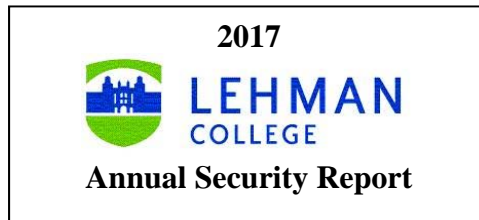


**ANNUAL SECURITY REPORT  
CALENDAR YEAR 2017  
CRIME STATISTICS 2014-2016**



**Lehman College  
250 Bedford Park Boulevard West  
Bronx, NY, 10468  
President, Dr. José Luis Cruz, Ph.D.**

**Fausto Ramirez  
Director of Public Safety  
718-960-8593**

## College Overview

Lehman College's 2017 Annual Security Report includes statistics for the previous three years concerning reported crimes that occurred on campus; in certain off-campus buildings owned or controlled by Lehman College and on public property within, or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, including crimes involving sexual misconduct and emergency and evacuation procedures. This report is posted on the College website at <http://www.lehman.cuny.edu> under "Public Safety." A notice is sent via email each year to the Lehman College community advising when the latest version is available. Hard copies are available at the Public Safety Office located in the APEX Building, room 109, Office of Campus Life located in the Student Life Building, room 219 and Campus Information Services (CIS) located at the east entrance of Shuster Hall and the main entrance of the Student Life Building.

The college is a senior liberal arts college, a component of The City University of New York, founded in 1968, and is currently offering 141 undergraduate programs, 1 undergraduate certificate, 77 graduate degree programs and 25 graduate advanced certificates.

## **NOTABLE ACADEMIC PROGRAMS**

- **CUNY Flagship Initiatives** in teacher education, new media, and structural and molecular biosciences. Lehman houses sub-programs in the plant sciences of the CUNY doctoral program and has a long-standing collaboration with the New York Botanical Garden. Nationally Recognized Research Programs in Anthropology, Biological Sciences, Mathematics & Computer Science, Psychology, and Physics & Astronomy, receive substantial support from the National Institutes of Health and the National Science Foundation for faculty research initiatives and to prepare minority students to become future scientists.
- **Lehman Online.** Online Education at Lehman College started with one course in Spring 1997. Online Education has grown exponentially at Lehman College. In the Fall 2016 semester, nearly 22% of all courses offered at Lehman are delivered (fully online, hybrid, partially online or web enhanced) with almost 25,000 course seats sold. Lehman College continues to offer more asynchronous courses (taught completely online) than any other CUNY senior college. In the Fall of 2016, Lehman offered over 100 courses completely online giving students the opportunity to learn on their schedule.

## **NOTABLE FACILITIES**

- **New Facilities:** \$70 million USGB LEED Platinum Science Hall, phase one of a three-phase science facility, featuring updated, versatile classrooms, teaching and research labs, and instrumentation; a rooftop teaching and research greenhouse; and environmentally sustainable technologies; \$6.3 million new Child Care Center; \$16 million state-of-the-art, 28,000 sq. ft., two story Multimedia Center, featuring an acoustically designed recording studio; audio and video production control rooms; editing suites; student news, media conversion, and graphic rooms, and five (5) 'technology enhanced' classrooms; \$2 million newly enlarged Student Health Center to include a Student Wellness Center offering clinical services, free HIV testing, blood drives, periodic CPR trainings and annual health fairs, promoting optimal student health and academic success; \$1.98 million renovated and re-imagined Student Life Building offering student clubs, state-of-the-art technology, i.e. computers, large monitors, high-speed internet, etc., for student workshops, presentations, and study groups. Newly furnished for student comfort, the facility also offers activities to enhance student relaxation between classes and workshops, art space "walls" as galleries for student art; \$42 million central heating, cooling, and power plant utility upgrade to enhance the environmental qualities of campus buildings.
- **Lehman Speech and Hearing Center:** A unique and highly regarded graduate teaching facility, the Speech and Hearing Center at Lehman College provides state-of-the-art diagnostic and therapeutic services to individuals in the NYC Metropolitan area and to members of the Lehman community who have speech, language, hearing, feeding, and swallowing deficits. Services are delivered by graduate student clinicians under the close supervision of clinical educators, who are speech-language pathologists and audiologists certified by ASHA (the American Speech-Language-Hearing Association) and licensed by New York State. The Center also serves as a laboratory for undergraduate and graduate students in Speech-Language and Hearing Sciences and faculty doing applied clinical research in the area of aphasia treatment, bilingualism, language and literacy, and early childhood intervention.

Lehman College is located in the Kingsbridge Heights section of the Bronx, a borough of New York City, with a population of approximately 1.4 million people. The campus is situated on 37.5 acres. The periphery includes 11 entrances and five parking areas. The main campus is comprised of 16 buildings, the majority of which are connected through an underground tunnel system utilized for both pedestrian traffic and utility access.

The college currently enrolls approximately 11,320 undergraduate students and 2,009 graduate students, for a total of 13,329 students who attend day and evening classes. In addition, the college, through The School of Professional and Continuing Studies serves in excess of five thousand multi-cultural individuals during the academic year.

As of 2016, the college employs approximately 373 full time, 565 part time instructional staff members, 589 full time administration and staff personnel and 368 part time staff personnel for a total of 1,895 employees.

## Crime Reporting Procedures

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

1. Calling the Department of Public Safety's emergency telephone line (718) 960-7777 or ext. 7777 may be dialed within the college's telephone system.

2. Using the Emergency Assistance call boxes located at various sites throughout the campus.
3. Reporting the information to any member of the Department of Public Safety or in person at the Public Safety Office located in the APEX Building, room 109.
4. All counselors are strongly encouraged when they deem it appropriate to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
5. Victims or witnesses may report crimes to persons designated as Campus Security Authorities, who will then forward only the report of the crime – without divulging the name of victim or witness – to the Department of Public Safety for inclusion in the annual crime report. The College recognizes the importance of confidentiality to victims and witnesses of crimes. For the purposes of providing crime statistics pursuant to the Clery Act in the college's annual crime report, victim and witness information will not be included. However, complete confidentiality cannot be guaranteed in all other contexts. The College reserves the right to notify the police when it believes that such reporting is necessary for the protection of the college community. In many cases, however, that notification will be done without divulging the victim's identity and will be done only for the purpose of providing a campus-wide safety alert.
6. In the event that the situation you observe or are involved in is of an extreme or life-threatening nature, call 911, the New York City Police Department's emergency phone number. If you make a 911 call, please also notify the Department of Public Safety. They will also respond to assist and direct the police and other emergency personnel to the reported emergency.

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

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

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

Examples of hate crimes may include, but are not limited to: threatening phone calls, hate mail (including electronic mail), physical assaults, vandalism, destruction of property, and fire bombings. Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous conviction of the offender. Students, staff or faculty who commit bias crimes are also subject to University disciplinary procedures and a range of sanctions up to and including suspension, expulsion or termination of employment. In order to effectively handle incidents of bias related crimes and prevent future occurrences of such crimes, victims or witnesses of a hate crime are encouraged to immediately report incidents **in the manner described above**. Victims of bias crime can also avail themselves of counseling and support services through the Office of Student Services.

## **Investigation of Violent Felony Offenses**

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

## **Daily Crime Log**

The college maintains a daily crime log. The purpose of the log is to maintain a record of criminal incidents and alleged criminal incidents reported to Public Safety. The log includes the date the crime was reported, the date and time that the crime occurred, the nature of the crime, the general location of the crime and the disposition of the crime, if known. The log is available for your inspection in the APEX Building, room 109 during regular business hours. It is in electronic or paper format. The log contains incidents occurring within the last 60 calendar days. If you wish to examine logs pre-dating the 60 day period, your request may be made to the Public Safety Office located in the APEX Building, room 109. These requests will be honored within two regular business days.

## **Campus Security Authorities**

The following persons are designated as Campus Security Authorities:

Office of the Provost Harriet Fayne	Shuster Hall – 375	(718) 960-8222
Office of the VP for Administration & Finance Vincent Clark	Shuster Hall - 355	(718) 960-8539
Office of the VP for Student Affairs Jose Magdaleno	Shuster Hall – 206	(718) 960-8241
Office of the Coordinator for Title IX Dawn Ewing-Morgan	Shuster Hall I– 350	(718) 960-8111
Office of the Director of Public Safety Fausto Ramirez	APEX Bldg. - 109	(718) 960-8593
Public Safety Staff	Command Center at Gate 5	(718) 960-8228
Office of the Director of Human Resources Eric Washington	Shuster Hall – 230	(718) 960-8181
Office of the Director of Student Health Services Cindy Kreisberg	Nursing Bldg. – 118	(718) 960-8900
Resident Director for Residents Hall Rosalias Read	247 E. Bedford Park Blvd.	(347) 680-2030
Office of the Specialist for Student Affairs Janelle Hill	Shuster Hall - 206	(718) 960-1970
Office of the Director of Campus Life Michael Sullivan	Student Life Bldg. - 219	(718) 960-8535
Office of the Director of Financial Aid Elvira Senese	Shuster Hall - 136	(718) 960-8545
Office of the Director of Athletics Martin Zwiren	APEX Bldg. - 252	(718) 960-1117
Athletic Coaching Staff		
Office of the Director of Student Disability Services Merrill Parra	Shuster Hall - 238	(718) 960-8441
Office of the Director of College Now David Gantz	Carman Hall - 189	(718) 960-8966

In addition to the above, all department Chairs, Deans, and Directors are designated as Campus Security Authorities.

Members of the college community may also make reports of crimes and security incidents to these officials. Each year, the Public Safety Department requests data via email or official letter request from these authorities for inclusion in this report.

## **Reporting Incidents of Sexual Misconduct, including Sexual Harassment, Sexual Assault, Certain Forms of Stalking and Dating/Intimate Partner/Domestic Violence PLEASE NOTE THE CITY UNIVERSITY OF NEW YORK POLICY ON SEXUAL MISCONDUCT AND STUDENT BILL OF RIGHTS AT THE END OF THIS REPORT**

To directly view a copy of the City University of New York Policy on Sexual Misconduct, please see the link below:

<http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/POLICY-ON-SEXUAL-MISCONDUCT-10.1.2015-with-links.pdf>

Allegations of sexual misconduct including sexual assault, stalking, or domestic and dating/intimate partner violence should be reported to one of the individuals below:

- Vice President for Student Affairs Jose Magdaleno, Shuster Hall, room 206, 718-960-8241, [joseph.magdaleno@lehman.cuny.edu](mailto:joseph.magdaleno@lehman.cuny.edu)
- Title IX Coordinator/Chief Diversity Officer Dawn Ewing-Morgan, Shuster Hall, room 350, 718-960-8111, [dawn.ewing-morgan@lehman.cuny.edu](mailto:dawn.ewing-morgan@lehman.cuny.edu)
- Director of Public Safety Fausto Ramirez, Apex Building, room 109, 718-960-8593/4, [fausto.ramirez@lehman.cuny.edu](mailto:fausto.ramirez@lehman.cuny.edu)
- Director of Human Resources Eric Washington, Shuster Hall, room 230, 718-960-8181, [eric.washington@lehman.cuny.edu](mailto:eric.washington@lehman.cuny.edu)
- Interim Director of the Counseling Center Megan Wilen, Old Gym Building, room 114, 718-960-8761, [megan.wilen@lehman.cuny.edu](mailto:megan.wilen@lehman.cuny.edu)

For more detailed information on Title IX including community and campus specific resources, please also see CUNY policies, Getting Help, Understanding and Preventing Sexual Assault and Sexual Harassment at: (<http://www1.cuny.edu/sites/title-ix/campus/lehman-college/>)

## **Public Safety and Security Services**

Lehman College's main campus grounds, the contiguous geographic perimeter of the main campus, the off-campus sites, the entry gates, and the parking areas are patrolled on a 24-hour basis by Public Safety Officers. Public Safety Officers are sworn law enforcement/NYS Peace Officers under Criminal Procedure Law 2.10 subsection 79 and have the power to make arrests in compliance with New York State Criminal Procedure Law Peace Officers Law.

At Lehman College, incidents of a criminal nature that are reported to a Campus Peace Officer are referred via the complainant to the NYPD when appropriate. The City University of New York and Lehman College have Memorandums of Understanding with the NYPD for emergency, non-emergency and investigative response. The department consists of a Director of Public Safety, 1 Deputy Director, 2 Assistant Director/Lieutenants, 2 College Security Specialists, 7 Sergeants, 1 Corporal, 21 Campus Patrol Officers, 3 of which are assigned to the H.S. of American Studies @ Lehman College.

Additionally, the college employs 16 full-time Campus Security Assistants who are assigned to posts. Campus Security Assistants are licensed as NYS Licensed Security Guards and do not have arrest powers (outside of the powers of a private citizen).

The Public Safety Department also oversees the CCTV - Closed Circuit Monitoring System, electronic intrusion alarm system that protects various buildings as well as the fire alarm response system. Supplementing these campus security systems are Emergency Help Call Buttons that have been installed in administrative offices and Emergency Assistance Call Boxes that are conspicuously located on campus grounds.

### **CAMPUS SECURITY ESCORT**

Public Safety staff will provide, upon request, an escort off of the premises as far as the closest subway or to the college parking lots directly across the street.

### **WORKING RELATIONSHIP WITH OTHER LAW ENFORCEMENT AGENCIES**

The College maintains a cooperative relationship with local, state and federal law enforcement agencies. A written Memorandum of Understanding exists between all City University colleges and the New York City Police Department in compliance with New York State law.

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

### **Residence Halls/Off Campus Student Organizations**

This information is obtained from the local precincts that patrol the periphery of the campus grounds. The local police precincts responsible for the compiling and analyzing of related crime statistics are: the 52nd Precinct located at 3016 Webster Avenue, Bronx, NY and the 50<sup>th</sup> Precinct located at 3450 Kingsbridge Avenue, Bronx, NY. Statistics from the local precinct are requested via formal letter each year and are included in this report when provided.

Lehman College maintains one off campus residence hall which is open to all eligible full time Lehman students who are in good academic standing with a grade point average (GPA) of 2.0. Lehman College has **NO** on campus student residence. The off campus residence hall is secured 24 hours a day, and is accessible to resident students by key. Lehman College has non-resident on-campus student organizations, located in the Campus Life Building. Because the college **does not** have any recognized off-campus student organizations therefore the college does not monitor or use local police to monitor the activities of student organizations off-campus.

# **Emergency Notification & Response**

## **CUNY ALERT SYSTEM**

All students, as well as faculty and staff are strongly encouraged to participate in the CUNY Alert system. The CUNY Alert system is designed to give you immediate and up-to-date information regarding weather, utility and emergency situations. The system can contact you and family or friends, as you designate, via text message, cell phone, landline and/or e-mail. The system can offer all methods of notice, a single method or any combination. It is user friendly and can prove to be invaluable before, during and after an emergency. Simply log onto [www.cuny.edu/alert](http://www.cuny.edu/alert) and follow the instructions. Contact information for all registered students and employees are included in the CUNY Alert system, except for the contact information for those students who affirmatively choose to opt out of receiving CUNY Alert messages.

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

CUNY is committed to respecting your privacy. In order to personalize your view of the CUNY.EDU site and gain access to certain information systems, such as CUNY Alert, you must register and provide some personal information. We do not collect any personal information about you unless you provide that information voluntarily. Any personal information you choose to provide us will only be used by CUNY to conduct official CUNY business. CUNY does not sell, rent, loan, trade or lease personal information collected on this site. For more information about the CUNY privacy policy, please visit <http://www.cuny.edu/website/privacy.html>.

CUNY Alert users are responsible for keeping their contact information current. In the event that phone alert, email or SMS messages are not found or rejected for incorrect or expired information during a live alert, CUNY reserves the right to delete the problem entry or to deactivate a user's account.

All CUNY faculty and staff with current CUNYfirst accounts will be automatically enrolled in CUNY Alert. Everyone will still have the option to enroll for phone alerts (work, home, mobile, etc.) and text message (SMS) alerts. Research Foundation (and other auxiliary payroll unit) employees who do not have CUNYfirst accounts will sign up for CUNY Alert as guests. Management of all CUNY Alert accounts will be done within the CUNYfirst system. Faculty, staff, and students will sign into the system and manage their preferences to receive emergency information.

## **HELPFUL LINKS TO ASSIST WITH CUNYfirst AND CUNY ALERT SYSTEM**

College Homepage Notices Section: <http://www.lehman.cuny.edu>

CUNYfirst Homepage: <http://www.lehman.cuny.edu/cunyfirst>

Public Safety 'Useful PDF Documents' module: <http://www.lehman.cuny.edu/lehman/public-safety/>

If you have trouble signing up for CUNY Alert, please go to the IT Help Desk located in Carman Hall. The system is activated via a web-based system controlled by the New York State Office of Emergency Management.

## **TIMELY WARNINGS TO MEMBERS OF THE COMMUNITY**

The decision to issue Timely Warnings is made by the Public Safety Director in consultation with the Vice President of Administration & Finance. Timely Warning Notices will be distributed as soon as practicable, with the goal of preventing a similar occurrence. The identities of victims and witnesses will not be included in the Timely Warning Notice. When it is appropriate, the college will issue a timely warning notice via the mass notification system, electronic mail and, if necessary, will place notices in staff and student mailboxes. The issuing of a timely warning is ultimately the decision of the Public Safety Department. As noted above, the college is a participant in the CUNY Alert system. Operated under the auspices of the New York State Emergency Management Office, CUNY Alert allows subscribers to receive messages of import regarding safety via email, mobile device and landline, text message or in any combination thereof. Signing-up is easy. These notifications are issued when the campus operations are adversely affected by man-made or natural incidents. In the event a crime is reported, including but not limited to those listed in the Clery Act, within the Clery geography (On Campus, Public Property and Non-Campus Property), that, in the judgement of the Public Safety Director, and, when time permits, in consultation with the responsible authorities identified, constitutes a serious or continuing threat, a campus-wide timely warning notice will be issued. Access the University website at: [www.cuny.edu/news/alert.html](http://www.cuny.edu/news/alert.html)

## **IMMEDIATE NOTIFICATIONS**

Unless such notice and warning compromises the containment of an emergency, or would likely result in an expansion or exacerbation of an emergency, immediate notification of an emergency will take place through one – or a combination of – the following methodologies: (1) campus-wide Mass Notification System (MNS), (2) CUNY-Alert, (3) verbal announcement or via the building fire control system if a fire or smoke issue is detected, (4) campus-wide e-mail blast and (5) school website notice. The following personnel are authorized to make such announcements: Public Safety Director or his/her designee, the President, Provost and Vice President of Administration and Finance; the Vice President of Student Affairs, the Vice President of Information Technology, the college's Chief Counsel, the Director of Media Relations and the Vice President of Campus Planning and Facilities. Again, please note that a circumstance may arise in which it would not be prudent or appropriate to issue an immediate notification if such release would compromise efforts to contain the emergency.

## **EMERGENCY RESPONSE EVACUATION FIRE DRILL TESTS**

The college conducts evacuation and fire drills three (3) times each semester. During these drills, building occupants are familiarized with campus evacuation procedures. Each building has assigned fire/evacuation floor wardens who are provided training and direction to direct the college community during drills and actual emergency events. Emergency evacuation procedures are available for review at the Public Safety Office, APEX Building, room 109 or at the Lehman College web page. <http://www.lehman.edu/lehman/public-safety/documents/emergency-preparedness-procedures-2016.pdf>

## **FIRE EMERGENCY PLAN**

Floor wardens and searchers are designated to serve specific areas of the building. When appropriate, they will be activated. Their job is to facilitate evacuations and common space assembly of all kinds and to pass information to the Public Safety Central Command Station. Please heed their directions. When fire alarms ring, please make note of the announcement that immediately follows. It will provide you with instructions on where to assemble. If a false alarm occurs, an "All Clear" announcement will follow via the fire command response system. Treat all fire alarms as real unless otherwise directed by the floor wardens or members of the Public Safety staff. Below are general guidelines for dealing with a fire. But remember, WHEN IN DOUBT, CALL 911 AND PUBLIC SAFETY DISPATCHER EXT. 7777 / 8228 OR ACTIVATE A PULL STATION.

1. Familiarize the location of stairways, fire extinguishers, fire exits, and pull boxes in building.
2. If a minor fire appears controllable, immediately contact (personally or preferably have someone else call) the Department of Public Safety at ext. 7777 or 8228. Locate a portable fire extinguisher. Then promptly direct the discharge of the fire extinguisher toward the base of the flame by squeezing the trigger and moving the hose in a side-to-side motion. Do not use water extinguishers on electrical fires.
3. If an emergency exists, activate the building's fire alarm system by releasing a fire pull station.
4. In the case of large fires that do not appear controllable, immediately activate a fire pull station and, if time permits, call ext. 7777 or 8228 to report the exact location of the fire. If time permits, close the door of the room where the fire exists.
5. When the building evacuation alarm is sounded, always assume that an emergency exists. Touch closed doors; do not open them if they are hot. If the door is cool, brace yourself behind the door and open it slowly. Bracing yourself behind the door prevents the door from being blown open due to the pressure created by the fire. Walk quickly to the nearest exit and alert others to do the same. Do not use the elevators during a fire.
6. Smoke is the greatest danger in a fire, so stay near the floor where the air will be less toxic.
7. Once outside, move to a clear area at least 500 feet away from the affected building. Keep streets, fire lanes, hydrants and walkways clear for emergency vehicles and crews. These essential personnel must be allowed to do their jobs.
8. Do not return to an evacuated building unless told to do so by a College official.
9. If you become trapped in a building during a fire and a window is available, place an article of clothing (shirt, coat, etc.) outside the window as a marker for rescue crews. Place a wet cloth at the base of doors to keep smoke from entering. Shout at regular intervals to alert emergency crews of your location. Dampen a cloth with water, place it over your nose, and breathe lightly through it. It is understood that these items may not be available to you-hence the importance of moving quickly and knowing your escape routes.
10. Should your clothing catch fire, stop, drop and roll. Rolling on the ground will help smother the fire-this is in fact very effective.

## ACTIVE SHOOTER GUIDELINES

Active shooter situations are unpredictable and evolve quickly. But you are not helpless. This guideline can assist you on what to do before, during, and after an Active Shooter incident.

### WHAT YOU CAN DO NOW

- Learn the building well. Re-learn it.
  - (i) Take special note of the location of the stairways.
  - (ii) Consider it your obligation, if you are aware of any member of or visitor to the college who appears to be under extreme stress or is expressing violent intentions, to inform a responsible person of the college – a front desk security officer or Public Safety officer, any dean or director or faculty member, or any of the people listed at the end of these guidelines.

### WHAT YOU CAN DO IF YOU ARE IN AN ACTIVE SHOOTER INCIDENT

**First**, if you can do it safely, phone 911. Do that before you try to contact anyone else, including Public Safety. Information to provide 911 operator if you know it:

- a. Location of the active shooter
- b. Number of shooters, if more than one
- c. Physical description of shooter/s
- d. Number and type of weapons held by the shooter/s
- e. Number of potential victims at the location

**RUN** -- If there is an accessible escape path, take it. Be sure to:

- Have an escape route and plan in mind
  - (i) If you can reach the stairs unobserved, do it.
- Evacuate regardless of whether others agree to follow
- Leave your belongings behind
- Help others escape, if possible
- Prevent individuals from entering an area where the active shooter may be
- Do not attempt to move wounded people

**HIDE** -- If evacuation is not possible, find a place to hide where the active shooter is less likely to find you.

(ii) If you are in an office or classroom, stay there and secure the door. Lock it with a key or the latch on the inside of the door. If you can't lock the door, place as much furniture as you can in front of the door. Stay low and quiet. Try to stay calm, and to calm those around you. Turn cell phone volume off. If possible, turn off lights.

- If you are in a hallway, get into a room and secure the door in a similar fashion.
- Have a situational awareness. Do not corner yourself, if at all possible.

**FIGHT** -- As a last resort and only when your life is in imminent danger, attempt to incapacitate the active shooter by:

- Acting as aggressively as possible against him or her.
- Throwing items and improvising weapons -- books, cups, phones, any dense object.
- Yelling, screaming.
- Committing to your actions. Do not stop fighting until the shooter is completely incapacitated. If you chose to fight, there is no "mercy rule".

### HOW TO RESPOND WHEN LAW ENFORCEMENT ARRIVES

Law enforcement's purpose is to stop the active shooter. Officers will proceed directly to the area in which the last shots were heard and will fire at the shooter. If the shooter is actively harming persons, they will shoot even if bystanders are close.

- Officers may be armed with rifles, shotguns, handguns and sound grenades.
- Officers may shout commands and may push individuals to the ground for their safety. It is not the time to expect polite conversation.
- Remain calm and follow officer's instructions.
- Put down any items in your hands (i.e. bags, jackets)
- Raise hands and spread fingers – keep your hands visible at all times.
- Avoid making quick movements toward officers such as holding on to them for safety.
- Avoid pointing, screaming and/or yelling.

Once you have reached a safe location -- TO BE DETERMINED BY LAW ENFORCEMENT PERSONNEL – you will be asked to remain until the situation is under control and all witnesses have been identified and questioned. Do not leave until law enforcement authorities have instructed you to do so.

#### CONTACT PEOPLE --

Public Safety: Fausto Ramirez – 718-960-8594 – [fausto.ramirez@lehman.cuny.edu](mailto:fausto.ramirez@lehman.cuny.edu)  
 Student Affairs: Jose Magdaleno – 718-960-8421 – [jose.magdaleno@lehman.cuny.edu](mailto:jose.magdaleno@lehman.cuny.edu)  
 Human Resources: Eric Washington – 718-960-8181 - [eric.washington@lehman.cuny.edu](mailto:eric.washington@lehman.cuny.edu)

#### BOMB INCIDENT PLAN

While it is important to note that the overwhelming majority of bomb threats are unfounded, it is the policy of the college that they are to be taken seriously. Each threat will be thoroughly investigated and will be considered suspect until all avenues of investigation have been explored.

1. A suspicious looking box, package, object or container in or near your work area may be a bomb or explosive material. Do not handle or touch the object. Move to a safe area (far from the object) and call the Department of Public Safety immediately at ext. 7777 or 8228. Do not operate any electronic devices, radios or light (power) switches.
2. If you receive a bomb threat, remain calm and try to obtain as much information as possible from the caller. Specifically, try to ascertain the following:
  - a) The location of the device.
  - b) The time, if any, the device is scheduled to go off.
  - c) The appearance or type of container used for the device.
  - d) The reason for placing the device.
  - e) The size of the bomb.
  - f) The type of explosive used in the device.
  - g) The name of the caller or organization taking responsibility.
  - h) Any additional information that might be available.
3. The person receiving the call should note the following:
  - a) Male or female voice.
  - b) Time of call.
  - c) Mood of caller (excited, nervous, calm, and despondent).
  - d) Background noises that may be present at the location of the caller.
  - e) Approximate age of the caller.
  - f) Any other peculiarities that may be helpful in identifying the source of the call or its purpose.
4. The police will be called and the building may be subject to a full or partial evacuation. When evacuating the building, only use stairs. Do not use elevators. Move well away from the building and follow the instructions of floor coordinators and emergency personnel at the scene.
  - (i) If there is an explosion:
    - a) Immediately take cover under sturdy furniture.
    - b) Stay away from the windows.
    - c) Do not light matches.
    - d) Move well away from the site of the explosion to a safe location.
    - e) Use stairs only. Do not use elevators.

#### MEDICAL EMERGENCIES

1. All medical emergencies should be reported immediately to Public Safety at ext. 7777 / 8228 and / or 911 and state, “**This is a Medical Emergency**”
2. Notify Public Safety during actual emergencies by calling ext. 7777 / 8228 or from an Emergency Duress station. This is particularly important for medical emergencies since Public Safety personnel can expedite the arrival of EMS by providing directions as well as an escort to the scene of the emergency. Also, all campus peace officers are trained in First Aid and CPR/AED and can render assistance until EMS arrives. If the medical emergency is life threatening, call 911 before dialing Public Safety. If you are in doubt, call 911.
3. If you call Public Safety or 911, be prepared to give your name; describe the nature and severity of the medical problem and the location of the victim. Try to answer all of the questions the dispatcher asks you and let him/her hang-up the phone first. Do not move the victim. If you are certified in CPR and First Aid and able to help, then try to assist the victim until help arrives.
4. Look for emergency medical ID's such as bracelets on injured persons and try to keep the victim as comfortable as possible until emergency personnel arrive.
5. If a medical problem is non-life threatening, call the Public Safety Department at ext. 7777 or 8228. If the victim can be safely moved then he/she will be escorted to the Public Safety Central Communications Station (Gate #5). If campus Public Safety personnel believe that a victim should not be moved or that emergency medical care is required immediately, then they will call 911. Please remember that the decision to call or not call 911 is not based on financial situation or insurance status. The focus is on assisting the ill or injured party.
6. The college has a Student Health Center located in the Old Gym Building, room 008. They can be reached at ext. 8900.

#### MEDICAL EMERGENCIES-MENTAL HEALTH

##### Megan Wilen, Interim Director, Counseling Center

The Counseling Center at Lehman College is a safe place for students to talk about any concerns they may have. Services are free and confidential and are provided in a safe environment where students may address issues that may be keeping them from attaining their academic goals. All students are treated with respect and are seen as individuals with unique strengths.

The mission of the Counseling Center is to assist students with emotional, developmental, and psychological concerns that may be affecting their personal and academic growth. Our goal is to assist students in coping with the challenges of college and life in a productive, healthy manner.

Location: Old Gym Building, Room 114  
Phone: 718-960-8761

## **UTILITY FAILURES**

### **Power Failure**

The following actions are to be taken by members of the college community in the event of a power failure:

1. Report any power failure immediately to Public Safety at ext. 7777 / 8228. In the event of a power failure, phones may not function. The office can be reached at its analog telephone line 718-364-4658. If no other emergency situation exists, you can come to the Public Safety Communications Station (Gate #5). The campus's **emergency generators are designed to engage literally seconds after a power loss is noted by the system. These generators can provide emergency power to all campus buildings for several hours. Lights and fire command as well as access control are wired into this system.**
2. Having a flashlight attached to a key chain, belt clip or in a bag may be helpful. Never use candles.
3. During daylight, add as much natural lighting as possible by raising blinds.
4. Faculty with classes should remain where they are until notified otherwise.
5. During a power failure or possible power failure, **never use an elevator**. If you become trapped in an elevator during a power outage, use the emergency "Call for Help" button in the elevator to contact the Public Safety Dispatcher. Wait for assistance. Don't panic. Help is on the way.

Once power is restored, Public Safety will make an announcement via the Lehman College Mass Notification System. Evacuation may not be necessary during a power failure.

### **Plumbing Problem/Flooding**

Cease using all electrical equipment. Notify Public Safety immediately. If necessary, evacuate the area and prevent anyone else from entering. If a toilet overflows or water is accumulating in a given area, contact Public Safety at ext. 7777 or 8228.

### **Gas Leaks**

Gas leaks are very rare but can be very serious. **If you smell gas, contact Public Safety by going to the Public Safety Central Command Station located at Gate #5 or utilizes a phone away from the smell of gas. Do not use a mobile phone near a gas leak whether here or at home. Gas vapors can be ignited by static electricity.**

## **BIOLOGICAL CHEMICAL OR NUCLEAR ATTACKS**

1. Upon receiving confirmed information of an imminent or ongoing biological, chemical or nuclear disaster/attack that poses great risk to life at the College, the President or his designee shall declare a campus-wide emergency.
2. This state of emergency may initiate a lockdown of the campus buildings and/or its total evacuation.
3. Notification will be made via college website, voicemail, the Lehman College Mass Notification System and CUNY-ALERT, if at all possible.
4. Building occupants will be kept abreast of changes, as they develop, by college officials. During an event at the campus, the following actions will be taken if possible: (a) campus wide building air-handlers will be turned off and intakes sealed, (b) building occupants will be directed to enclosed areas of the building unless otherwise directed by civil authorities to provide most insulation and (d) updates on the emergency will be given, if practicable, by the same methodologies as indicated above.

## **PUBLICATION OF EMERGENCY PROCEDURES**

Lehman College develops, reviews and revises campus policies regarding emergency preparedness, emergency response, evacuation procedures and campus community notifications. The policies are contained within the Emergency Procedures Manual and are maintained in the City University of New York's Public Safety Department, the Public Safety Office and the Office of the Vice President of Administration and Finance.

**Note on all emergency notifications: When in the considered opinion of college, university or civil authorities, dissemination of information on a given emergency may hinder or cause additional harm, such notification may be delayed until such time that it is safe to do so.**

## **PUBLIC SAFETY/SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS**

The Department of Public Safety issues safety alert bulletins when deemed necessary and provides Timely Warning Notices, via email, to the campus community when serious crimes occur in areas on or near the campus. The department maintains a working relationship with the New York City police precinct, which is responsible for responding to criminal incidents on the campus and the surrounding area. All persons reporting crimes to the Department of Public Safety are encouraged to promptly report the incident to the local police precinct concerned.

**All incoming students receive information about campus crime prevention programs, CUNY's Sexual Misconduct Policy and awareness and prevention of sexual misconduct (as defined in CUNY's Policy on Sexual Misconduct) – during all new student orientations starting at the end of the spring semester through the beginning of the fall semester. There is an additional training session held in September as Professional Development Time. This is a mandatory training/awareness session.**

Along with the Office of the Vice President of Administration and Finance, Campus Facilities, and Physical Plant Services, the Director of Public Safety conducts ongoing reviews of campus grounds and facilities. Special emphasis is placed on the need to ensure safe accessibility to buildings with special attention to landscape hazards as well as inadequate lighting.

All Public Safety personnel, while on patrol, report potential safety and security hazards as well as entry door problems and elevator malfunctions. Building engineers and cleaners report health and safety issues during the course of normal work assignments.



## **Access to College Facilities**

### **CAMPUS FACILITIES**

All academic, administrative, and athletic buildings are locked in the evening and on weekends according to the scheduled use of the facilities. Access to these facilities is limited to students, faculty, staff, their guests, and visitors conducting official college business. Administrators, faculty and staff are issued keys to their respective offices. All buildings are locked after scheduled classes or special events. During non-business hours when the college is closed, entry to buildings is not allowed. With written authorization, currently enrolled students and employed staff are permitted to be on campus, for the purpose of school related work after these hours. Lehman College maintains one off-campus residence hall for Lehman students, and has **NO** on-campus student residence. The off-campus residence hall is secured 24 hours a day, and is accessible to resident students by key. Every student and staff member **must** carry his/her Lehman College I.D. card at all times. Upon the request of an officer or college official, the I.D. card **must** be presented. The College also maintains a central alarm monitoring station on campus.

### **IDENTIFICATION CARDS**

College and University policy require that you carry your ACTIVE 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. If your card has been lost, please go to Shuster Hall, room 078 to pay a \$10.00 replacement fee for a regular ID card or \$15.00 for the dual access ID card. A defective ID card will be replaced free of charge. The receipt generated should be brought to the Public Safety office, APEX Building - room 109, where a replacement card will be issued. Please note that all currently enrolled students must have an active identification card. This is accomplished by validating your bill through the Bursar's Office.

### **GUESTS**

All visitors to the College are expected to comport themselves in a manner consistent with an academic environment. Guests must generally be in the same area as the host student and may not use college facilities such as copy machines or computers in furtherance of their own work without express permission of the Office of Student Affairs. Guests are subject to the lawful instructions of all members of Public Safety, as well as the Administrative staff. If a guest seems to be intoxicated, refuses to follow procedures of producing identification or follow sign-in and sign-out procedures, entry to the campus and buildings will be denied.

### **COLLEGE BUILDING-LATE NIGHT POLICY**

During non-business hours when the college is closed, entry to buildings is not allowed. With written authorization, currently enrolled students and employed staff are permitted to be on campus, for the purpose of school related work after these hours. Anyone entering or leaving the campus during this time period must enter through Gate #5, sign in and out at the Command Center. Late-night usage of buildings is expressly limited to school-related purposes. Such permitted usage does not include sleeping, socializing or other recreational activities except for study or research related work. Violators of this usage limitation will be asked to leave the building, and repeat violators may have their late-night privileges suspended or revoked.

### **SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES**

The Public Safety Department also oversees the CCTV – Closed Circuit monitoring system, electronic intrusion alarm system that protects various buildings as well as the fire alarm response system. Supplementing these campus security systems are Emergency Help Call Buttons that have been installed in administrative offices and Emergency Assistance Call Boxes that are conspicuously located on campus grounds. All equipment is maintained and tested by an outside contractor on a weekly basis.

## **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.

## **College Regulations / Code of Conduct**

Pursuant to CUNY's Bylaws: "[e]ach 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 charter shall obey (1) the laws of the City, State, and Nation, (2) the bylaws and the 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."

### **HENDERSON RULES**

1. A member of the academic community shall not intentionally obstruct and/or forcibly prevent others from the exercise of their rights. Nor shall he/she interfere with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institutions instructional, personal, administrative, recreational, and community services.
2. Individuals are liable for failure to comply with lawful directions issued by representatives of the University/college when they are acting in their official capacities. Members of the academic community are required to show their identification cards when requested to do so by an official of the college.
3. Unauthorized occupancy of university/college facilities or blocking access to or from such areas is prohibited. Permission from appropriate college authorities must be obtained for removal, relocation, and use of University/college equipment and/or supplies.
4. Theft from, or damage to University/college premises or property, or theft of or damage to property of any person on university/college premises is prohibited.



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

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

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

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

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

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

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

## **2. PENALTIES**

1. Any student engaging in any manner in conduct prohibited under the Bylaws, including the Henderson Rules 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.

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

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

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

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

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

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

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

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

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

4. Any organization which authorized the conduct prohibited under the Bylaws, including the Henderson Rules 1-11 shall have its permission to operate on campus rescinded.

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

### 3. ADDITIONAL COLLEGE RULES

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

In an emergency or an extraordinary circumstance, immediate suspension can be effectuated pending a hearing within twelve (12) calendar days.

2. All other persons who violate New York State or Federal laws including those that govern gambling activities, the use of alcohol, and the possession, distribution, or consumption of any controlled substance will be subject to arrest.

## University Policy Relating to 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 a policy, which sets forth (1) the standards of conduct that students and employees are expected to follow; (2) CUNY sanctions for the violation of this policy; and (3) responsibilities of the CUNY colleges/units in enforcing this policy. CUNY's policy also (1) sets forth the procedures for disseminating the policy, as well as information about the health risks of illegal drug and alcohol use, criminal sanctions for such use, and available counseling, treatment, or rehabilitation programs to students and employees; and (2) requires each college to conduct a biennial review of drug and alcohol use and prevention on its campus. This policy applies to all CUNY students, employees and visitors when they are on CUNY property, including CUNY residence halls, as well as when they are engaged in any CUNY-sponsored activities off campus. The policy can be found at <http://www.cuny.edu/about/administration/offices/ohrm/cohr/drug-alcohol2011.pdf>

#### **LEHMAN COLLEGE ALCOHOL POLICY [Taken from the Lehman College Request for Use of Alcoholic Beverages on Campus Policy Guidelines (Internal Events) form]:**

"Lehman College Student Handbook states, ""The use of alcohol by anyone under 21 is prohibited. Alcoholic drinks may neither be sold or served on campus; no one at student events may possess or drink alcoholic beverages. Persons violating this basic rule must leave the event and will be escorted off campus. Students may be subject to disciplinary action."" (page 28).

#### Purpose of Guidelines

It is not the purpose of these rules to promote or condone the possession of beer, wine, or other alcoholic beverages on the Lehman College property or facilities, but to regulate such possession or use within strict requirements. **No alcoholic beverages of any kind are allowed at student events.**

#### Requirements for Authorization Consideration

The President or his authorized designee, on a case-by-case basis, *may* grant the approval of the serving of *wine and/or beer only*, on limited occasions in college facilities. All other alcoholic beverages of any kind are prohibited. Terms and stipulations are as follows:

- The event is a non-student event; neither hosted nor generally attended by students.
- The preponderance of those attending must be of legal drinking age.
- No person under the legal drinking age of 21 will be served...
- No state funds will be used to purchase wine or beer."

### 1. 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.

### 2. CUNY Sanctions

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

### 3. Students

Students are expected to comply with 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 may 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.

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

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

<http://www.cuny.edu/about/administration/offices/la/MedicalAmnesty-GoodSamaritanPolicy072814.pdf>

<http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/Drug-and-Alcohol-Use-Amnesty-Policy-10.1.2015.pdf>

#### **4. 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.

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

#### **BACKGROUND**

The City University of New York's Policy on Drugs and Alcohol, adopted by the Board of Trustees on June 22, 2009, prohibits the unlawful manufacture, distribution, dispensation, possession, or use of drugs or alcohol by employees, students or visitors, on CUNY property, in CUNY buses or vans, or at CUNY-sponsored activities. It prohibits all students (regardless of their age) from possessing or consuming alcoholic beverages in CUNY residence halls.

It also prohibits CUNY employees from illegally providing drugs or alcohol to CUNY students. As the Policy states, sanctions for violation of the Policy following appropriate disciplinary proceedings, may include, in the case of students, expulsion from the university, and in the case of employees, termination of employment. This document sets forth additional information required to be provided under federal law, including the legal sanctions for drug and alcohol use, health risks of such use, and information regarding available counseling, treatment, or rehabilitation programs.

#### **LEGAL SANCTIONS**

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

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

*Further, pursuant to New York State law:*

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

#### **HEALTH RISKS**

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

### LSD (Acid)

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

### Cocaine

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

### MDMA (Ecstasy)

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

### Heroin

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

### Marijuana

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

### Methamphetamine

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

### PCP/Phencyclidine

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

### Prescription Medications

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

### Tobacco/Nicotine

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

### Steroids

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

### Alcohol

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

## **SUBSTANCE ABUSE**

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

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

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

## **RESOURCES ON-CAMPUS**

For assistance and referrals, **students** should (1) consult the relevant college website; or (2) contact their Student Affairs Office and/or Counseling Center. At Lehman College, any student may contact our counselor at 718-960-8761, our Student Health Center at 718-960-8900 or Disabilities Coordinator at 718-960-8441.

For assistance and referrals, **employees** should consult with the Human Resources office at 718-960-8181. Assistance is also available through union employee assistance programs or through CUNY Work/Life Program.

## RESOURCES OFF-CAMPUS

### 12 Step Recovery Programs

Narcotics Anonymous (212) 929-6262	<a href="http://www.newyorkna.org/">http://www.newyorkna.org/</a>
Cocaine Anonymous (212) 262-2463	<a href="http://www.oasas.ny.gov/">http://www.oasas.ny.gov/</a>
Marijuana Anonymous (212) 459-4423	<a href="http://www.ma-newyork.org/">http://www.ma-newyork.org/</a>
Alcoholics Anonymous (212) 647-1680	<a href="http://www.nyintergroup.org/">http://www.nyintergroup.org/</a>
Nicotine Anonymous (631) 665-0527	<a href="http://www.nicotine-anonymous.org/">http://www.nicotine-anonymous.org/</a>
Al-Anon/Alateen (212) 941-0094	<a href="http://www.al-anonny.org">http://www.al-anonny.org</a>

## Detoxification and Outpatient/Inpatient Rehabilitation Facilities

### **New York County**

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

Mount Sinai St. Luke's  
1111 Amsterdam Ave.  
New York, NY 10025  
(212) 523-4000

Greenwich House, Inc.  
190 Mercer Street, 4<sup>th</sup> Floor  
New York, NY 10003  
(212) 677-3400

### **Kings County**

Kings County Hospital Center  
451 Clarkson Ave. (Inpatient)/ 591 Kingston Avenue (Outpatient)  
Brooklyn, NY 11203  
(718) 245-3131

Interfaith Medical Center  
1545 Atlantic Ave.  
Brooklyn, NY 11213  
(718) 613-4450

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

### **Queens County**

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

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

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

### **Bronx County**

St. Barnabas Hospital Health System  
4422 Third Ave.  
Bronx, NY 10457  
(718) 960-3730

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

Bronx-Lebanon Hospital Life Recovery Center  
1285 Fulton Avenue  
Bronx, NY 10456  
(718) 992-7669

### **Richmond County**

Staten Island University Hospital  
375 Seguin Ave.  
Staten Island, NY 10309  
(718) 226-2800

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

Camelot of Staten Island, Inc.  
263-273 Port Richmond Ave.  
Staten Island, NY 10302  
(718) 981-8117

### **Nassau County**

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

Zucker Hillside Hospital  
75-59 263<sup>rd</sup> Street  
Glen Oaks, NY 11004  
(718) 470-8950

NuHealth  
2201 Hempstead Tpke.  
East Meadow, NY 11554  
(516) 572-9402

## **OTHER RESOURCES**

New York State Office of Alcoholism and Substance Abuse Services

Tel: (518) 473-3460

<https://www.oasas.ny.gov/>

New York State Smokers' Quitline

Tel: (866) 697-8487

<http://www.nysmokefree.com/>

## **COUNSELING**

A full-time counselor is available to students. The counselor also conducts workshops and facilitates support groups on a number of topics including test anxiety and stress management. The counselor's office phone number is 718-960-8761.

## **SEXUAL MISCONDUCT**

### **REPORTING AND PREVENTION OF SEXUAL MISCONDUCT INCLUDING SEXUAL ASSAULT, HARASSMENT AND STALKING AND DATING, INTIMATE PARTNER AND DOMESTIC VIOLENCE**

Under the provisions of Title IX of the Education Amendments of 1972 (Title IX), 20 USC §§ 1681 et seq., and its implementing regulations, 34 CFR Part 106, discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance is prohibited. Sexual harassment of students, which includes acts of sexual violence, cyber stalking and unwanted physical contact of a sexual nature, is a form of discrimination prohibited by Title IX. Sexual harassment is the unwelcome conduct of a sexual nature that is sufficiently serious to adversely affect your ability to participate in or benefit from an educational program. It includes unwelcome sexual advances, requests for sexual favors and other verbal, non-verbal, or physical contact of a sexual nature on or off campus.

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

To directly view a copy of the City University of New York Policy on Sexual Misconduct, please the link below:

<http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/POLICY-ON-SEXUAL-MISCONDUCT-10.1.2015-with-links.pdf>

Sexual misconduct as defined in CUNY's policy, including sexual harassment and sexual assault, stalking, domestic and dating/intimate partner violence, as defined in CUNY's policy and as defined under the Clery Act and New York State law, are prohibited. Please see below and CUNY's Sexual Misconduct policy for definitions of these and other terms. Allegations of sexual misconduct including sexual assault, sexual harassment, stalking, or domestic, dating and intimate partner violence should be reported to one of the individuals below:

- Vice President for Student Affairs Jose Magdaleno, Shuster Hall, room 206, 718-960-8241, [joseph.magdaleno@lehman.cuny.edu](mailto:joseph.magdaleno@lehman.cuny.edu)
- Title IX Coordinator/Chief Diversity Officer Dawn Ewing-Morgan, Shuster Hall, room 350, 718-960-8111, [dawn.ewing-morgan@lehman.cuny.edu](mailto:dawn.ewing-morgan@lehman.cuny.edu)
- Director of Public Safety Fausto Ramirez, Apex Building, room 109, 718-960-8593/4, [fausto.ramirez@lehman.cuny.edu](mailto:fausto.ramirez@lehman.cuny.edu)
- Director of Human Resources Eric Washington, Shuster Hall, room 230, 718-960-8181, [eric.washington@lehman.cuny.edu](mailto:eric.washington@lehman.cuny.edu)
- Interim Director Mental Health Counselor Megan Wilen, Old Gym Building, room 114, 718-960-8761, [megan.wilen@lehman.cuny.edu](mailto:megan.wilen@lehman.cuny.edu)

For more detailed information on Title IX including community and campus specific information resources, please also see CUNY Policies, Getting Help, Understanding and Preventing Sexual Assault and Sexual Harassment at:

<http://www1.cuny.edu/sites/title-ix/resources/campus/lehman-college/>

You may also:

- Call the Department of Public Safety at 718-960-8593/4. From a college phone, dial extension 8228. This is a 24 hour a day number.
- Press the any of the school's Emergency Assistance Callbox Stations.
- Report the information to any member of the Public Safety Department in person or the Command Center at Gate 5.
- Victims or witnesses may report crimes to a person designated as a Campus Security Authority (listed on page 2 of this document) who will report the incident to the Title IX Coordinator and then forward the report of the crime to the Department of Public Safety for statistical inclusion in the Annual Crime Report. Names and numbers of Campus Security Authorities are located on page 2 of this document. The college recognizes the importance of confidentiality in victims and witnesses of crimes. For the purpose of providing crime statistics pursuant to the Campus Security Act in the College's Annual Security Report, victim and witness information will remain anonymous. However, complete confidentiality cannot be guaranteed in all other contexts. Victims of sexual violence will be encouraged, but not required to report the incident to law enforcement authorities. The College reserves the right to notify the police when it believes that such reporting is necessary for the protection of the college community. In many cases, however, that notification will be done without divulging the victim's identity and will be done for the purposes of providing a campus-wide safety alert.
- In the event that the situation you observe or are involved in is of an extreme or life-threatening nature, immediately call 911, the New York City's Police Department's emergency phone number. If you do make a 911 call, please notify the Public Safety Department as soon as possible. They will also respond to assist and direct the police and other emergency personnel to the reported emergency.

For more information, please see section "Reporting and Prevention of Sex Offenses" later in this document. For more detailed information on Title IX including community resources, please also see CUNY Policies, Getting Help, Understanding and Preventing Sexual Assault and Sexual Harassment or go to <http://www1.cuny.edu/sites/title-ix/campus/lehman-college/>

### **Bystander Intervention:**

The College encourages all community members, including faculty, students and visitors to take reasonable and prudent actions to prevent and stop an act of sexual harassment, gender-based harassment or sexual violence that she/he may witness. Although these actions will depend on circumstances, they may include direct intervention, calling law enforcement, or seeking assistance from a person in authority. In addition, the College encourages all community members to report an incident of sexual misconduct that they observe or become aware of to the Title IX Coordinator, and/or the Office of Public Safety and Student Affairs. Community members who chose to exercise this positive option will be supported by the College and protected from retaliation.

### **Prevention and Risk Reduction**

- Convey strongly that you expect your rights to be respected.
- Meet new acquaintances in public places. Always have your own transportation or travel with good friends.
- Keep money in your pocket or purse for phone calls or pay for transportation if you must leave a situation abruptly.
- Be aware of how much alcohol is being consumed. It's best to avoid using alcohol. While not a direct cause of date rape, alcohol can increase your vulnerability by lowering your alertness and ability to react.
- Do not accept a drink from someone you do not know or trust. Do not drink from bowls or large common open containers.
- Do not continue to drink from a beverage you left unattended.
- Clearly define your sexual limit. If someone starts to offend you, be direct. Say no clearly when you mean no.
- If you feel that you are being pressured into unwanted sex, say something as soon as you can, before the behavior goes any further.
- Embarrassment should not keep you from doing what is right for you. Do not hesitate to raise your voice, stand up abruptly, or scream if the situation warrants it.
- Watch out for your friends and fellow students/employees. If you can do so safely, ask if they need help.
- Speak up if you hear someone discuss plans to take sexual advantage of another person.
- Offer to help a friend or fellow student or employee make a report and seek assistance and support.
- Avoid isolated areas.
- Attend parties with friends. Arrange to leave with your friends.

### **What to Do if You Are Attacked**

- After an attack, try to be as calm as possible in order to think clearly. Get to a safe place and call for help immediately. If you are on campus, contact Public Safety at ext. 7777 / 8228 immediately. Elsewhere, call 911, call a relative or a friend or a rape crisis center. The NYC Police Department Sex Crimes Report Line is always open at 212-COP-RAPE.
  - Remain in the same condition as when the attacker left. Do not change, wash, or destroy any clothing or any article that may be evidence.
  - Do not wash, douche or comb your hair.
  - Have a medical/gynecological exam at the nearest hospital emergency room as soon as possible. The doctor should note and treat any injury and take measures to combat the possibility of sexually transmitted diseases or pregnancy. If you report being raped, the doctor may be able to collect semen smears or other physical specimens as evidence.
  - Show police any bruises or injuries, however minor, resulting from the attack. Also show injuries, however minor, resulting from the attack. Also show injuries to a friend or relative who might be available as a corroborative witness at the trial. If possible, photograph bruises.
  - Leave the crime scene exactly as it is. Do not touch, clean up, or throw anything away.
  - Give any clothing that was stained or torn (including undergarments) during the crime to the police.
  - When calm, write down every detail about the incident, including: who, what, where, when, and how; what the attacker looked like (height, weight, clothing, type of build, color of skin, hair, eyes, facial oddities, scars, jewelry, tattoos, etc.); description of any vehicle used or the direction you last saw the attacker running; what kind of force or coercion was used; any objects touched, taken, or left by the attacker; if the attacker said anything, try to remember the words, the grammar, any accents or speech defects; and if there were witnesses, list who and where they might be.
  - Seek psychological support as well as medical attention. Even though the actual incident is over, you may suffer from rape trauma syndrome, which includes a variety of difficulties commonly experienced after a sexual assault.
  - A student can call the New York City Police Department or 911, or go directly to a hospital. If the student wishes, Public Safety will call 911 on their behalf. It is important to note that if you are a victim of a sex offense, **do not destroy any evidence (including clothing) and do not take a shower or bath.**
  - It is important that such physical evidence be preserved in order to assist with any ensuing criminal investigation. If the student believes that she/he may be the victim of date rape by being drugged, she/he should go directly to a hospital to receive a toxicology examination since such drugs only remain in a person's system for a short period of time. The Department of Public Safety will assist with notification of other law enforcement authorities and/or medical professionals if the student so chooses.
1. New York State Department of Health has designated sexual assault forensic examiner ("SAFE") programs in hospitals that are designated as 24-hour centers of excellence. SAFE hospitals ensure the quality of collections, documentation, preservation and custody of physical evidence by a trained examiner and provide medical care that includes, but is not limited to, treatment, referral and follow-up, at no cost to the victim.
  2. As time passes, evidence may dissipate or become lost or unavailable, making investigation, possible prosecution or disciplinary proceedings or obtaining orders of protection more difficult. Even if a victim of sexual assault chooses not to file a complaint with law enforcement, the victim should consider having a sexual assault forensic exam, which will preserve the evidence in case the victim decides to file a report later.

### **Who is a perpetrator?**

Many people think that sexual assaults are only perpetrated by vicious strangers on dark, deserted streets. In fact, studies indicate that between 80 and 90 percent of all people who have been raped know their perpetrator(s). This is called "date rape" or "acquaintance rape." "Date rape" is not a legally distinct or lesser category of rape. It refers to a relationship and situational context in which rape occurs on a date. Rape or any sexual offense, whether on a date or not, is the same criminal offense involving the same elements of force, exploited helplessness or underage participation.

With sexual assaults where the victim knows the perpetrator, alcohol use is often involved on the part of either the victim or the perpetrator. However, a sexual assault is still a crime regardless of the intoxication of the perpetrator or the victim.

### **Who is a victim?**

Anyone can be a victim, regardless of gender, age, race, sexual orientation, gender identity, religion, ethnicity, class or national origin. Regardless of whether the victim was abusing alcohol and/or underage, she or he is still the victim of the sex offense.



### **When is there lack of consent?**

Under New York law, lack of consent to sexual contact may be demonstrated in the following ways: (1) forcible compulsion including the use of physical force or threat (express or implied) which places the person in fear of physical injury to self or another; (2) incapacity to consent on the part of the victim; (3) circumstances in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or (4) circumstances in which the victim clearly expressed by words or actions that he or she did not consent to engage in such sexual act and a reasonable person would have understood such person's words or actions as an expression of lack of consent to such conduct. A person is deemed incapable of giving consent if she/he is (a) under the age of 17, (b) mentally incapacitated (which may include incapacity due to the victim's ingestion of alcohol or drugs), (c) physically disabled or (d) physically helpless (asleep, unconscious or for any other reason physically unable to communicate unwillingness to act, which may also include incapacity due to the victim's ingestion of alcohol or drugs).

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

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

### **Who is responsible for a sexual attack?**

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

## **College and Community Counseling and Support Services for Sex Offense Victims**

### **On-Campus Assistance**

Victims of a sexual assault are encouraged to contact the Title IX Coordinator and/or Office of the Dean of Students to obtain assistance in accessing medical and counseling services, or to make any necessary changes to the student's academic program. Victims of such crimes can obtain assistance from the Office of the Vice President of Student Affairs throughout the disciplinary process. The Office of Public Safety can assist the victim in getting to and from campus classes, filing a police report and obtaining an order of protection against the perpetrator. The victim can also file a complaint with the College against a perpetrator who is a student or employee of the University with the Vice President of Student Affairs and the Office of Public Safety.

### **College Support Services**

On-Campus: Lehman College students can contact the Counseling Center at 718-960-8761 or the Office of the Vice President of Student Affairs at 718-960-8241.

### **Contacting Outside Agencies**

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

### **Off-Campus Resources**

- Emergency: 911
- The 52<sup>nd</sup> Precinct, 718-220-5811
- The New York City Police Department Sex Crimes Report Line: 212-COP-RAPE, open around the clock, is answered by a female detective at all times. It takes telephone reports of sex crimes, refers victims to counseling and other community services, provides information on police procedures, etc.
- The NYC Victims Services Agency: 212-577-7750, open 24 hours, seven days a week. Provides crisis intervention for crime victims.
- The Gay and Lesbian Anti-Violence Project: 212-807-0197 provides 24 hour assistance with legal/medical services, counseling, support groups and community education.
- The following New York State Department of Criminal Justice website offers links to many additional resources at: <http://www.criminaljustice.ny.gov/pio/crimevictims.html>
- The New York State Office of Victim's Services, <https://ovs.ny.gov/>
- The NYC Mayor's Office to Combat Domestic Violence Family Justice Centers: <http://www1.nyc.gov/site/ocdv/programs/family-justice-centers.page>
- The U.S. Department of Justice's Office on Violence Against Women: <http://www.changingourcampus.org>

## **Prevention Education Programs**

Each CUNY College is required to develop materials and programs to educate its students, faculty and staff on the nature, dynamics, common circumstances and effects of sexual assault, domestic/intimate partner violence and stalking, and the means to reduce their occurrence and prevent them. These programs should seek to provide the most recent and relevant information, such as education pertaining to bystander intervention, the importance of peer networks and the significance of fostering a community of responsibility. All incoming students during Fall and Spring orientation receive information about sexual assault prevention and reporting procedures. These are published annually in this document and are available on the College website at <http://www.lehman.cuny.edu> under "Public Safety." Additionally the Department of Public Safety conducts Alert, Lockdown, Information, Counter and Evacuation workshops (A.L.I.C.E.) throughout the school year for all students, faculty and staff.

Prevention education materials and programs must be incorporated into campus orientation activities for all incoming undergraduate and graduate students (including transfers), and is required to be made available to all student activity groups, clubs and athletic teams. In addition, all residence halls are required to have a mandatory orientation on sexual assault, stalking and domestic/intimate partner violence prevention. Colleges are encouraged to assist in the organization of peer education groups

and to provide resources to such groups so that the groups can provide training and outreach to other students throughout the academic year. Since the abuse of alcohol is frequently involved in occurrences of sexual assault and other forms of violence, it is important that the education program include education about the deleterious effects of alcohol abuse.

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

**Much useful information, including resources about campus safety, sexual assault and harassment, domestic/intimate partner violence, stalking and dating violence can be found at <https://www.notalone.gov/>**

Additional Resources for Title IX and the Violence Against Women's Act are available on the Lehman website at: <http://www1.cuny.edu/sites/title-ix/resources/campus/lehman-college/>

## **Important Definitions in the Clery Act and in CUNY's Sexual Misconduct Policy (Please refer to CUNY's Sexual Misconduct Policy for Other Important Definitions)**

### **Sexual Assault**

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

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

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

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

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

### **Domestic Violence**

According to federal statute, "domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of a victim under the domestic or family violence laws of [New York], or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of [New York]." 42 U.S.C § 13925(a).

### **Dating Violence**

According to federal statute, "**dating violence**" means violence committed by a person --

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship

(ii) The type of relationship

(iii) The frequency of interaction between the persons involved in the relationship.

42 U.S.C § 13925(a).

For the purposes of this definition

1. Dating violence includes but is not limited to sexual or physical abuse or the threat of such abuse
2. Dating violence does not include acts covered under the definition of domestic violence

CUNY's Sexual Misconduct Policy further defines Dating, Domestic and Intimate Partner Violence as:

A pattern of coercive behavior that can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an intimate partner. Such violence may occur in all kinds of intimate relationships, including married couples, people who are dating, couples who live together, people with children in common, same-sex partners, and people who were formally in a relationship with person abusing them.

### **Stalking**

According to federal statute, Stalking is "engaging in a course of conduct directed at a specific person that would reasonable person to --

(A) fear for his or her safety or the safety of others; or

(B) suffer substantial emotional distress." 42 U.S.C § 13925(a).

For the purposes of this definition:

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

CUNY's Sexual Misconduct Policy further defines Stalking as:

intentionally engaging in a course of conduct directed at a specific person with whom the perpetrator currently has, previously has had, or desire to have, some form of sexual or romantic relationship that:

1. is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or
2. causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted; or
3. is likely to cause such person to reasonably fear that her/his employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

## **Definitions of Sex Offenses Under New York State Law**

Sexual assault is a crime. Under Article 130 of the New York State Penal Law, it is a sex offense to engage in sexual contact or to engage in sexual intercourse, sodomy or sexual abuse by contact without the consent of the victim or where the victim is incapable of giving consent. Criminal sex offenses are classified in degree according to the seriousness of sexual activity, the degree of force used, the age of the victim and the physical and mental capacity of the offender and victim.

**See chart on the following page for a list of some of the major sex offenses and their maximum penalties under New York State Law.**

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

## **Under New York State Penal and Criminal Procedure Laws**

<b>Crime</b>	<b>Illegal Conduct</b>	<b>Criminal Sanctions</b>
<u>Rape in the first degree</u> (PL § 130.35)	A person is guilty when he or she engages in sexual intercourse with another person by forcible compulsion, with a person who is incapable of consent by reason of being physically helpless (e.g. being asleep, unconscious or due to alcohol or drug consumption), who is less than 11 years old or less than 13 and the actor is 18 or older.	Is a class B felony, with penalties up to 25 years in prison.
<u>Rape in the second degree</u> (PL § 130.30)	A person is guilty when being 18 years old or more, he or she engages in sexual intercourse with another person less than 15, or with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated	Is a class D felony, with penalties up to 7 years in prison.
<u>Criminal sexual act in the first degree</u> (PL § 130.50)	A person is guilty when he or she engages in oral sexual contact or anal sexual contact with another person by forcible compulsion, or with someone who is incapable of consent by reason of being physically helpless, or with someone less than 11 or with someone less than 13 and the actor is 18 or older.	Is a class B felony, with penalties up to 25 years in prison.
<u>Forcible touching</u> (PL § 130.52)	A person is guilty when he or she intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire	Is a class A misdemeanor, with penalties up to 1 year in jail.
<u>Sexual abuse in the first degree</u> (PL § 130.65)	A person is guilty when he or she subjects another person to sexual contact: by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the person is less than 11 years old.	Is a class D felony, with penalties up to 7 years in prison.
<u>Aggravated sexual abuse in the first degree</u> (PL § 130.70)	A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11.	Is a class B felony, with penalties up to 25 years in prison.
<u>Aggravated sexual abuse in the third degree</u> (PL § 130.66)	A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11.	Is a class D felony, with penalties up to 7 years in prison.
<u>Facilitating a sex offense with a controlled substance</u> (PL § 130.90)	A person is guilty when he or she knowingly and unlawfully possesses a controlled substance or any substance that requires a prescription to obtain to another person, without such person's consent and with intent to commit against such person conduct constituting a felony, and commits or attempts to commit such conduct constituting a felony defined in Article 30.	Is a class D felony, with penalties up to 7 years in prison.

### **Admission of Sex Offenders (as provided by the Vice Chancellor's Office of Legal Affairs)**

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

### **Campus Sex Crimes Prevention Act**

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

- Contact the police department in the jurisdiction in which the offender resides and/or in which the college is located.  

52nd Precinct - Main Campus	(718) 220-5811
50 <sup>th</sup> Precinct - Parking Lots & HS of AS	(718) 543-5700
- Contact Fausto Ramirez, Director of Public Safety, at (718) 960-8593/4.
- Call the Division's sex offender registry at (800) 262-3257.

To obtain information about Level 2 & 3 offenders only, you may:

- Contact the Division's sex offender registry web site – [www.criminaljustice.ny.gov/nsor/index.htm](http://www.criminaljustice.ny.gov/nsor/index.htm) and then click on "Search for Level 3 Sex Offenses" or
- Access the Divisions Level 3 subdirectory electronically at the Director of Public Safety Office during regular business hours.

### **OTHER LINKS TO UNIVERSITY POLICIES AND PROCEDURES**

#### **Sexual Misconduct Policy:**

<http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/POLICY-ON-SEXUAL-MISCONDUCT-1-1.2015.pdf>

#### **Equal Opportunity and Non-discrimination Policy:**

<http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/hr/policies-and-procedures/PEONon-Discrimination12.4.2014.pdf>

#### **Student Sexual Misconduct Complainants' Bill of Rights:**

<http://www1.cuny.edu/sites/title-ix/campus-websites/student-sexual-misconduct-complaints-bill-of-rights/campus/lehman-college/>

#### **Workplace Violence:**

<http://www2.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>

#### **Domestic Violence in the Workplace**

[http://policy.cuny.edu/manual\\_of\\_general\\_policy/article\\_v/policy\\_5.061/policy/ill/text/#Navigation\\_Location](http://policy.cuny.edu/manual_of_general_policy/article_v/policy_5.061/policy/ill/text/#Navigation_Location)

#### **Policies and Procedures Concerning Sexual Assault, Stalking and Domestic/Intimate Partner Violence Against Students:**

<http://www1.cuny.edu/sites/title-ix/campus/lehman-college/>

### **PROCEDURES IMPLEMENTING THE CITY UNIVERSITY OF NEW YORK'S POLICIES ON EQUAL OPPORTUNITY, NON-DISCRIMINATION AND AGAINST SEXUAL HARASSMENT**

<http://www1.cuny.edu/sites/title-ix/campus/lehman-college/>

### **MISSING PERSONS**

In accordance with state and federal law, the College maintains procedures for the investigation of reports of missing persons. In addition, in compliance with state and federal law, the College will notify the appropriate law enforcement agency within 24 hours of receiving a report of a missing student who resides in campus housing.

The City University of New York Missing Person Policy is available at:

[http://policy.cuny.edu/manual\\_of\\_general\\_policy/article\\_v/policy\\_5.27/pdf/#Navigation\\_Location](http://policy.cuny.edu/manual_of_general_policy/article_v/policy_5.27/pdf/#Navigation_Location).

**Hard copies of these policies, contained within the Student Handbook, are available at The Office of Student Affairs, Shuster Hall, room 204.**

**Questions:**

If you would like more information about safety and security on the Lehman College campus, or yearly crime statistics for Lehman College, please call the Public Safety Department at (718) 960-8593, or write:

**Public Safety Department**  
**Lehman College**  
The City University of New York  
APEX Building - Room 109  
250 Bedford Park Boulevard West  
Bronx, New York 10468

Or access Public Safety Department web page: <http://www.lehman.edu/lehman/public-safety/>

**LEHMAN COLLEGE CALENDAR YEARS 2014-2016 CRIME STATISTICS CHART ARE ON THE NEXT PAGE. THE STATISTICS INCLUDED ON THESE CHARTS ARE DERIVED FROM REPORTED CRIMINAL INCIDENTS FROM THE FOLLOWING SOURCES:**

- 1. ALL PUBLIC SAFETY REPORTS**
- 2. ANY REPORTS FROM CAMPUS SECURITY AUTHORITIES**
- 3. LOCAL POLICE PRECINCT(S)**