** is a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a respondent and requesting that the college investigate the allegations. The Title IX Coordinator may sign a Title IX Formal Complaint with or without a complainant's desire to participate in a grievance process.
- o. **Title IX Sexual Harassment Matter** is the term used to describe allegations of Sexual Misconduct that meet the definition of Title IX Sexual Harassment and therefore must be resolved, investigated and adjudicated pursuant to the Title IX grievance procedures required by the USDOE and outlined in Section XI.
- p. **Visitor** is any person other than a CUNY student or employee who interacts with the CUNY community. CUNY alumni are considered visitors under this Policy.
- q. **Writing** Whenever this Policy requires a "writing," electronic mail satisfies the writing requirement.

IV. **TITLE IX COORDINATOR**

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

⁸ Any reference to the Title IX Coordinator may also include their designee.

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

V. RESOURCES AND INFORMATION FOR INDIVIDUALS AFFECTED BY SEXUAL MISCONDUCT

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

A. Reporting to Outside Law Enforcement

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

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

Additional information is available on CUNY's [Title IX website](#).

B. Differences between CUNY's Process and Procedures and Those of Outside Law Enforcement

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

Students, employees and other community members should be aware that CUNY procedures and standards differ from those of criminal law. When CUNY investigates allegations of Sexual Misconduct or brings disciplinary proceedings for violations of this Policy, the issue is whether the respondent violated CUNY policy. The standard applied in making this determination is whether the preponderance of the evidence supports a finding of responsibility, or, stated another way, whether it is more likely than not that the alleged conduct occurred. An individual found to have violated this Policy may be sanctioned by the college and CUNY. In the criminal justice system, on the other hand, the issue is whether the accused violated criminal law. The standard

applied is proof beyond a reasonable doubt and an individual found guilty of a crime is subject to criminal penalties, such as incarceration, probation and fines. More information about relevant criminal laws is available in “[A Plain Language Explanation of Distinction Between the New York Penal Law and the College Disciplinary Processes](#).”¹⁰

C. Obtaining Immediate Medical Attention and Emotional Support

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

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

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

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

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

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

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

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

- a. Confidential Employees** have an obligation to maintain a complainant's confidentiality regarding allegations of Sexual Misconduct and will not share any identifying information with others, except as required by law in emergency circumstances;
- b. Responsible Employees** are required to report allegations of Sexual Misconduct to the Title IX Coordinator but will protect an individual's privacy to the greatest extent possible and share information with other staff only on a need-to-know basis; and
- c. All other employees** are strongly encouraged, but not required to report allegations of Sexual Misconduct to the Title IX Coordinator. These employees are otherwise encouraged to protect an individual's privacy to the greatest extent possible and share information only with the Title IX Coordinator.

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

A. Confidential Employees

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

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

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

- b. For Employees.** Although CUNY does not directly employ individuals to whom CUNY employees can speak on a confidential basis regarding Sexual Misconduct, free confidential support services are available through [CUNY's Work/Life](#)

[Program](#)¹², which is administered by an outside company. Confidential community counseling resources are also available [throughout New York City](#).¹³

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

B. Responsible Employees

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

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

CUNY has designated the following individuals as responsible employees:

- a. University Title IX Director
- b. College Title IX Coordinator and staff
- c. Office of Public Safety employees
- d. Vice President for Student Affairs or Dean of Students and all staff housed in those offices (other than staff that are designated as confidential employees)
- e. Residence Life staff in CUNY owned or operated housing, including Resident Assistants
- f. Directors and Deputy Directors of Human Resources
- g. College President, Vice Presidents and Deans
- h. Athletics Staff
- i. Department Chairpersons/Executive Officers
- j. CUNY Office of the General Counsel attorneys and College/unit attorneys
- k. College/unit labor designee
- l. Faculty and staff members at times when they are leading or supervising students on off-campus trips
- m. International Education Liaisons/Study Abroad Campus Directors and Field Directors
- n. All employees at Hunter College Campus Schools
- o. College Childcare Center staff
- p. Managers or supervisors, regarding alleged Sexual Misconduct involving people who report to them
 - i. **Managers** are employees who have authority to make tangible employment decisions with regard to other employees, including the authority to hire, fire, promote, compensate or assign significantly different responsibilities.

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

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

- ii. **Supervisors** are employees who are not managers, but have a sufficient degree of control over the working conditions of one or more employees, which might include evaluating their performance and making recommendations for changes in employment status that are given particular weight.

C. Special Rules Concerning Public Awareness and Advocacy Events

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

VII. REPORTING SEXUAL MISCONDUCT TO THE COLLEGE

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

A. Complainant’s Rights

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

Complainants also have these rights:

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

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

B. Where to Report Allegations of Sexual Misconduct on Campus

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

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

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

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

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

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

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

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

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

D. Filing External Complaints

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

- a. [U.S. Department of Education, Office for Civil Rights](http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html)¹⁴
- b. [U.S. Equal Employment Opportunity Commission](https://www.eeoc.gov/federal/fed_employees/filing_complaint.cfm)¹⁵
- c. [New York State Division of Human Rights](https://dhr.ny.gov/complaint)¹⁶
- d. [New York City Commission on Human Rights](http://www1.nyc.gov/site/cchr/about/resources.page)¹⁷

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

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

¹⁵ https://www.eeoc.gov/federal/fed_employees/filing_complaint.cfm.

¹⁶ <https://dhr.ny.gov/complaint>.

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

E. Action by Bystanders

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

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

F. Amnesty for Drug and Alcohol Use

The health and safety of every student at CUNY is of the utmost importance. CUNY recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at a time that Sexual Misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. CUNY strongly encourages students to report Sexual Misconduct to college officials. A bystander or complainant acting in good faith who discloses any incident of Sexual Misconduct to college officials or law enforcement will not be subject to discipline under [CUNY's Policy on Drugs and Alcohol](#)¹⁸ for violations of alcohol and/or drug use policies occurring at or near the time of the Sexual Misconduct.

G. Reporting Retaliation

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

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

VIII. SUPPORTIVE MEASURES AND ACCOMMODATIONS

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

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

The Title IX Coordinator will work with the Chief Student Affairs Officer¹⁹ to identify a trained staff member to assist students to obtain supportive measures and accommodations. The Title IX Coordinator will work with the Human Resources Director to assist employees to obtain supportive measures and accommodations.

A. Range of Supportive Measures and Accommodations

Possible supportive measures and accommodations may include:

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

¹⁹ Any reference to the Chief Student Affairs Officer may also include their designee.

- i. Emergency removal of a respondent when they pose an imminent threat to the physical health or safety of any person (see discussion below).

B. No Contact Orders

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

C. Emergency Removal

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

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

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

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

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

IX. EVALUATION OF INITIAL ALLEGATIONS OF SEXUAL MISCONDUCT

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

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

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

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

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

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

A. Rights of Parties during any Investigation and Resolution

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

- a. To an investigation and process that is fair, impartial, timely, thorough and provides a meaningful opportunity to be heard;
- b. To have the allegations investigated and/or adjudicated by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, and the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until any finding of responsibility;
- c. To have the allegations investigated, resolved and/or adjudicated by individuals who are free from a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent;
- d. To have the college's judicial or conduct process run concurrently with any criminal justice investigation and proceeding, except for temporary delays requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten (10) days except when law enforcement specifically requests and justifies a longer delay;
- e. To an investigation process where the burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the college and not on the parties;
- f. To receive reasonable advance written notice of any meeting they are required to or eligible to attend;
- g. To exclude their own prior sexual history with persons other than the other party in the investigation or conduct process and their own mental health diagnosis and/or treatment, subject to certain exceptions described in Sections XI and XII;
- h. To offer evidence during the investigation;
- i. To have irrelevant evidence excluded from any hearing;
- j. To review documents and tangible evidence, consistent with the Family Educational Rights and Privacy Act ("FERPA") and other laws (see Sections XI or XII for additional details);
- k. To be accompanied by an advisor of their choice (who may be an attorney), who may assist and advise throughout the process, including during all related meetings and hearings. Advisors must comply with applicable CUNY policies and procedures;²⁰
- l. To simultaneous notice of the outcome of proceedings, including written notice of findings of fact, decisions and sanctions if any, as well as the rationale for the decision and any sanction;

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

- m. To access to a full and fair record of any hearing;
- n. To protection against retaliation as defined in Section III; and
- o. To protection against the provision of false statements and evidence, as defined in Section III.

B. Informal Resolution

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

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

Informal resolution may take place at any point prior to a determination of responsibility. For Title IX Sexual Harassment matters, informal resolution is available after a Title IX Formal Complaint is filed. The Title IX Coordinator must consider every eligible case for informal resolution. When the Title IX Coordinator determines that it is appropriate to refer a matter for informal resolution, the Title IX Coordinator will provide the parties with written notice that an informal resolution is being offered to resolve the allegations. This written notice will include:

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

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

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

Any agreement reached through informal resolution must be acceptable to both parties and the college. If a resolution is reached, the parties will be notified in writing, and a written memorandum

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

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

C. CUNY-wide Sexual Misconduct Panel and Committee Structure

CUNY will constitute a CUNY-wide Sexual Misconduct Panel (“the Panel”) comprised of faculty members, Higher Education Officer series employees (“HEO”), and students from its constituent campuses, from which members will be drawn to serve as the decision-maker at hearings (Adjudication Committee) and the decision-maker of appeals (Appeal Committee) for both Title IX Sexual Harassment matters and Non-Title IX Sexual Misconduct matters. CUNY will consult with each College President to help constitute the Panel. When selecting faculty members, the President shall consult with the faculty member who is the head of the appropriate campus governance body or where the President is the head of the governance body, the faculty members of its executive committee. Each Panel member should be specially trained annually on the relevant law and this Policy.

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

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

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

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

D. Conflict/Bias

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

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

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

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

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

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

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

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

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

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

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

F. Hearing Recording

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

G. Prohibition on Unauthorized Copying or Recording

The parties are prohibited from recording any part of the investigation and grievance process and from unauthorized copying of documents or materials. Copying includes but is not limited to: audio or video recording, streaming, photographing, scanning, transcribing, or any other form that conflicts with the spirit of this directive. Allegations of non-compliance will be reviewed by the Office of Student Affairs, or Human Resources, as appropriate, and may result in disciplinary action.

H. Student Respondent Withdrawal Before Allegations are Resolved

A student who withdraws from CUNY shall not be exempt from a Sexual Misconduct investigation or adjudication that commenced prior to withdrawal. When a student respondent withdraws from CUNY with a Sexual Misconduct investigation or adjudication pending, the respondent will be barred from attending any other college, school, or unit of CUNY until the investigation and/or adjudication is complete or the allegations are otherwise resolved. If the respondent fails to appear at a subsequent hearing, the college may proceed in absentia, and any decision and sanction shall be binding, pending appeal.

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

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

I. Transcript Notations

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

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

J. Recordkeeping

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

²² See 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII).

education program or activity; any appeals and the result; any informal resolution and the result; and any recordings or transcripts of hearings.

CUNY's Records Retention and Disposition Schedule requires that student disciplinary records be maintained permanently.

XI. PROCEDURES FOR TITLE IX SEXUAL HARASSMENT MATTERS

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

A. Requirement of a Title IX Formal Complaint

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

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

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

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

B. Initiation of Title IX Grievance Procedure

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

- a. CUNY's Policy on Sexual Misconduct;
- b. Notice of the allegations, including sufficient details known at the time notice is sent, including the date, time and location of the alleged behavior, the identity of the parties and the specific act or acts that are alleged to violate the Policy's prohibition of Title IX Sexual Harassment, defined in Section III;
- c. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- d. A statement that the allegations outlined in the notice may not be the final allegations considered by the college, and notice that if the college decides to investigate additional allegations, the college will provide notice of the additional allegations in a timely manner and with sufficient time for the parties to prepare for any hearing;
- e. Notice that the parties may have an advisor of their choice, who may be an attorney;
- f. Notice that parties may inspect and review evidence, as outlined in Section XI-E-b;

- g. Notice that the parties are entitled to written notice of the date, time, location, participants and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate in any hearing, investigative interview or meeting;
- h. Notice that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the college and not on the parties;
- i. CUNY's prohibition on knowingly making false statements or knowingly submitting false information during the grievance process, as defined in Section III; and
- j. CUNY's prohibition on retaliation, as defined in Section III.

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

C. Informal Resolution

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

D. Dismissal of Title IX Formal Complaint Prior to Resolution

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

- d. Appeal** - Either party may appeal the dismissal of a Title IX Formal Complaint on the following grounds:
- i. A procedural irregularity affected the outcome of the matter;
 - ii. New evidence that was not reasonably available at the time the dismissal was made, that could affect the outcome of the matter; and/or
 - iii. The Title IX Coordinator had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent, that affected the outcome of the matter.

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

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

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

E. Formal Resolution and Investigation

a. Rights of the Parties

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

- i. To have the Title IX Formal Complaint investigated, resolved and/or adjudicated by individuals who receive training as required by federal regulation;
- ii. To an evaluation of all relevant evidence, including both inculpatory and exculpatory evidence and credibility determinations that are not based on a person's status as a complainant, respondent or witness;
- iii. To receive reasonable advance written or electronic notice of allegations, including the date, time, location and general description of the allegations, as well as the specific conduct rule or law violated and the possible sanction;
- iv. To exclude questions and evidence about their own sexual predisposition or prior sexual behavior, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent (complainant only);
- v. To exclusion (including the college's access, consideration, disclosure or other use) of a party's records that are made or maintained by a physician, psychiatrist, psychologist or

- other recognized professional or paraprofessional, and which are made and maintained in connection with the provision of treatment to the party, unless the college obtains the party's voluntary, written consent;
- vi. To offer evidence during the investigation, including both fact and expert witnesses and other inculpatory and exculpatory evidence;
 - vii. To an investigative report that fairly summarizes relevant evidence;
 - viii. To inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Title IX Formal Complaint, including inculpatory or exculpatory evidence whether obtained from a party or other source, consistent with FERPA and other law; and to submit a written response within ten (10) days of receiving said evidence and to have that written response considered by the Title IX Coordinator prior to the investigative report being finalized;
 - ix. To review the investigative report at least ten (10) days prior to any hearing and to respond in writing prior to a hearing or other time of determination regarding responsibility; and
 - x. To a live hearing and cross examination; CUNY will provide an advisor to any party who does not have one, for the limited purpose of conducting cross examination at a hearing.

b. Investigation

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

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

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

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

i. Post Investigation Review of Relevant Documents and Materials

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

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

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

ii. Investigative Report

Upon completion of the investigation, the Title IX Coordinator must prepare an investigative report, which will fairly summarize all relevant evidence gathered during the investigation. The investigative report must include:

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

iii. Review of Investigative Report

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

c. Live Hearing

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

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

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

i. Pre-hearing procedures

1. Referral for Hearing

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

- A. For student respondents: University Title IX Director and college Office of Student Affairs.
- B. For employee respondents: University Title IX Director; college Office of Human Resources and college Labor Designee.

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

2. Issuance of Notice of Hearing

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

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

The Notice of Hearing must contain the following:

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

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

3. Review of Evidence before Hearing

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

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

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

- A. The investigative report, including exhibits; and
- B. The parties' written responses to the investigative report.

ii. Hearing Procedures

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

1. Roles and Responsibilities

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

Adjudication Committee

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

Adjudication Committee Chairperson

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

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

College Presenter

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

Advisors

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

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

2. Responsibility Phase

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

Presentation of Evidence

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

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the

complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

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

Cross Examination

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

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

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

3. Penalty Phase

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

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

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

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

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

d. Determination of Responsibility

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

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

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

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

e. Remedies for Complainants

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

f. Sanctions for Respondents

Range of Sanctions for Student Respondents

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

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

Range of Sanctions for Employees

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

XII. PROCEDURES FOR NON-TITLE IX SEXUAL MISCONDUCT MATTERS

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

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

A. Rights of the Parties

Whenever an investigation of Non-Title IX Sexual Misconduct takes place, the parties have the rights described in Section X-A.

B. Informal Resolution

A Non-Title IX Sexual Misconduct matter may be resolved through an informal resolution process (Section X-B).

C. Investigation

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

- a. Coordinate investigative efforts with other appropriate offices;
- b. Provide the parties written notice that an investigation is being commenced, including notice of the allegations and sufficient details known at the time notice is sent, including the date, time and location of the alleged behavior and the specific act or acts that are alleged to violate the Policy's prohibition on Sexual Misconduct;
- c. Interview witnesses who might reasonably be expected to provide information relevant to the allegations, and review relevant documents and evidence. Both the complainant and respondent must be informed that they have the right to provide relevant documents and to propose witnesses whom they reasonably believe can provide relevant information. A respondent employee who is covered by a collective bargaining agreement may consult with and have a union representative present at any interview of that employee conducted as part of such investigation; and
- d. Create an investigative report that fairly summarizes relevant evidence and makes findings as to whether, in the investigator's opinion, there is a preponderance of evidence that the respondent is responsible for the allegation(s).

The college must make reasonable efforts to ensure that the investigation and resolution of allegations of Sexual Misconduct are carried out within reasonably prompt timeframes. While some allegations may require more extensive investigation, when possible, the investigation of allegations of Sexual Misconduct (including completion of the investigative report) must be completed within one hundred-twenty (120) days of the receipt of the allegations.

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

Upon completion of the investigation, the Title IX Coordinator must prepare an investigative report, which will fairly summarize and evaluate relevant evidence gathered during the investigation. The investigative report will include:

- a. Procedural history of the case;
- b. Alleged Policy violations;
- c. A list of individuals interviewed;
- d. A list of exhibits;
- e. Summary of party and witness statements and other relevant evidence;
- f. Analysis of evidence, including credibility assessments; and
- g. Factual findings regarding whether, in the investigator's opinion, there is a preponderance of evidence that the respondent is responsible for the allegation(s).

D. Action Following the Investigation or Termination of an Investigation

a. Students

If the complainant is a student, the Title IX Coordinator must provide the investigative report to both parties within five (5) days of the completion of the report. If the allegations are unsubstantiated, in whole or in part, the student complainant has the right to appeal the Title IX Coordinator's determination to an Appeal Committee. Appeals may be based on the following grounds:

- i. Procedural irregularity that affected the outcome of the matter
- ii. New evidence that was not reasonably available at the time of the investigation, which could affect the outcome of the matter; or
- iii. The Title IX Coordinator had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The complainant must submit their written appeal to the University Title IX Director within fifteen (15) days after the delivery of the investigative report. The University Title IX Director will provide the complainant's appeal to the respondent within five (5) days of submission. The respondent will have the opportunity to submit a written response to the appeal, due within fifteen (15) days after the delivery of the complainant's appeal.

The University Title IX Director will facilitate the composition and scheduling of the Appeal Committee, which will be comprised of members of the CUNY-wide Sexual Misconduct Panel, as outlined in Section X-C. The Appeal Committee will review the investigative report, the

complainant's appeal and the respondent's response, if any. The Appeal Committee will issue a written decision within fifteen (15) days of receipt of the respondent's written submission or failure to provide a submission. The written decision will be provided simultaneously to both parties.

If the Appeal Committee grants the appeal, it may remand the matter for appropriate action, which may include, but is not limited to, the evaluation of new evidence or a new investigation.

Following the appeal, if any, the Title IX Coordinator shall send the investigative report, as well as any decision on appeal, to the College President. If either party is a student, the investigative report must also be sent to the Chief Student Affairs Officer. A copy of the report and any decision on appeal must be maintained in the files of the Title IX Coordinator.

Following receipt of the investigative report, the College President must, when warranted by the facts, authorize such action as they deem necessary, including action to correct the effects of the conduct investigated or prevent further harm to an affected party or others similarly situated. This may include a recommendation that disciplinary action be commenced against a respondent, as set forth in Section XII-E below, or for unsubstantiated findings, authorization to close the matter.

Within thirty (30) days following the termination of an investigation (for example, because it was resolved by informal resolution or the complainant withdrew cooperation); the Title IX Coordinator will summarize for the file the actions taken in response to the allegations and the basis on which the investigation was closed.

b. Employees

The Title IX Coordinator must provide the investigative report to the College President. Following receipt of the investigative report, the College President must, when warranted by the facts, authorize such action as they deem necessary, including action to correct the effects of the conduct investigated or prevent further harm to an affected party or others similarly situated. This may include a recommendation that disciplinary action be commenced against a respondent, as set forth in Section XII-E below, or for unsubstantiated findings, authorization to close the matter.

Within thirty (30) days following the termination of an investigation (for example, because it was resolved by informal resolution or the complainant withdrew cooperation); the Title IX Coordinator will summarize for the file the actions taken in response to the allegations and the basis on which the investigation was closed.

E. Disciplinary Process and Procedures

a. Disciplinary Action

The following procedures apply when the College President recommends that disciplinary action be commenced against a respondent student or employee for violations of this Policy:

i. Discipline Against Students

When a College President recommends discipline against a student for violations of this Policy, the matter is referred to the college Office of Student Affairs and action must be taken in accordance with Section XI-E-b/c, below.

Sanctions for student respondents following a disciplinary hearing range from a warning to suspension or expulsion from CUNY. When a disciplinary hearing results in a penalty of expulsion or suspension for one term or more, the respondent must be barred from admission to, or attendance at, any other unit CUNY while the penalty is being served. Students may also be subject to CUNY's policy on transcript notations, discussed in Section X-I.

In addition to the rights described in Section X-A, the parties have the following rights at a disciplinary hearing:

1. To receive notice of the charges, including the date, time, location and factual allegations, concerning alleged violation of this Policy;
2. To receive notice of the specific provisions alleged to have been violated and possible sanctions;
3. To make an impact statement at the point when the Adjudication Committee is deliberating on appropriate sanctions;
4. To choose whether to disclose or discuss the outcome of a conduct or judicial process;
5. To appeal a determination of responsibility before a panel that is fair and impartial and does not include individuals with conflicts of interest;
6. To have all information obtained during the conduct process protected from public release until a decision-maker on appeal makes a final determination, unless otherwise required by law.

ii. Discipline Against Employees

In cases where the College President recommends discipline against an employee, the matter is referred for disciplinary action in accordance with the applicable CUNY policies, rules and collective bargaining agreements. Penalties for employees include, depending on the employee's title, reprimand, suspension, demotion, fine, or termination of employment following applicable disciplinary procedures. For many respondent employees, these procedures may include a hearing before a non-CUNY fact-finder, as required by the applicable collective bargaining agreement.

For additional information on the disciplinary process in specific cases, parties should consult their campus Title IX Coordinator, who will work with campus Human Resources Director or Labor Designee to provide information. Respondents may also consult with their union representative, if any.

iii. Action Against Visitors

In cases where the person accused of Sexual Misconduct is not a CUNY student or employee, the college's ability to take action against the respondent is usually limited. However, the college will take appropriate actions within its control, such as restricting the visitor's access to campus.

iv. No Disciplinary Action

In cases where the College President decides not to bring disciplinary action, the Title IX Coordinator must inform the parties of that decision at the same time, in writing, and must offer any appropriate support services, including counseling, to both.

b. Student Discipline – Pre Hearing Procedures

i. Referral of Violation for Disciplinary Action

If the College President decides that discipline is warranted, the President will refer the matter to the Chief Student Affairs Officer for further action. The Chief Student Affairs officer may rely on the investigation and determination of the Title IX Coordinator and prefer disciplinary charges.

In instances where a respondent is alleged to have violated this Policy as well as other CUNY policies, rules or bylaws, the entire matter will be heard before the Adjudication Committee and will follow the rules and procedures outlined in this Policy.

ii. Issuance of Notice of Charges and Hearing

Notice of the charge(s) and of the time and place of the hearing must be sent by both first-class mail (or overnight mail) to the physical address or P.O. box address appearing on the records of the college and email using the party's CUNY email address, and any other email address known to the college.

The hearing must be scheduled within a reasonable time following the filing of the charges or the mediation conference. Notice of at least seven (7) days must be given to the parties in advance of the hearing unless the respondent consents to an earlier hearing. The parties are permitted one adjournment each, for a reasonable amount of time under the circumstances, without specifying a reason. Additional requests for an adjournment must be made at least five (5) days prior to the hearing date, and shall be granted or denied at the discretion of the chairperson of the Adjudication Committee. If either party fails to respond to the notice, appear on the adjourned date, or request an extension, the college may proceed without that party present, and any determination of responsibility or sanction will be binding.

The Notice of Charges and Hearing must contain the following:

1. A complete and itemized statement of the charge(s) being brought against the respondent including the policy, rule and/or bylaw the respondent is charged with violating, and the possible penalties for such violation; and
2. A statement that the parties have the right to attend and participate fully in the hearing including the right:

- a. To present their side of the story;
 - b. To present witnesses and evidence on their behalf;
 - c. To cross-examine witnesses presenting evidence, the exception being that the complainant and respondent may not cross-examine each other as discussed below;
 - d. For the respondent to remain silent without assumption of responsibility;
 - e. To be represented by an advisor or legal counsel at their expense; if the respondent or the complainant requests it, the college shall assist in finding a legal counsel or advisor; and
3. A warning that anything said may be used at a non-college hearing.

iii. Review of Evidence before Hearing

At least five (5) days prior to the commencement of a hearing, the college must provide the parties (and their advisors, if applicable), with similar and timely access to review documents or other tangible evidence that the college intends to use at the disciplinary hearing, consistent with the restrictions imposed by FERPA. If a party submits documentary evidence during the hearing, the chairperson may, at the request of any other party, adjourn the hearing as necessary in the interest of fairness, to permit the requesting party time to review the newly produced evidence.

iv. Admission & Acceptance of Penalty

After the charges have been preferred by the Chief Student Affairs Officer, but prior to the commencement of a hearing, the respondent may admit to the charges and accept the penalty that the Chief Student Affairs Officer determines to be appropriate to address the misconduct. Before resolving allegations in this manner, the Chief Student Affairs Officer, or designee, must first consult with the complainant and provide the complainant with an opportunity to object to the proposed resolution, orally and/or in writing. If a resolution is reached over the complainant's objection, the Chief Student Affairs Officer must provide the complainant with a statement of the reasons supporting such resolution, and the complainant may appeal the resolution to the Appeal Committee.

c. Student Discipline - Hearing Procedures

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

i. Roles and Responsibilities

Adjudication Committee

The Adjudication Committee serves as the decision-maker at the hearing and is comprised of members of the CUNY-wide Sexual Misconduct Panel. The role of the Adjudication Committee is to listen to the testimony, ask questions of the witnesses, review the testimony and evidence presented at the hearing and the papers filed by the parties and make a decision as to responsibility.

In the event the respondent is found responsible for the conduct, the committee must then determine the penalty to be imposed.

Adjudication Committee Chairperson

The chairperson must preside at the hearing. At the commencement of the hearing, the chairperson must inform the parties of the charges, the hearing procedures, and their rights. The chairperson must then ask the respondent to state whether they are responsible or not responsible for the conduct. Prior to accepting testimony at the hearing, the chairperson must rule on any motions regarding the adequacy of the notice of the charge(s). Subsequent thereto, the chairperson must rule on any motions regarding the admissibility of evidence and must exclude irrelevant, unreliable or unduly repetitive evidence. The chairperson must exclude from the hearing room all persons who are to appear as witnesses, except the respondent and the complainant.

The chairperson must preside at all hearing sessions and meetings and make all procedural rulings for the panel. The chairperson has discretion to limit the number of witnesses and the length of testimony for the presentations by any party and/or their representative.

College Presenter

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

Advisors

The parties may be accompanied by an advisor of their choice (who may be an attorney) who may fully participate at a hearing, including advising and representing a party. Advisors may not give testimony as a witness at the hearing. Any party intending to appear with an attorney must give the college five (5) days' notice of the attorney's name and contact information. Advisors must treat all hearing participants, including the Adjudication Committee, parties and witnesses, with respect. Advisors must also abide by the Rules of Decorum promulgated by CUNY.

ii. Responsibility Phase

The college bears the burden of proving the charge(s) by a preponderance of the evidence.

The parties will present evidence in the following order: college, complainant and respondent. At the conclusion of the college's presentation, the respondent may move to dismiss the charges. If a party submits documentary evidence during a hearing that was not previously shared during the investigation, the chairperson may, at the request of any other party, adjourn the hearing as necessary in the interest of fairness, to permit the requesting party time to review the newly produced evidence.

Evidence of the mental health diagnosis and/or treatment of a complainant, respondent, or witness may not be introduced. Evidence of either party's prior sexual history may not be introduced except

that evidence of prior sexual history between complainant and respondent is admissible at any stage of the hearing to prove consent.

A party may not conduct cross-examination personally, but must do so through their advisor. In the event a party does not have an advisor and the case proceeds to a hearing, the college may assist them to find an advisor for the purpose of conducting cross-examination on behalf of that party.

iii. Penalty Phase

If the panel finds the respondent responsible for the conduct, then the complainant, respondent, and college, will have the opportunity to introduce evidence and make arguments related what the appropriate penalty should be. The complainant, respondent and college will also have the opportunity to introduce evidence of and comment on the respondent's character, including any past findings of a respondent's responsibility for Domestic Violence, Stalking, Sexual Assault or any other Sexual Misconduct, and submit a statement regarding the impact of the conduct.

The College may also introduce a copy of the respondent's previous disciplinary records, if any, from any CUNY institution the respondent has attended, provided the respondent was shown a copy of the records prior to the commencement of the hearing. The previous disciplinary record must be submitted to the panel in a sealed envelope, bearing the respondent's signature across the seal, and must only be opened if the respondent has been found responsible for the conduct charged. The Adjudication Committee, to determine an appropriate penalty, must use the disciplinary records, as well as any documents or character evidence introduced by the respondent, the complainant, or the college.

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

iv. Decision

The Adjudication Committee must issue a written decision, which must be based solely on the testimony and evidence presented at the hearing, including the penalty phase. The college must send the written decision to the parties within seven (7) days of the conclusion of the hearing, by regular mail (or overnight mail) and e-mail to the address appearing on the records of the college. In cases involving two or more complainants or respondents, the college has fourteen (14) days of the conclusion of the hearing to send the panel's decision. The decision is final subject to any appeal.

XIII. COLLEGE OBLIGATIONS UNDER THIS POLICY

In addition to addressing allegations of Sexual Misconduct, colleges/units of CUNY have the following obligations:

A. Dissemination of Policies, Procedures, and Notices

The Title IX Coordinator, in coordination with the Office of Student Affairs, Office of Public Safety, Human Resources Department and other appropriate offices, is responsible for the wide dissemination of the following on their campus: (i) this Policy; (ii) CUNY's Notice of Non-Discrimination; (iii) the Title IX Coordinator's name, phone number, office location, and email address and (iv) contact information for the campus Public Safety Office. Such dissemination includes posting the documents and information on the college website, and including it in residence life materials and training and educational materials.

The Students' Bill of Rights, which is appended to and made a part of this Policy, must be distributed to any individual reporting an incident of Sexual Misconduct at the time the report is made. It must also be distributed annually to all students, made available on the college's website and posted in college campus centers and in CUNY owned and operated housing.

B. Training and Educational Programming

CUNY is responsible for providing training to Title IX Coordinators, investigators, CUNY-wide Sexual Misconduct Panel members and anyone who facilitates informal resolutions.

The Title IX Coordinator, in coordination with other applicable offices, including Public Safety, Human Resources and Student Affairs, is responsible for ensuring that the college provides training to college employees on their obligations under this Policy; provides education on this Policy and on Sexual Misconduct (including Domestic Violence, Dating Violence, Stalking and Sexual Assault) to new and continuing students; and promotes awareness and prevention of Sexual Misconduct among all students and employees. Specific required trainings include the following:

a. Training For Responsible and Confidential Employees

The college must provide training to all employees who are required to report incidents of Sexual Misconduct under this Policy, as well as those employees who have been designated as confidential employees.

b. Training For Title IX Coordinators, investigators, CUNY-wide Sexual Misconduct Panel members, and any person who facilitates an informal resolution

CUNY will provide training on the topics below to Title IX Coordinators, investigators, CUNY-wide Sexual Misconduct Panel members, and any person who facilitates an informal resolution process. Training for Title IX Coordinators and investigators will be at least annual.

- i. The definition of Sexual Misconduct, including Sexual Harassment, Title IX Sexual Harassment, Dating Violence, Domestic Violence and Stalking;

- ii. How to conduct an investigation;
- iii. How to create an investigative report that fairly summarizes relevant evidence;
- iv. The grievance process, including hearings, appeals and informal resolution processes, as applicable;
- v. Impartiality, including avoiding prejudgment of the facts, conflicts of interest, and bias;
- vi. Relevance of questions and evidence, including the fact that sexual predisposition or prior sexual acts with individuals other than the parties are generally not relevant, the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until a determination regarding responsibility is made at the conclusion of the applicable processes;
- vii. The scope of the college's education programs and activities;
- viii. The effects of trauma;
- ix. Other relevant CUNY policies and procedures; and
- x. Any technology to be used at a live hearing.

c. Student Onboarding and Ongoing Education

Each college must adopt a comprehensive student onboarding and ongoing education campaign to educate students about Sexual Misconduct, including Domestic Violence, Dating Violence, Stalking, and Sexual Assault. During the student onboarding process, all new first-year and transfer students must receive training on this Policy and on a variety of topics relating to Sexual Misconduct. In addition, each college shall offer and administer appropriate educational programming to residence hall students, athletes, and student leaders. Each college must also provide such educational programming to any other student groups which the college determines could benefit from education in the area of Sexual Misconduct. The college must also share information on Domestic Violence, Dating Violence, Stalking and Sexual Assault prevention with parents of enrolling students. This may be done by linking to <http://www1.cuny.edu/sites/title-ix/information-for-parents-and-families/campus/university/>.

C. Campus Climate Assessments

Each college of CUNY must conduct, no less than every other year, a climate assessment using an assessment instrument provided by CUNY's central office, to ascertain its students' general awareness and knowledge of CUNY's Policy and procedures regarding sexual misconduct, including but not limited to student experiences with and knowledge of reporting, investigation and disciplinary processes. The assessment instrument must include all topics required to be included under applicable law, including Section 129-B of the New York State Education Law. CUNY will publish the results of the surveys on its Title IX web page. The published results will not contain any information which would enable a reader to identify any individual who responded to the climate assessment.

XIV. RULES REGARDING INTIMATE RELATIONSHIPS BETWEEN EMPLOYEES AND STUDENTS

A. Relationships Between Faculty or Employees and Students

Sexual activity or amorous or dating relationships (“intimate relationships”), even when apparently consensual, are inappropriate when they occur between a faculty member or employee and any student for whom they have a professional responsibility. Those relationships are inappropriate because of the unequal power dynamic between students and faculty members and between students and employees who advise or evaluate them, such as athletic coaches or workplace supervisors. Such relationships necessarily involve issues of student vulnerability and have the potential for coercion. In addition, conflicts of interest or perceived conflicts of interest may arise when a faculty member or employee is required to evaluate the work or make personnel or academic decisions with respect to a student with whom they are having an intimate relationship.

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

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

B. Relationships Between Supervisors and Employees

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

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

XV. IMPLEMENTATION

This Policy will become effective on August 14, 2020 and will apply to Sexual Misconduct that allegedly occurred on or after August 14, 2020. Sexual Misconduct that allegedly took place before the effective date of this Policy will be handled in accordance with the CUNY Policy on Sexual Misconduct that was in effect at the time the behavior occurred.

Should any portion of the 2020 Title IX Regulations be stayed or held invalid by a court of law, or should the Title IX Final Regulations be withdrawn or modified to not require the elements of this Policy, the invalidated elements of this Policy (including, but not limited to Sections IX and XI), will be deemed revoked as of the publication date of the opinion or order. Should this Policy's Title IX-specific procedures be revoked in this manner, any Sexual Misconduct covered under Section XI, including any elements of the process that occur after the revocation date if a case is not complete by that date of revocation, shall be investigated, resolved and/or adjudicated under Section XII without further action by CUNY.

The City University of New York
Students' Bill of Rights

For CUNY students who experience Sexual Violence, including Sexual Assault;
Domestic Violence, Dating Violence, Stalking or Voyeurism

All students have the right to

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institutional representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Have access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

This *Student Bill of Rights* was established by the “Enough is Enough” Law, New York State Education Law Article 129-B, effective October 7, 2015.

For more information about preventing and addressing Sexual Violence at CUNY see <http://www1.cuny.edu/sites/title-ix/campus-websites>.

Information about filing a report, seeking a response, and options for confidential disclosure is available also available [CUNY's Title IX web page](#).

Questions about CUNY's Sexual Misconduct policy and procedures may be directed to [your campus Title IX Coordinator](#).

APPENDIX VI:

**GUIDELINES FOR THE IMPLEMENTATION OF THE STUDENT
RECORDS ACCESS POLICY AND THE FAMILY EDUCATIONAL
RIGHTS AND PRIVACY ACT (FERPA)**

GUIDELINES FOR THE IMPLEMENTATION OF
THE STUDENT RECORDS ACCESS POLICY AND
THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

The Student Records Access Policy of the Board of Trustees of The City University of New York (CUNY) provides that the University and its colleges shall be in full compliance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S. §1232g, and its implementing regulations, 34 CRF Part 99.

Under FERPA, students generally have the right to review their education records and must consent in writing before certain personally identifiable information is disclosed to third parties. These guidelines contain information about these requirements and important exceptions, as well as definitions, procedures, and the annual notification of student rights.

I. Definitions

II. Student's Right to Review Education Records

- A. Procedures for Review and Inspection
- B. Records Not Subject to Mandatory Access
- C. Procedures for Amending or Correcting Records

III. Disclosure of Education Records

- A. Student Consent Required
- B. Directory Information
- C. Disclosure of Education Records without Prior Consent
- D. Recordkeeping Requirements
- E. Limits on Redisclosure

IV. Procedural Requirements

- A. Annual Notification of Rights
- B. Appeal Rights

V. Forms

- A. *Notification of Student Rights Concerning Education Records and Directory Information* (required annual notice)
- B. *FERPA Release Form* (for students who want records disclosed)
- C. *Directory Information Non-Disclosure Form* (for students who wish to object to the disclosure of directory information)
- D. *College Denial of Appeal for Access to Records*
- E. *Student Appeal Form*

I. DEFINITIONS used in this Guidance and attachments:

- A. Student. A current or former student at a college, including a student in an on-line course or program, who has actually attended a class. An applicant is not a *Student* until the applicant has begun attending class at a college or

other CUNY program. An individual who is a *Student* at one CUNY college is not a *Student* at another CUNY college unless he or she also attends classes at that other college. An individual remains a *Student* while working under a work-study program.

- B. *Directory Information*. Directory information is information in a student's education record not generally considered harmful or an invasion of privacy under FERPA. It may be disclosed to others without a student's prior written consent, subject to certain exceptions. Information that is considered directory information at CUNY are listed in section III.B, below.
- C. *Education Records*. Data or information which directly relates to a student and is maintained by a college or the University Central Office. *Education Records* may be created or recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche. Information about a student that is maintained by an educational institution in a computer data base is part of a student's education record and thus protected by FERPA. Unless an exception applies, access to such information is limited to individuals who are School Officials with a legitimate educational interest in the information. Exceptions to the term Education Record are discussed below.
- D. *Personally identifiable information (PII)*. Information that makes an education record "personally identifiable" to a particular student, including but not limited to:
- a. The student's name or preferred name
 - b. The name of the student's parent or other family member
 - c. The address of the student or other family member.
 - d. Personal identifiers, such as the student's social security number or biometric record¹
 - e. Other indirect identifiers, such as the student's date of birth, place of birth, or mother's maiden name
 - f. Other information that, alone or in combination, is linked or linkable to a specific student, and which would allow a reasonable person in the school community to identify the student
 - g. Information requested by a person who the college reasonably believes knows the identity of the student to whom the education record relates.
- E. *School Official*. A person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement and health services staff); a person or company with whom the

¹ A biometric record means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, such as fingerprints, voiceprints, or facial characteristics.

college or University has contracted as its agent to provide a service instead of using University employees or officials; a student serving on an official college or University-wide committee, such as a disciplinary committee; or an individual assisting another *School Official* in performing his or her tasks. Members of the Board of Trustees are also *School Officials*. A contractor, consultant, volunteer or other party (collectively “contractor”) to whom a college or the University has outsourced institutional services or functions may be a *School Official* so long as the contractor is performing services that would otherwise be performed by employees, is under the direct control of the college or the University with respect to the use and maintenance of education records, and is subject to the requirements on use and re-disclosure of PII set out below. The State Comptroller, and his or her agents and representatives, are also *School Officials* for the purposes of auditing CUNY’s educational programs.

- F. *Legitimate Educational Interest.* A *School Official* has a legitimate educational interest in obtaining access to a particular record if access is reasonably necessary in order to fulfill his or her professional responsibilities for the college or University.
- G. *FERPA Appeals Officer.* College official or employee designated by the President to hear student appeals from denials of access to records, requests to correct records, or other rights under FERPA.
- H. *General Counsel and Vice Chancellor for Legal Affairs.* The General Counsel and Vice Chancellor for Legal Affairs (“General Counsel”) is charged with hearing appeals concerning failures by any college to comply with FERPA. The Office of the General Counsel and Vice Chancellor for Legal Affairs (“OGC”) is also responsible for issuing advisory memoranda on FERPA.

II. STUDENT’S RIGHT TO REVIEW EDUCATION RECORDS. A student generally has the right to review his or her own *education records*.

- A. *Procedures for Review and Inspection.*
 - 1. A college must permit a student to inspect and review his/her education records within 45 days of the college's receipt of a request for access, subject to the exceptions below. Such request shall be made to the college’s Registrar. Although an initial request may be oral, the college should require the student to put the request in writing and identify the records the student wishes to inspect. A school official may be present when the student inspects and reviews education records; this is advisable if the student is inspecting original records. FERPA provides a right to inspect and review; it generally does not require the college to provide copies of records to the student or to allow the student to make copies on their own electronic device.

2. If the request is denied or not responded to within 45 days of receipt, the student may appeal to the College's *FERPA Appeals Officer*. The appeal must be in writing and should identify the particular records to which access was requested, the date of the original request for access, the person to whom the request was made, and the reasons why the student believes that the student has a right of access to the record. The FERPA Appeals Officer should render a decision on the appeal no later than 30 days after receipt of the appeal. Denial of an appeal for access must be in writing and contain the reasons for the denial and a statement that the student has a further right to appeal. Attachment D is a suggested form for a college's denial of an appeal. The student who wishes to appeal must, within 30 days, send the appeal to OGC at 205 East 42nd Street, 11th Floor, New York, New York, 10017. Attachment E is a suggested form for a student's appeal.
- B. *Records Not Subject to Mandatory Access.* A student has no right to review, and the College need not permit inspection of, the following types of records. (Please note that other laws, such as state medical privacy laws or the New York State Freedom of Information Law (FOIL), may relate to some of these categories).
1. *Confidential letters and confidential statements of recommendations* placed in the education records before 1975, or after January 1, 1975, if the student (1) has waived the right to inspect and review those letters and statements, and (2) those letters and statements are related to the student's (a) admission to an educational institution, (b) application for employment, or (c) receipt of an honor or honorary recognition; and (3) the waiver is not required as a condition of admission to or receipt of another service or benefit from the college.
 2. *Financial records of the student's parents*, and any information those records contain.
 3. *Records that are in the sole possession of the maker*, are used as a personal memory aid and are *not* accessible or revealed to another person except a temporary substitute for the maker of the record.
 4. *Records maintained on behalf of a college by its law enforcement unit* (i.e. Public Safety Department or equivalent), or by a contract guard service, provided that such records are: (1) created and maintained by the law enforcement unit; and (2) created for a law enforcement purpose. This law enforcement unit exception does not apply to copies of law enforcement unit records in the possession of another office within the college or to records created and maintained by the law enforcement unit exclusively for a non-law enforcement purpose.
 5. *Employment records of a college employee who is also a student*

provided that: (a) such records are normally maintained by the college; (b) such records relate exclusively to the individual's employment; (c) such records are used only for employment purposes; and (d) such employment is not the result of student status (e.g., work study, graduate assistants).

6. *Records made by a health care provider*—a physician, psychiatrist, psychologist, or other recognized professional/paraprofessional acting or assisting in his or her professional or paraprofessional capacity, which:
(a) are created, maintained, or used only in connection with the provision of treatment of the student, and (b) are not disclosed to anyone other than the individuals providing the treatment.
7. Records which pertain to a student but were generated after the student is no longer in attendance and not directly related to attendance as a student (for example, alumni records created after the student's graduation.)
8. Grades on peer-graded papers before they are recorded by a teacher.
9. Any other record, which, pursuant to any other law or regulation, is privileged, or which is otherwise inaccessible to the student.

C. *Procedures for Amending or Correcting Records.*

1. If a student believes that his/her education records contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, he or she may ask the college to amend the record. The college shall decide whether to amend within a reasonable time after receiving the request. If the college denies the student's request, it shall inform the student of its decision and of the student's right to appeal to the FERPA Appeals Officer. A student may not contest the assignment of a grade through this procedure, but may contest whether the assigned grade was recorded accurately.
2. The *FERPA Appeals Officer* shall hold a hearing within a reasonable time after receipt of the appeal; reasonable notice of the date, time and place of the hearing shall be given to the student. The student shall be given a full and fair opportunity to present relevant evidence. The student may be assisted or represented by one or more individuals of his/her choice. The decision must be based solely on the evidence presented at the hearing. *The FERPA Appeals Officer* shall within a reasonable time after the hearing issue a decision in writing and include a summary of the evidence and the reasons for the decision.
3. If as a result of the hearing, the *FERPA Appeals Officer* decides that the information is inaccurate, misleading or otherwise in violation of the student's privacy rights, the college shall: (a) amend the record

accordingly; and (b) inform the student of the amendment in writing. If, on the other hand, the college decides that the information is correct and not in violation of the student's privacy rights, it shall inform the student of his/her right to place a statement in the record commenting on the contested information or stating why he or she disagrees with the decision of the college. If a statement is placed in the education records of the student, the college shall maintain the statement with the contested part of the record for as long as the record is maintained and disclose the statement whenever it discloses the portion of the record to which the statement relates.

III. DISCLOSURE OF EDUCATION RECORDS.

- A. *Student Consent Required.* A student's written consent is required to disclose personally identifiable information (PII) contained in education records to someone other than the student, unless the information disclosed is Directory Information (Section III.B) or another specific exception (including the exemption for disclosure to *School Officials*) applies (Section III.C).
1. The consent must be signed and must: (1) specify the records that may be disclosed; (2) state the purpose of the disclosure; and (3) identify the party or class of parties to whom the disclosure may be made. Attachment B is a FERPA Release Form that complies with these requirements.
 2. Students and alumni requesting disclosures must provide proof of identity.
- B. *Directory Information.* A college may disclose “*directory information*” to someone other than the student without a student's written consent. One of the primary purposes of directory information is to allow the college to include this type of information from the student's education records in certain school publications, such as on-line directories, yearbooks, Dean's list and other recognition lists, commencement programs, and sports activity materials.
1. Directory information consists of a student's:
 - a. Name
 - b. Address (to limited recipients set forth below)*
 - c. Email address (to limited recipients set forth below)*
 - d. Telephone number (to limited recipients set forth below)*
 - e. Attendance dates (semesters and sessions, not daily records)
 - f. Photograph
 - g. 8-digit student ID number (but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity)

- h. Enrollment status (full or part-time, undergraduate or graduate, etc.)
- i. Level of education (credits completed)
- j. Degree enrolled for and major field of study
- k. Participation in officially recognized activities and sports (teams)
- l. For members of athletic teams only, height and weight
- m. Degrees, honors and awards received.

*Address, email address and telephone number may be released only to employees of the University and its constituent colleges for the purpose of conducting legitimate University business. They may not be shared with individuals and organizations outside the University.

- 2. Directory information does *not* include a student's social security number, race, ethnicity, gender or immigration status.
- 3. Each college must notify its students about directory information and allow them to request that the college not disclose such information. A student may request that directory information not be released without prior written consent by completing a form to be made available on the college's web site as well as in the Registrar's office of each college during regular business hours. Attachment C is a Directory Information Non-Disclosure Form. Students may not block release of their names, identifiers, or email addresses in classes in which the students are enrolled, and may not refuse to display student ID cards or badges.

C. *Disclosure of Education Records without Prior Consent.* A college may (and sometimes must) disclose personally identifiable information from an education record of a student without prior consent under the following circumstances:

- 1. *Health and Safety Emergencies.* The disclosure is to appropriate parties (including the student's parents) in an emergency if the information is necessary to protect the health or safety of the student or other individuals. This exception applies where a college, taking into account the totality of the circumstances, is able to articulate a significant threat to the health or safety of a student or other individual and discloses information to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. OGC should be consulted, if possible, prior to the release of information under this emergency provision.
- 2. *To School Officials.* The disclosure is to a *School Official*, as defined above, who has a *legitimate educational interest* in the record. The College must use reasonable methods to ensure that *School Officials* have access only to those records in which they have legitimate educational interest. A legitimate educational interest includes the need for one college to access student records maintained by another college in

connection with the investigation or potential discipline of the student for alleged misconduct.

3. *Enrollment or Transfer.* The disclosure is to an official or employee of another college or institution of postsecondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer, provided that the college also gives the student written notice of such disclosure, and upon request, a copy of the record that was disclosed.²
4. *Designated Governmental Authorities.* The disclosure is to authorized representatives of the United States Comptroller General, Secretary of Education, or Attorney General or to State or local educational authorities, in connection with an audit or evaluation of Federal or State supported education programs or for the enforcement of or compliance with Federal legal requirements which relate to those programs.
5. *Financial Aid.* The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for purposes such as the determination of eligibility, amount or conditions, or enforcement of the terms and conditions of the aid.
6. *Court Order or Subpoena.* The disclosure is to comply with a judicial order or lawfully issued subpoena. Before complying with an order or subpoena, the college must notify the student so that the student may seek protective action and do so by mail five business days in advance of compliance, unless a shorter period has been authorized by OGC. The notice should be sent to the last known address for the student and may also be sent to the student's last known email address.

There is an important **exception** to the requirement that students be notified in advance of compliance with a subpoena, if a subpoena is (a) a Federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response not be disclosed; (b) any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or (c) an *ex parte* court order obtained by the

² Providing PII from an education record to a party identified as having provided or created the record is not a "disclosure," and a student's consent is not required to do so. This exception covers situations in which a student submits a transcript, letter of recommendation or similar document which the college believes may be fraudulent. FERPA permits the college to show the document to the purported creator to verify authenticity.

United States Attorney General or appropriate designee concerning investigations or prosecution of certain federal crimes relating to domestic or international terrorism.

7. *Studies Exception.* The disclosure is to an organization conducting a study for or on behalf of the college, pursuant to a written agreement, to (a) develop, validate, or administer predictive tests, (b) administer student aid programs, or (c) improve instruction, so long as the study does not permit personal identification of parents and students by those other than representatives of the organization with legitimate educational interests, and so long as the information is destroyed or returned to the educational institution after the study is over.
8. *Accrediting Organizations.* The disclosure is to accrediting organizations to carry out their accrediting functions.
9. *Disciplinary Proceedings arising from alleged crimes of violence or non-forcible sex offenses.* The final results of such proceeding may be disclosed only in these circumstances:
 - a. The disclosure is of the final results of a disciplinary proceeding against a student whom the college has determined violated an institutional rule or policy in connection with alleged acts that would, if proven, also constitute a crime of violence or non-forcible sex offense. Only the disciplined student's name, the violation committed (including rules violated and essential finding of fact supporting the determination), and the sanction imposed may be disclosed. This applies only if the final results were reached after October 6, 1998. The release may not include the name of any other student, such as a victim or witness, absent that student's consent.
 - b. The disclosure is of the final results of a disciplinary proceeding and made to the victim of an alleged perpetrator of a crime of violence or non-forcible sex offense, even if the institution concluded that no violation was committed.
10. *To parents or guardians of financially dependent students.* The disclosure is to a parent or legal guardian and the student is a dependent of the parent or legal guardian as defined in the Internal Revenue Code Section 152. A copy of the parent's or guardian's latest tax return may be requested as documentation.
11. *Alcohol or substance use by those under 21.* The disclosure is to inform a parent or legal guardian of a student under the age of 21 at the time of the disclosure that the student has committed a disciplinary violation

with respect to the use or possession of alcohol or a controlled substance. The determination may be made other than through a disciplinary proceeding.

12. *Litigation and administrative proceedings.* The disclosure is made in litigation brought by the student against CUNY, or litigation by CUNY against the student and the records are relevant to that litigation. Similar disclosures are permissible where the institution must defend itself against a complaint made by the student to a government entity or an accreditation or licensing organization.
13. *Registered Sex Offenders.* The disclosure concerns sex offenders or other individuals required to register under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (Wetterling Act), 42 U.S.C . 14071, and the information was provided to the college under that statute and applicable federal guidelines.
14. *Foreign Students with F or J visas.* The Department of Homeland Security Office of Immigration and Customs Enforcement (“ICE”) is entitled to specified PII about foreign students with F or J visas: the student’s name, date and place of birth, country of citizenship, student identification number, physical and mailing addresses, current academic status, date of commencement of studies, degree program and field of study, course titles and grades, grade point average for each term, information about certification for practical training, statement of graduation or termination date and reason, number of credits completed each semester and the student’s I-20 ID. ICE representatives do not need a subpoena to obtain this information and notice to the student is not required. Upon request (which the college may obtain in writing), the school has three work days to respond to any request for information concerning an individual student. If the request concerns a student who is being held in custody, the college must respond orally on the same day. The college is allowed ten work days to respond to information about a class of students.
15. *Students in the Foster Care System.* The disclosure concerns a student who is in a foster care placement, and the disclosure is to a representative of a child welfare agency legally responsible for the care and protection of the student such as the New York City Administration for Children’s Services.
16. *De-identified records and information.* The disclosure is of de-identified records and information and the College has reasonably determined that the student is not personally identifiable, taking into account other reasonably available information.

17. *To Military Recruiters (Solomon Amendment)*. In accordance with federal law, educational institutions are required to disclose student recruitment information to U.S. military recruiters. This information consists of a student's name, addresses, telephone listings, date and place of birth, level of education, academic major, degrees received and educational institution in which the student was most recently enrolled.
- D. *Recordkeeping Requirements*. The Registrar's office of each college shall maintain a record of each request for and disclosure of a student education record, other than directory information. For each disclosure, the record must include the parties who have requested and received personally identifiable information from the education records and the basis for obtaining the information, including, in the case of a health or safety emergency, the "articulable and significant threat" to health and safety of a student or other individuals.
- E. *Redisclosure of PII*. A college may disclose PII from the education records of a student only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the student or the college's authorization. Personally identifiable information which is disclosed to an institution, agency or organization, however, may be used by its officers, employees and agents, but only for the purposes for which the disclosure was made. The party to whom the disclosure is made shall be informed in writing of this requirement.

IV. PROCEDURAL REQUIREMENTS.

- A. *Annual Notification of Rights*.
 1. Each college must annually inform its current students of their rights under FERPA. While this notification does not need to be made to students individually, it must be by a means likely to inform students of their rights, such as: in a schedule of classes, student handbook or calendar of school events, or posted at the Registrar's office at the school. This notice should also be placed on the college's web site.
 2. Attachment A is a model Notification of Student Rights Concerning Education Records and Directory Information, which includes (a) a statement of the procedures for inspection and review and amendment of education records, (b) the procedure for requesting amendment of records, the criteria for determining who is a *School Official*, and what is a legitimate educational interest, (c) rights of appeal, and (d) directory information and how to request non-disclosure.
- B. *Appeal Rights*.
 1. A student may appeal an alleged failure by any college to comply with the

requirements of FERPA to the College's *FERPA Appeals Officer*, and may appeal the decision of that college officer to the General Counsel within 30 days of the decision of the *FERPA Appeals Officer*. Attachment E is a form for appeals to OGC. It must be completed in writing and submitted with a copy of the determination of the *FERPA Appeals Officer* and the reasons why the student disagrees with the determination. If the *FERPA Appeals Officer* does not issue a decision within 30 days of an appeal or the holding of a hearing thereon, whichever is later, the student may also file with OGC.

2. The General Counsel shall render a decision no later than 30 days after the receipt of the appeal. Decisions of the General Counsel shall be submitted to the Board Committee on Student Affairs and Special Programs for its approval, and the student may submit a response.
3. Students are also entitled to file grievances about violations of FERPA with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave, SW, Washington, DC 20202-8520.

Office of the General Counsel
June 2019 (version)

APPENDIX VII:

BILL OF RIGHTS THE CITY UNIVERSITY OF NEW YORK STUDENTS' SEXUAL MISCONDUCT COMPLAINANTS' BILL OF RIGHTS

CUNY students who experience campus-related sexual or gender-based harassment or sexual violence, including sexual assault, stalking, domestic violence, intimate partner violence or dating violence, are entitled to the following rights:

- To report the incident to your campus.
- To report the incident to the University or campus public safety department and/or to file a criminal complaint with the NYPD, or to choose not to report.
- To receive assistance from your campus or others in filing a criminal complaint, which may include seeking an Order of Protection.
- To describe the incident only to those campus officials who need the information in order to properly respond and to repeat the description as few times as practicable.
- To request that the campus file conduct charges against the respondent(s). The decision on whether to bring charges rests with the campus.
- To be protected by your campus from retaliation for reporting the incident, and to have any allegations of retaliation addressed by the campus.
- To receive assistance and resources from your campus, including confidential and free on-campus counseling, and to be notified of other available services on- and off-campus, including, among other resources, the New York State Office of Victim Services.
- To receive assistance in seeking necessary medical services or treatment, including a Sexual Assault Forensic Examination (SAFE exam), on or off campus.
- To obtain, where appropriate, changes with respect to campus academic and living arrangements, no-contact orders, and other interim remedial measures to enable you to continue your education without undue stress or trauma.
- To have your complaints handled respectfully by the campus, and to be informed about how the campus will protect your privacy and confidentiality.
- To have your complaint investigated in a prompt, impartial and thorough manner by individuals who have received appropriate training in conducting investigations and the issues related to sexual harassment and sexual violence, and to be accompanied by a person of your choice at all meetings or hearings related to the process.
- To have your complaint against a student adjudicated by individuals who have received appropriate training on issues related to sexual harassment and sexual violence.
- To report incidents of sexual harassment or sexual violence that you experience while under the influence of alcohol or drugs without receiving discipline for your alcohol or drug use.
- To have the same opportunity as the respondent(s) to participate in a student disciplinary hearing before a faculty-student disciplinary committee, including the right to be present, to be represented by a person of your choice, including an attorney, to present evidence, call witnesses, cross-examine witnesses, have your prior sexual history with persons other than the respondent(s) excluded from the hearing, have your prior mental health diagnosis and/or treatment excluded from the hearing, receive written notice of the outcome of the hearing, and to appeal from the decision.
- To participate in the investigative and disciplinary processes of the campus without interference with your civil rights or practice of religion.

Questions about CUNY's sexual misconduct policy and procedures may be directed to your campus Title IX Coordinator.

Information on resources and the process for filing a complaint is available on [CUNY's Title IX web page](#).

APPENDIX VIII: RULES AND REGULATIONS FOR THE MAINTENANCE OF PUBLIC ORDER PURSUANT TO ARTICLE 129-A OF THE EDUCATIONAL 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 flourish only in an atmosphere of mutual respect, civility, and trust among teachers and students, only when members of the University community are willing to accept self-restraint and reciprocity as the condition upon which they share in its intellectual autonomy.

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

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

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

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

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;

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

1. RULES

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.

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.

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.

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.

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.

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.

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

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.

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.

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

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.

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.

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.

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

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

APPENDIX: SANCTIONS DEFINED:

A. Admonition.

An oral statement to the offender that he 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.

**APPENDIX IX:
A BRIEF INTRODUCTION TO FREE SPEECH FOR THE
STUDENT COMMUNITY**

WHAT IS FREE SPEECH?

Free speech or free expression refers to the constitutional right, protected by the First Amendment, to express opinions, ideas, and beliefs without government censorship or interference. It fosters an environment where individuals can engage in open dialogue, share diverse perspectives, and explore controversial topics. Although this right is fundamental, it comes with certain reasonable restrictions to ensure a safe and inclusive campus environment. Not all expressive actions are protected.

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

– First Amendment to the Bill of Rights of the U.S. Constitution

WHAT SPEECH IS NOT PROTECTED BY THE FIRST AMENDMENT?

- Defamation: False statements that harm the reputation of other
- Incitement to Violence: Speech that directly encourages or incites others to commit unlawful actions immediately
- True Threats: Communication that conveys a serious intention to harm or commit violence to a particular person or group
- Fighting words: Speech that is likely to incite an immediate physical confrontation or breach of the peace
- Speech by public employees pursuant to official duties or related to matters not of a public concern
- Speech that prevents others from speaking, expressing themselves or getting an education
- Material and substantial disruptions or disorder
- Speech that disrupts classes or school operations
- Commercial speech that is false or misleading
- Obscenity: Speech that is explicitly sexual and lacks any artistic, literary, or scientific value
- Harassment
- Fraud
- Pornography

WHAT IS HATEFUL SPEECH?

“Hateful conduct” has been defined under New York State law to include online speech that can “vilify” or “humiliate” a group or a class on the basis of race, sex, and other traits. New York State recently enacted an “Online Hate Speech Law” that requires social media

sites to promulgate policies governing so-called “hateful conduct” and create “mechanisms” by which users can report such conduct.

FREEDOM FROM HARASSMENT

Balancing freedom of expression and maintaining a harassment free environment at CUNY is crucial and is everyone’s responsibility. Freedom of speech protects the expression of ideas, even unpopular ones. Hateful conduct can involve speech that promotes violence or discrimination against a particular group. Fighting words are direct, personal, and likely to incite immediate violence, falling outside the protection of speech. The key difference between protected speech and fighting words

lies in the potential harm and immediacy associated with fighting words.

FREEDOM FROM HARASSMENT AND FREEDOM OF EXPRESSION

Balancing the right to a harassment free environment and the right of freedom of expression at CUNY is crucial. Encouraging diverse perspectives while maintaining respect for all individuals fosters a healthy learning and intellectual environment. It is essential to follow guidelines that promote open dialogue without compromising the safety and well-being of our university community. Setting clear boundaries while encouraging open dialogue helps create an environment where individuals feel heard and respected and can attain an education free from harassment or discrimination. It must be remembered that speech which impairs another's rights may not always be protected speech.

TIME, PLACE AND MANNER RESTRICTIONS

Content-neutral time, place, and manner restrictions may be placed on expressive activities. Examples of such restrictions include regulations that prevent disruptive activity, prevent obstruction of vehicle or pedestrian traffic, or prevent excessive noise or noise that interferes with classroom, or university operations and activities. The right to speak does not mean a person can disrupt classes or university operations. The CUNY community must comply with the Henderson Rules. We encourage all students to be familiar with the Henderson Rules. If you have any questions about your school's time, place and manner restrictions, please contact your school's Office of Student Affairs.

**APPENDIX X:
STOP CAMPUS HAZING ACT STATEMENT**

STOP CAMPUS HAZING ACT STATEMENT

Statement of CUNY Policy

The City University of New York (“CUNY”) is committed to ensuring a safe environment in which all students have the right to participate in organizations without undergoing hazing as a right of entry or membership. Hazing is strictly prohibited by CUNY, consistent with the Rules and Regulations for the Maintenance of Public Order Pursuant to Article 129-A of the Educational Law (the “Henderson Rules”). The Henderson Rules prohibit, among other things:

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.

Thus, no individual or organization affiliated with CUNY shall conduct or condone hazing activities. This prohibition on hazing applies to all members of the CUNY community including faculty, staff, students, organizations, alumni, volunteers, and any visitors or individuals invited to CUNY campuses. Additionally, the prohibition of hazing applies to conduct that occurs on or off a campus, between two or more people who are affiliated with CUNY or any student or other organization associated with CUNY.

Moreover, hazing may also violate the New York State Penal Law if, during another person’s initiation into or affiliation with any organization, an individual intentionally or recklessly engages in conduct which creates a substantial risk of physical injury and/or causes physical injury to another person.¹ Under the New York State Penal Law, hazing may be charged as a Class A misdemeanor or a violation.

Filing a Hazing Complaint

If there is an immediate threat to a student’s health and safety, call 911 and/or the respective campus Public Safety Department. Otherwise, to initiate a complaint of hazing, an Incident Report may be submitted to the campus Office of Student Conduct and/or the campus Public Safety Department. Complaints may also be submitted to CUNY’s Office of Student of Affairs at StudentAffairs@CUNY.edu. Anyone who is a victim of hazing is

¹ See New York State Penal Law sections 120.16 and 120.17.

also encouraged to contact the campus Counseling Centers, which can provide counseling services.

Investigating Complaints of Hazing

Complaints of hazing will be investigated in accordance with applicable CUNY policies and regulations including, but not limited to, the Henderson Rules, the Policy on Sexual Misconduct, the Equal Opportunity and Non-Discrimination Policy, and the Policy Against Drugs and Alcohol. Complaints may be filed against students as well as CUNY faculty and staff. Further, pursuant to Article 15.2(2)(c) of the CUNY Bylaws, any person or organization affiliated with CUNY or any of its constituent colleges may file a complaint with the chief student affairs officer if there is reason to believe that a student organization has violated CUNY policies and/or regulations. It is against CUNY policy, moreover, to retaliate against anyone who files a complaint or otherwise participates in the investigation of a complaint.

During the investigation both the complainant and the accused will be given the opportunity to be interviewed and to provide evidence. Witnesses may also be interviewed, and other evidence gathered as well. At the conclusion of the investigation, a determination will be made as to whether the allegations are substantiated.

If allegations are substantiated, the matter may be referred for disciplinary action in accordance with the procedures in the CUNY Bylaws and any applicable collective bargaining agreement. Any student found to have engaged in hazing may be subject to a range of sanctions up to and including suspension and expulsion. 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. Moreover, as noted above, hazing may also violate the New York State Penal Law and, as such, acts of hazing may also result in arrest and prosecution by law enforcement authorities.

The Stop Campus Hazing Act

On December 23, 2024, Congress passed The Stop Campus Hazing Act, which amends section 485(f) of the Higher Education Act, also known as the Jeanne Clery Campus Safety Act (the “Act”). The Act requires institutions to define hazing, compile statistics on reported cases, and establish transparent policies for reporting and preventing hazing. Further, the Act requires colleges and universities to report hazing incidents in annual security reports (“ASR”). The Act also requires institutions to create a Campus Hazing Transparency Report that lists organizations found responsible for hazing in violation of campus policy. Accordingly, this statement outlines CUNY’s obligations under the Act.

The Act's Hazing Definitions²

As amended, the Act requires incidents of hazing, as defined by the Act, to be reported in the ASR. For purposes of reporting incidents of hazing in the ASR, the Act defines *Hazing* as follows:

Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:

- (1) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- (2) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury.

In addition to defining hazing, the Act provides a non-exhaustive list of examples of hazing including, but not limited to, the following:

- (1) whipping, beating, striking, electronic shocking, placing harmful substances on someone's body, or similar activity;
- (2) causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- (3) causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- (4) causing, coercing, or otherwise inducing another person to perform sexual acts;
- (5) any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- (6) any activity against another person that includes a criminal violation of local, state, or federal law; and
- (7) any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, state, or federal law.

² The Act's terms are defined at 20 U.S.C. § 1092(f)(6)(A).

Additionally for purposes of reporting in the ASR, *Student Organization* is defined by the Act as:

An organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized/registered by the institution.

Campus Hazing Transparency Report

The Act further requires institutions to create a Campus Hazing Transparency Report (the “CHTR”) that lists organizations found responsible for hazing, and the associated violations, sanctions, and investigation dates. The CHTR must disclose a summary of incidents in which student organizations established or recognized by the institution were found to have committed a hazing violation. If a student organization established or recognized by the institution is found to have committed a hazing violation, a summary of that finding must be included in the CHTR, regardless of where the misconduct occurred. In other words, for the purposes of the CHTR, the Act’s definition of “campus” does not apply and, as such, the Report should include substantiated incidents of hazing even if they did not occur on “campus” as defined by the Act. In other words, the CHTR must report hazing incidents that violate the Henderson Rules, irrespective of whether they meet the definition of hazing as defined by the Act.

The annual CHTR will be maintained by the campus and monitored by the CUNY Department of Public Safety. The Office of Student Affairs will further support the maintenance of CHTR data to ensure the accuracy and consistency of these reports. According to the Act, data summarizing findings associated with any student organization found to be in violation of the institution’s standards related to hazing will be compiled and published on the institution’s website. This report will be updated biannually and will include:

- The name of the student organization;
- A description of the violation that resulted in a finding of responsibility, including:
 - Whether the violation involved the abuse or illegal use of alcohol or drugs;
 - The findings of the institution;
 - The sanctions placed on the institution; and
- Related dates regarding the incident and investigation, including:
 - The date of the incident;
 - The date the investigation began;

- The date the investigation ended with a finding that a hazing violation occurred; and
- The date the institution provided notice to the student organization that the incident resulted in a hazing violation.

Following the initial report date of December 23, 2025, each campus is required to provide all relevant information on its website and to submit such information to the CUNY Department of Public Safety by March 1 and September 1 to assure CUNY compliance with this policy.

Education and Training

Pursuant to the Act, institutions are also required to implement research-informed prevention programs and ensure compliance with local, state, and tribal laws enhancing student safety and accountability. CUNY's Office of Student Affairs will coordinate training sessions.

Other Relevant Legislation and Policies

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

[CUNY Drug/Alcohol Use Amnesty Policy](#)

[Policy-on-Sexual-Misconduct.pdf](#)



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