Academic Policies

Revised September 11, 2015
Important Notice of Possible Changes

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

Every effort has been made to make the material presented herein timely and accurate. As changes occur, they will be communicated via traditional media and reflected on the School's website. Students are encouraged to check the website to determine the most up-to-date program and course information and to make use of the Student Degree Audit System to track progress toward graduation. Critical points of fact or interpretation should be considered subject to confirmation by the appropriate office or department of the School.

The School does not guarantee to offer all courses it announces. The announcement is made in good faith, but circumstances beyond the control of the School sometimes necessitate changes. The School may cancel courses if the enrollment does not warrant their being offered or if other contingencies make such a cancellation necessary.
## CONTENTS

**ACADEMIC REGULATIONS AND PROCEDURES**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grading Policy</td>
<td>3</td>
</tr>
<tr>
<td>Undergraduate</td>
<td>3</td>
</tr>
<tr>
<td>Graduate</td>
<td>5</td>
</tr>
<tr>
<td>Grade Appeal Policy and Procedures</td>
<td>6</td>
</tr>
<tr>
<td>Students in the Military</td>
<td>8</td>
</tr>
<tr>
<td>Graduation</td>
<td>9</td>
</tr>
</tbody>
</table>

**STUDENT RIGHTS AND UNIVERSITY POLICIES**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintenance of Public Order</td>
<td>10</td>
</tr>
<tr>
<td>Policies and Procedures on Equal Opportunity, Non-Discrimination, and Against Sexual Harassment</td>
<td>13</td>
</tr>
<tr>
<td>Nondiscrimination of Students on the Basis of Pregnancy, Childbirth and Related Conditions</td>
<td>21</td>
</tr>
<tr>
<td>Disability Accommodations</td>
<td>21</td>
</tr>
<tr>
<td>Sexual Assault, Stalking, and Domestic and Intimate Partner Violence Against Students</td>
<td>21</td>
</tr>
<tr>
<td>Workplace Violence Prevention Policy</td>
<td>24</td>
</tr>
<tr>
<td>Domestic Violence and the Workplace Policy</td>
<td>25</td>
</tr>
<tr>
<td>Notice of Access to Campus Crime Statistics, the Campus Security Report, and Information on Registered Sex Offenders</td>
<td>29</td>
</tr>
<tr>
<td>Policy on Drugs Alcohol</td>
<td>30</td>
</tr>
<tr>
<td>Tobacco Free Policy</td>
<td>31</td>
</tr>
<tr>
<td>CUNY Protocol on Infectious Disease Notification (Revised: February 1, 2012)</td>
<td>31</td>
</tr>
<tr>
<td>Freedom of Information Law</td>
<td>32</td>
</tr>
<tr>
<td>Student Rights Concerning Religious Observances</td>
<td>32</td>
</tr>
<tr>
<td>Student Rights Regarding Access to Education Records</td>
<td>33</td>
</tr>
<tr>
<td>Academic Records and Transcripts</td>
<td>34</td>
</tr>
<tr>
<td>Student Rights Regarding Release of Information</td>
<td>34</td>
</tr>
<tr>
<td>Withholding Student Records</td>
<td>34</td>
</tr>
<tr>
<td>CUNY Policy on Academic Integrity</td>
<td>34</td>
</tr>
<tr>
<td>CUNY Policy on Acceptable Use of Computer Resources</td>
<td>38</td>
</tr>
<tr>
<td>Online Etiquette and Anti-Harassment Policy</td>
<td>44</td>
</tr>
<tr>
<td>CUNY Student Complaint Procedure</td>
<td>44</td>
</tr>
<tr>
<td>Bias-Related Crimes Prevention</td>
<td>46</td>
</tr>
</tbody>
</table>
ACADEMIC REGULATIONS AND PROCEDURES

Registration
Once a student is admitted into a program he/she will be notified about registration information for his/her course or program.

Attendance
Students are expected to attend all classes or participate in distance learning experiences as required. A course or program’s specific requirement might exist and will be published as part of the course syllabus or program description. For students taking courses for non-credit, attendance requirements are the same, but there are no grades or academic records produced.

Withdrawal
Students who wish to withdraw from a course must consult with their academic advisor*. The advisor and the student will review the reason for withdrawal and resources available to support the student’s continuation in the course. Students who feel they are struggling with the course material will also be encouraged to speak with their instructor.

Supports may include:

- [Tutoring](http://sps.cuny.edu/student_resources/tutoring_services.html)
- [Print and video tutorials](http://sps.cuny.edu/student_services/tutorials.html)
- [Mathematical assistance](http://qrfellowssps.commons.gc.cuny.edu/)
- [Writing assistance](http://bacwritingfellows.commons.gc.cuny.edu/)

Advisors will discuss with the student the consequences of withdrawal, both academic (loss of credit, lack of progress toward completion of the degree, repeated withdrawals that can lead to dismissal) and financial (loss of tuition, impact on financial aid). Students receiving financial aid will be advised to contact the financial aid office to determine the impact on their financial aid award.

If withdrawal is the best or only option, the advisor will e-mail the student the withdrawal form. Instructions for completing and submitting the form are included in the form.

*If you do not know who your academic advisor is, call 212.652.2869. E-permit students will need to also inform their home campuses.

Note: Students are liable for the full amount of their tuition and fees, regardless of whether they receive expected financial aid, loans, or other financial support. Fees and other non-tuition charges cannot be refunded. Refunds of tuition must be based upon a timely official withdrawal from classes. Such refunds are allowed only in accordance with a limited schedule established by University policy and can be found within the Academic Calendar.

Leave of Absence
Students who need to take a leave of absence may do so by sending a letter to:

Assistant Dean of Registrar and Student Services
CUNY School of Professional Studies
119 West 31st Street, 1st Floor
New York, NY 10001

If the request is made during the term and the student is registered, the request will be processed in accordance with the Refund Policy.

Leaves of absence are regularly approved for up to two years. If the leave is extended beyond two years, students must apply for readmission. While on leave, students may not attend other colleges or universities except with the written permission of the Assistant Dean of Registrar and Student Services. Credit earned while on leave will not be accepted toward the degree or certificate unless prior approval has been obtained.
In order to be granted a leave of absence, a student must be in good standing. A leave of absence cannot be used to avoid the consequences of poor academic performance or to circumvent a disciplinary procedure.

**Cost of Attendance**
In order to participate in any CUNY program, all tuition and fees for the semester must be paid in full. The tuition and fee schedule is accessible at [http://sps.cuny.edu/admissions/tuitionandfees](http://sps.cuny.edu/admissions/tuitionandfees). Students may incur additional costs for textbooks, books, manuals, supplies, and equipment that are corollary to instruction and necessary for the student. Those costs, apart from tuition and fees vary by course and instructor.
GRADING POLICY

Undergraduate

The undergraduate grades reflect assessment by the instructor of key course components. The following grades are assigned with their corresponding point values:

<table>
<thead>
<tr>
<th>Letter Grade</th>
<th>Ranges %</th>
<th>GPA</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>93-100</td>
<td>4</td>
</tr>
<tr>
<td>A-</td>
<td>90-92.9</td>
<td>3.7</td>
</tr>
<tr>
<td>B+</td>
<td>87-89.9</td>
<td>3.3</td>
</tr>
<tr>
<td>B</td>
<td>83-86.9</td>
<td>3</td>
</tr>
<tr>
<td>B-</td>
<td>80-82.9</td>
<td>2.7</td>
</tr>
<tr>
<td>C+</td>
<td>77-79.9</td>
<td>2.3</td>
</tr>
<tr>
<td>C</td>
<td>73-76.9</td>
<td>2</td>
</tr>
<tr>
<td>C-</td>
<td>70-72.9</td>
<td>1.7</td>
</tr>
<tr>
<td>D</td>
<td>60-69.9</td>
<td>1</td>
</tr>
<tr>
<td>F</td>
<td>&lt;60</td>
<td>0</td>
</tr>
</tbody>
</table>

AUD  | Auditor, listener.
INC  | Incomplete. This is a temporary grade. The outstanding work must be completed by end of the following fall or spring semester. If the work is not completed by the end of the following semester, the INC is converted to a permanent grade of F on the record. The course instructor may grant the INC at the request of the student if participation requirements have been met and the only outstanding work is a paper, project, or examination. The instructor has the right to refuse a request, and can set a time limit for completion that is shorter than the end of the following semester. When the course work is completed and the final grade received, the INC grade will be replaced; a notation will be made on the student's transcript of the date of change.
W    | Withdrawal. A permanent grade requested by the student after the Add/Drop period, and before the deadline in the academic calendar. This grade is assigned by the Assistant Dean of Registrar and Student Services at the written request of the student. It does not affect the grade point average.
WA   | Administrative Withdrawal. This grade, which does not affect the grade point average, is administratively assigned.
WN   | Never attended. Calculated as the equivalent of a "W" in the GPA.
WU   | Unofficial Withdrawal. Student attended at least one class session. Calculated as the equivalent of "F" in the GPA.

Note: Some programs have additional grade requirements. Refer to the program descriptions for specific requirements.

University Policy Concerning the Repetition of Courses in which a Student Has Earned a Grade of “F” or “WU”
When an undergraduate student receives the earned academic grade of "F," "FIN," "WU," or an administrative failing grade, and that student subsequently retakes that course and receives a grade of "C" or better, the initial grade of "F" will no longer be computed into the cumulative grade point average. The "F" will remain on the transcript. The number of failing credits that can be deleted from the grade point average calculation shall be limited to 16 for the duration of the student's undergraduate enrollment in the institutions of The City University of New York.

Satisfactory Academic Progress
Students are expected to make satisfactory academic progress. Generally, undergraduate programs throughout CUNY expect applicants to present an academic record with a minimum 2.0 GPA. A student is considered in good academic standing and making good academic progress when he/she has completed all coursework and exams in accordance with faculty instructions,
no later than the last day of the examination period and has earned a GPA of at least 2.0. In certain circumstances, a student may find it necessary to request a grade of Incomplete (INC), in accordance with the rules above. All INC grades must be completed by the end of the following fall or spring semester or the grade will be converted to F. If the course is repeated, it will be a new registration and a second grade on the academic record.

When a student has accumulated more than one incomplete or a GPA below 2.0, he or she may be ineligible to continue in the program since satisfactory academic progress is not being made. Under certain circumstances, a student may be required to carry a reduced course load to improve the GPA or be required to postpone further registration until the INC grades are completed. Typically, students may register for additional courses with one INC grade. Of course, all such academic reviews take into consideration individual circumstances and the potential for improvement.

In addition to academic consequences, failure to make satisfactory academic progress may have implications for the award of financial aid.

**Academic Warning**
Academic warnings are issued whenever such a warning is deemed appropriate. Students receive only one academic warning; failure to comply with this warning may result in academic probation or suspension.

**Academic Probation**
Academic probation is a serious warning that immediate and significant improvement is required. Students who earn F or WU grades, have a GPA below 2.0 or more than two INC grades will be reviewed and may be placed on academic probation. A finding that a student has committed plagiarism or has failed to comply with the Academic Integrity standards of the School of Professional Studies in any other way will be cause for probation. When instituting probation, specific criteria for return to good academic standing will be defined. Academic probation will be noted on a student’s transcript while in effect and that notation will be removed completely upon successful return to good academic standing.

**Academic Suspension and Exclusion**
Students with two consecutive unsatisfactory semesters are normally suspended from the School of Professional Studies for a period of one year. Students may petition to return to the program at the end of the year. Students may be suspended or excluded from the School for reasons of academic dishonesty.

**Academic Honors and Awards**

**Dean’s List**

**Full Time Students**
The Dean’s list notation will appear on the transcript of full time students (those taking 12 or more credits per term) in the term they achieve a GPA of 3.5 and above.

**Part Time Students**
The Dean’s list notation will appear on the transcript of part time students for each accumulation of 12 credits if they achieve a GPA of 3.5 and above.

**Honors for General Excellence**
Latin Honors are computed using only those courses taken in the CUNY School of Professional Studies and awarded when students have completed their baccalaureate degree with a final grade point average as follows:

- Cum Laude (with praise) 3.50
- Magna Cum Laude (with great praise) 3.75
- Summa Cum Laude (with highest praise) 3.85

Degrees and certificates are awarded three times each academic year: February 1, June 1 and September 1.
Graduate

The graduate grades reflect assessment by the instructor of key course components. The following grades are assigned with their corresponding point values:

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W: Withdrawal. A permanent grade requested by the student after the Add/Drop period, and before the deadline in the academic calendar. This grade is assigned by the Assistant Dean of Registrar and Student Services at the written request of the student. It does not affect the grade point average.

WA: Administrative Withdrawal. This grade, which does not affect the grade point average, is administratively assigned.

WN: Never attended. Calculated as the equivalent of a “W” in the GPA.

WU: Unofficial Withdrawal. The grade is calculated as an “F” and the student may be barred from future registrations. It is assigned by the instructor if the student stops participating.

**Satisfactory Academic Progress**

1. The minimum passing grade in a graduate course is a C-. Students need a B or better average in order to graduate with a master’s degree at CUNY, and must maintain a B or better average every semester attending. If the GPA in any semester falls below a B, the student will be placed on probation until such time as the average is raised above a B. Conditions for students on probation that will enable them to raise their GPA will be determined by the graduate degree program in which they are enrolled.

2. Students who receive a failing grade (F, W, or an INC that reverts to an F if not completed) can repeat the same course at CUNY SPS. If the grade obtained is a B- or better, the student may petition the Registrar to drop the grade of F from the computation of the GPA. The failing grade remains on the transcript and is marked with a pound sign. The F-Replacement option can be used for only one graduate course at SPS. This F-Replacement option cannot be used for an F resulting from an academic integrity violation.

Degrees and certificates are awarded three times each academic year in January, June and August. See the academic calendar for specific dates ([http://sps.cuny.edu/academic_calendar.html](http://sps.cuny.edu/academic_calendar.html)).
Grade Appeal Policy and Procedures

If a student believes that an error was made in the assignment of a grade, he or she should speak with the instructor of the course within 30 days following the posting of the grade. An email message or note requesting an appointment and explaining the problem will give the faculty member an opportunity to gather the appropriate course materials, papers, exams or other submissions so that the ensuing conversation can be meaningful. As a result of this conversation, a faculty member may correct an error and change the grade. If the problem is not resolved between the student and faculty member, the student may petition the CUNY School of Professional Studies Committee on Academic Appeals and Discipline, which hears student appeals of grades, determinations of satisfactory progress, plagiarism, and related matters.

Policy
The CUNY School of Professional Studies is responsible for determining the requirements and standards of performance for courses and for qualifying examinations. The CUNY School of Professional Studies course instructors retain considerable discretion in these matters. The instructor is under obligation, however, to ensure that his/her course syllabus is consistent with the goals of the curriculum of the degree or certificate program or course. The grading standards in a given course shall reflect levels of difficulty related to the educational objectives of the program.

Instructors have an obligation to students to make clear the basis of evaluation (e.g., reading assignments, student’s written submissions, contributions to class discussions, and presentations) at the start of each course so that students are not surprised by unexpected or untimely demands. Grades on examinations or for work in a course are the responsibility of the instructor.

Procedures
Academic appeals consist of issues raised by students who question the validity of their grades for coursework, grades on examinations, and/or final course grades. Most of these appeals can and should be resolved by the student’s direct discussion and communication with the instructor. A student’s appeal of a final grade must be formally initiated within 30 days following the posting of the grade on the student’s transcript. If the 30-day deadline has passed, the grade becomes permanent.

The academic appeals process comprises three levels as described below. The student may terminate the appeals process after Level I (with the instructor) or after Level II if a satisfactory conclusion is reached. The Level III decision of the Academic Appeals Committee is final.

Level I: With the Instructor:
The student shall meet with the instructor in an attempt to resolve the complaint. The student should email or call the instructor, explain the concerns, and ask for specific information as to why this grade was received. The student may be accompanied by a student or other member of the CUNY School of Professional Studies community in discussion with the instructor. Under the federal Family Educational Rights and Privacy Act (FERPA), students have the right to review their examinations. It is the instructor’s responsibility to provide the student with a detailed explanation of how the grade was determined.

Level II: With the CUNY School of Professional Studies Director of Student Services:
If the matter is not resolved at Level I, the student shall submit a written appeal to the CUNY School of Professional Studies Director of Student Services. The written appeal must specify the nature of the complaint and the outcome the student is seeking and it must be received within 30 days of the meeting with the instructor. The Director of Student Services will schedule a meeting with the student and the Academic Appeals Committee. The Academic Appeals Committee will consist of the Dean and two members of the CUNY School of Professional Studies’ Governing Council and one CUNY School of Professional Studies’ instructor or CUNY faculty member with relevant specialization, who will hear the student’s complaint. The Dean, on the basis of each individual student complaint, shall randomly determine the members of the Academic Appeals Committee; the committee will not function as a standing committee. The Dean will communicate the decision of the Academic Appeals Committee in writing to the student. In academic appeals, the decision of the Academic Appeals Committee is final.
The academic appeals process will be accomplished in a reasonable period of time not to extend beyond six months. A student’s failure to comply with the aforementioned process will nullify the complaint. The timeline for the specific stages of the academic appeals process is given below.

**Timeline Governing the Appeals Process**

A formal academic appeal is filed after the student has met with his/her instructor but has not resolved the complaint. Students have 30 days from the date their final grade was posted to initiate a Level II academic appeal to the CUNY School of Professional Studies Director of Student Services. A formal academic appeal is considered filed only when a dated letter or email is sent to the Director of Student Services. Students have 30 days to initiate a Level III academic appeal from the date they receive notice of the outcome of a Level II academic appeal. Once received, the Director of Student Services has 10 days to respond to the student’s formal appeal by scheduling a meeting with the student and instructor. Once the meeting has been conducted, the student will receive a decision in writing within 10 days. If the appeal has been denied, the student may move onto the next level of the appeals process (the Academic Appeals Committee) by submitting the request within 30 days of the notice of the Level II academic appeals outcome.

Submit initial appeal requests to:

Dr. Zeita-Marion Lobley, Director of Student Services  
CUNY School of Professional Studies  
119 West 31st Street, 4th Floor  
New York, New York 10001  
z.lobley@cuny.edu

When the Dean or the Dean’s designee receives a written appeal requesting a hearing with the Academic Appeal Committee, the Dean has 10 days to respond to the student’s formal appeal by scheduling a meeting with the Academic Appeals Committee. Students will receive a decision in writing within 10 days of the Academic Appeals Committee meeting. The decision of the Academic Appeals Committee is final.

Submit Academic Appeals Committee requests to:

Dr. Zeita-Marion Lobley, Director of Student Services  
CUNY School of Professional Studies  
119 West 31st Street, 4th Floor  
New York, New York 10001  
z.lobley@cuny.edu
STUDENTS IN THE MILITARY

For students called up to active duty or drafted before the end of the semester:

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

For students who volunteer (enlist) for the military before the end of the semester:

- **Grades.** In order to obtain a grade, a student must attend 13 weeks (five weeks for summer session).
- **Refunds.** The amount of the refund depends upon whether the withdrawal is before the 5th week of classes. If the student withdraws before beginning of the fifth calendar week (or third calendar week for a summer session), he or she is entitled to 100% refund of tuition and all other fees except application fees. If the student withdraws thereafter, he or she is entitled to a 50% refund.

Other provisions for military service:

- **Resident Tuition Rates.** These lower rates are applicable to all members of the armed services, their spouses and their dependent children, on full-time active duty and stationed in the State of New York.
- **Re-enrollment of Veterans.** Veterans who are returning students are given preferred treatment in the following ways:
  - Veterans who were former students with unsatisfactory scholastic records may be readmitted with a probationary program.
  - Veterans, upon their return, may register even after normal registration periods, without late fees.
  - Granting of college credit for military service and armed forces instructional courses.
  - Veterans returning too late to register may audit classes without charge.
  - Late Admissions. Veterans with no previous college experience are permitted to file applications up to the date of registration, and are allowed to begin classes pending completion of their application and provision of supporting documents.
  - Readmission Fee. Upon return from military service, a student will not be charged a readmission fee to register at the same college.
  - Veterans Tuition Deferrals. Veterans are entitled to defer the payment of tuition pending receipt of veterans' benefits.
  - New York National Guard Tuition Waivers. Active members of the New York National Guard, who are legal residents of New York State and who do not have a baccalaureate degree, are eligible for a tuition waiver for undergraduate study.
GRADUATION

Graduation Requirements

All undergraduate degree and certificate students must have a 2.00 minimum GPA to graduate. Additional graduation requirements for each program are located in the program sections of this bulletin. Students may also consult with their academic advisor.

Note: Students should contact their department for guidance on final project submissions.

Application for Graduation Filing Procedures

1. Go to the following webpage: http://sps.cuny.edu/student_resources/apply4grad.html.
2. Complete the application, including your full legal name; this is the name that will appear on your diploma. If a change of name is desired, please file a Change of Name form (this includes abbreviating middle names, for example: Sue Ann Smith to Sue A. Smith).
3. Print, then return the completed application to the Registrar by the appropriate deadline noted below. The address is on the form. You will be notified by mail if there are any problems with the degree application.
4. Applications not completed correctly will be returned to the student. The returned application will not be accepted until filled out properly.

<table>
<thead>
<tr>
<th>Filing Deadlines*</th>
<th>Date of Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1</td>
<td>August</td>
</tr>
<tr>
<td>November 1</td>
<td>January</td>
</tr>
<tr>
<td>March 1</td>
<td>June</td>
</tr>
</tbody>
</table>

*Exact dates for degree/certificate awards may be found in the Academic Calendar for the appropriate Academic Year. If a filing date falls on a weekend, applications and forms are due the following business day without penalty.

Late Applications: Applications will be accepted with a $25 late fee for two weeks following the degree application filing deadline.

Graduation applications will be processed and audited after the filing date. This is a lengthy process as each application is audited individually. Students will be contacted via email and regular mail if there are any problems. Letters verifying the degree/certificate award will be mailed on the conferral date to those who have completed all requirements. February and September diplomas may be picked up on the day of conferral after 1 p.m. in the Registrar’s office. For June, they will be distributed at Commencement (only if all degree/certificate requirements have been met; and all financial obligations have been satisfied). Diplomas/certificates will be mailed only upon receipt of the address label enclosed with the award letter or upon a written request by the degree recipient.

Commencement Ceremony

The CUNY School of Professional Studies holds one commencement ceremony each year in June. All students who have applied for or earned a degree or certificate for that academic year will receive commencement information in mid-March. Please make sure your address is up-to-date to receive this important information. If your contact information has changed, please update it by submitting a completed Change of Address form to:

CUNY School of Professional Studies
Registrar
119 West 31st Street – 1st Floor
New York, NY 10001

The Change of Address form can be accessed at http://sps.cuny.edu/forms.html.
STUDENT RIGHTS AND UNIVERSITY POLICIES

All general CUNY policies apply to the School of Professional Studies, including such issues as nondiscrimination, sexual harassment, and freedom of information. All of these policies and many more are available on the University website www.cuny.edu.

Maintenance of Public Order

The Board of Trustees in compliance with Chapter 191 of the Laws of 1969 (Henderson Act) adopts the following rules and regulations for the maintenance of public order on college campuses and other college property used for educational purposes:

1. Rules Governing Members of the Academic Community and Visitors

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

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

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

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

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

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

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

   No individual shall have in his or her possession a rifle, shotgun or firearm or knowingly have in his or her possession any other dangerous instrument or material that can be used and is intended 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 or her possession any other instrument or material that can be used and is intended to inflict bodily harm on any individual or damage upon a building or the grounds of the University/college.

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

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

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

2. **Sanctions**

2.1 **Definitions**

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

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

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

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

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

f. **Suspension**: Exclusion from classes and other privileges or activities, as set forth in the notice of suspension, for a definite period of time

g. **Expulsion**: Termination of student status for an indefinite period. The conditions of readmission, if any is permitted, shall be stated in the order of expulsion

h. **Complaint to Civil Authorities**
i. **Ejection**

Admonition, warning, censure, and disciplinary probation shall be in addition to any other penalty provided by law or The City University.

2.2 **Students**

Any student engaging in any manner in conduct prohibited under this policy shall be subject to the following range of sanctions defined in this policy

a. **Admonition**
b. **Warning**
c. **Censure**
d. **Disciplinary probation**
e. **Restitution**
f. **Suspension**
g. **Expulsion**
h. **Ejection**
i. **Arrest by the civil authorities**

2.3 **Faculty and Staff**

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 this policy shall be subject to the following range of penalties:

a. **Warning**
b. **Censure**
c. **Restitution**
d. **Fine not exceeding those permitted by law or by the Bylaws of the University**
e. **Suspension with or without pay pending a hearing before an appropriate college authority**
f. **Dismissal after a hearing**
g. **Ejection**
h. **Arrest by the civil authorities**

For engaging in the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs or other controlled substances on University/college premises, or as part of any University/college activities, such an individual may, alternatively, 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 of these activities 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 University.

2.4 Visitors
Any visitor, licensee, or invitee, engaging in any manner in conduct prohibited under this policy shall be subject to
ejection, and/or arrest by the civil authorities.

2.5 Organizations
Any organization that authorizes the conduct prohibited under this policy shall have its permission to operate on
campus rescinded.

3. Dissemination of Rules and Regulations
A copy of these rules and regulations is filed with the Regents of the State of New York and with the Commissioner of
Education. These rules and regulations are to be incorporated in each college bulletin.

4. Security Services On Campuses
All security and safety services provided on college-owned or leased facilities shall be the responsibility of the college
President.

College responsibility for security and public safety applies to any building or property owned or controlled by the college
and used by the college in direct support of, or related to, its educational purposes, and any building or property owned or
controlled by student organizations recognized by the college. This includes student union buildings and other entities that
bear the name of the college.

All security or security related functions at events in college facilities, such as performances, speeches, conferences,
meetings, classes, and other special events, shall be managed by the college. No private security personnel, such as
bodyguards or escorts acting in a security capacity—with the exception of security guards contracted for by the college—
shall perform any campus security or security related functions. The use of armed private security guards is prohibited.

After consultation with the campus faculty and student constituencies, as well as with the appropriate University offices, the
colleges are to establish security and safety guidelines for persons or organizations appearing at campus events or using
campus facilities, consistent with this policy. Contracts for speakers or space rentals should contain conditions whereby
events may be canceled or payments or deposits may be forfeited for failure to comply with college security policies and
procedures. Additionally, any person or organization violating such an agreement may be denied future access to any
University campus or related facility in addition to any other applicable college or lawful sanctions.

This policy does not apply to federal, state, county, or municipal sworn law enforcement officers, or to foreign or
international law enforcement personnel who are officially charged with the responsibility of providing security for particular
individuals, or who are involved in a law enforcement capacity—e.g. crowd control in conjunction with the security officers of
the college.

This policy, which applies to all facilities and events whether fees are paid to speakers or funded through student fees, is not
intended to limit or abridge individual access to or attendance at college events.

In the event that private security is necessary and requires an exception to this policy, such exceptions must be approved
by the college President and the Chancellor and reported to the Board of Trustees’ Committee on Fiscal Affairs, Facilities,
and Contract Review at the earliest practicable time.

5. Campus Peace Officers
The Board of Trustees of the University has the power to appoint campus officers who shall have the powers of peace
officers as set forth in the Criminal Procedure Law within the geographical area of the City of New York. The powers of such
peace officers include making arrests, searches and issuing appearance tickets, but not the power to carry firearms. It is appropriate to authorize the Chancellor to withhold these powers of peace officers when they are undergoing background checks and training and to suspend them while they are under investigation for misconduct or poor performance, under a disciplinary penalty, and other circumstances.

The Board of Trustees authorizes the Chancellor or his or her designee to withhold and make the initial designation, and to suspend and reinstate the authority and powers as peace officers—under the Criminal Procedure Law of New York State—of campus peace officers who have been appointed by the Board of Trustees.

6. Outside Law Enforcement Intervention

A college president, or his or her designee, shall consult with the Chancellor or his or her designee prior to involving law enforcement agencies during a campus protest, including summoning the police, except in cases of immediate danger to personal safety or to property. In considering such action, the President, or his or her designee, shall make all possible efforts to consult with the student body president(s) and the chair of the faculty governance body. The Chancellor shall endeavor to consult with the student trustee on the President's intent to call the police.

The Chancellor shall develop a process to be followed by the colleges and the central office prior to calling the police.

7. Violent Felony Offenses and Missing Students

Each college shall adopt and implement a plan providing for the investigation of any violent felony offense occurring at, or, on the grounds of each such institution, and providing for the investigation of a report of any missing student who resides in a facility owned or operated by the college. Such plans shall provide for the coordination of the investigation of such crimes and reports with the New York City Police Department.

The Chancellor is authorized to execute such agreements as are necessary with the New York City Police Department providing for the prompt investigation of such violent felony offenses and missing student reports. The plans of each college shall include compliance with the terms of such agreement(s).

Each college plan must provide for the coordination of the investigation of such reports between the University Public Safety Peace Officer Service and the New York City Police Department in accordance with a written agreement. The University intends to have a master agreement for all of the University colleges with the Police Department. Although the law requires that college plans also include provisions for the reporting and investigation of missing students, this is limited to students residing in dormitories (i.e., facilities owned or operated by the college).

Policies and Procedures on Equal Opportunity, Non-Discrimination, and Against Sexual Harassment

I. Policy on Equal Opportunity and Non-Discrimination

The City University of New York (“University or “CUNY”), located in a historically diverse municipality, is committed to a policy of equal employment and equal access in its educational programs and activities. Diversity, inclusion, and an environment free from discrimination are central to the mission of the University.

It is the policy of the University to recruit, employ, retain, promote, and provide benefits to employees and to admit and provide services for students without regard to race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender, gender identity, marital status, partnership status, disability, genetic information, alienage, citizenship, military or veteran status, pregnancy, or status as a victim of domestic violence/stalking/sex offenses, or any other legally prohibited basis in accordance with federal, state and city laws.¹

¹ As a public university system, CUNY adheres to federal, state and city laws and regulations regarding non-discrimination and affirmative action. Should any federal, state or city law or regulation be adopted that prohibits discrimination based on grounds or characteristics not included in this Policy, discrimination on those additional bases will also be prohibited by this Policy.
It is also the University’s Policy to provide reasonable accommodations when appropriate to individuals with disabilities, individuals observing religious practices, or employees who are victims of domestic violence/stalking/sex offenses. This Policy also prohibits retaliation for reporting or opposing discrimination, or cooperating with an investigation of a discrimination complaint.

Prohibited Conduct Defined

**Discrimination** is treating an individual differently or less favorably because of his or her protected characteristics—such as race, color, religion, gender, national origin, or any of the other bases prohibited by this Policy.

**Harassment** is unwelcome conduct based on a protected characteristic that has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile or abusive work or academic environment. Such conduct can be verbal, written, visual, or physical.

**Retaliation** is adverse treatment of an individual because he or she made a discrimination complaint, opposed discrimination, or cooperated with an investigation of a discrimination complaint.

II. Policy Against Sexual Harassment

Sexual harassment, a form of sex discrimination, is illegal under federal, state, and city laws, and will not be tolerated within the University. Members of the University community who believe they have been sexually harassed are strongly encouraged to report the allegations as promptly as possible. Delay in making a complaint of sexual harassment may make it more difficult to investigate the allegations.

**Sexual Harassment Defined**

Sexual harassment consists of unwelcome sexual advances or requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing;
- submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or abusive work or academic environment.

Sexual harassment can occur between individuals of different sexes or of the same sex. Although sexual harassment most often exploits a relationship between individuals of unequal power (such as between a faculty member and student, supervisor and employee, or tenured and untenured faculty members), it may also occur between individuals of equal power (such as between fellow students or co-workers), or in some circumstances even where it appears that the harasser has less power than the individual harassed (such as a student sexually harassing a faculty member).

**Examples of Sexual Harassment**

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

- requesting or demanding sexual favors in exchange for employment or academic opportunities (such as hiring, promotions, favorable grades, or recommendations);
- submitting unfair or inaccurate job or academic evaluations or grades, or denying training, promotion, or access to any other employment or academic opportunity, because sexual advances have been rejected.
Other types of unwelcome conduct of a sexual nature can also constitute sexual harassment, if sufficiently severe or pervasive that the target finds, and a reasonable person would find, that an intimidating, hostile or abusive work or academic environment has been created. Examples of this kind of sexual harassment include, but are not limited to, the following:

- sexual comments, teasing, or jokes;
- sexual slurs, demeaning epithets, derogatory statements, or other verbal abuse of a sexual nature;
- graphic or sexually suggestive comments about an individual’s attire or body;
- graphic or sexually suggestive gestures;
- inquiries or discussions about sexual activities;
- pressure to accept social invitations, to meet privately, to date, or to have sexual relations;
- sexual touching, brushing up against another in a sexual manner, cornering, pinching, grabbing, kissing, or fondling;
- coerced sexual intercourse or sexual assault.

**Consensual, Intimate Relationships**

1. Relationships between faculty or employees and students

   Amorous, dating or sexual activity or relationships (“intimate relationships”), even when apparently consensual, are inappropriate when they occur between a faculty member or employee and any student for whom he or she has a professional responsibility. Those relationships are inappropriate because of the unequal power dynamic between students and faculty members and between students and employees who advise or evaluate them, such as athletic coaches or workplace supervisors. Such relationships necessarily involve issues of student vulnerability and have the potential for coercion. In addition, conflicts of interest or perceived conflicts of interest may arise when a faculty member or employee is required to evaluate the work or make personnel or academic decisions with respect to a student with whom he or she is having an intimate relationship. Finally, if the relationship ends in a way that is not amicable, the relationship may lead to charges of and possible liability for sexual harassment.

   Therefore, faculty members and other employees are prohibited from engaging in intimate relationships with students for whom they have a professional responsibility, including undergraduates, graduate and professional students and postdoctoral fellows. For purposes of this section, professional responsibility for a student means responsibility over academic matters, including teaching, counseling, grading, advising for a formal project such as a thesis or research, evaluating, hiring, supervising, coaching, making decisions or recommendations that confer benefits such as admissions, registration, financial aid, other awards, remuneration, or fellowships, or performing any other function that might affect teaching, research, or other academic opportunities.

2. Relationships between supervisors and employees

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

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

**Retaliation**

This Policy prohibits retaliation for reporting or opposing sexual harassment, or cooperating with an investigation of a sexual harassment complaint.
III. Discrimination, Sexual Harassment and Retaliation Complaints

The City University of New York is committed to addressing discrimination and sexual harassment complaints promptly, consistently and fairly. There shall be procedures for making and investigating such complaints, which shall be applicable at each unit of the University.

IV. Academic Freedom

These policies shall not be interpreted so as to constitute interference with academic freedom.

V. Responsibility for Compliance

The President of each college of the University, the CUNY Executive Vice Chancellor and Chief Operating Officer, and the Deans of the Law School and Graduate School of Journalism will have ultimate responsibility for overseeing compliance with these policies at their respective units of the University. In addition, each dean, director, department chairperson, executive officer, administrator, or other person with supervisory responsibility must promptly consult with the Chief Diversity Officer if they become aware of conduct that may violate this policy. All members of the University community are required to cooperate in any investigation of a discrimination, sexual harassment, or retaliation complaint.

Policies adopted by CUNY Board of Trustees on November 26, 2012. These Policies supersede CUNY’s prior non-discrimination and sexual harassment policies and became effective upon adoption.

Procedures for Reporting Discrimination and Against Sexual Harassment

1. Reporting Discrimination, Harassment and/or Retaliation

The University is committed to addressing discrimination, including harassment, and retaliation complaints promptly, consistently and objectively.

Members of the University community may promptly report any allegations of discrimination, including sexual harassment, or retaliation as specified below:

- Applicants, employees, and students with discrimination complaints should raise their concerns with the Chief Diversity Officer at their location.
- Applicants, employees, and students with sexual harassment complaints should raise their concerns with the Sexual Harassment Coordinator or Deputy Coordinator at their location.
- Students with complaints of sexual assault, stalking, domestic and intimate violence should follow the Policy and Procedures Concerning Sexual Assault, Stalking and Domestic and Intimate Partner Violence Against Students.
- There are separate procedures under which applicants, employees, and students may appeal a decision concerning reasonable accommodations for a disability, which are set forth in CUNY’s Procedures on Reasonable Accommodation.

2 These Procedures govern any complaint of discrimination, sexual harassment, and/or retaliation whether addressed by the Chief Diversity Officer, Title IX Coordinator, Sexual Harassment Coordinator or Deputy Coordinator, or 504/ADA Coordinator. Additionally, these procedures are applicable to all of the units and colleges of the University. The Hunter College Campus Schools may make modifications to these procedures, subject to approval by the University, as appropriate to address the special needs of their elementary and high school students.

These Procedures are intended to provide guidance for implementing the University Policies on Equal Opportunity, Non-discrimination, and Against Sexual Harassment. These Procedures do not create any rights or privileges on the part of any others.

The University reserves the right to alter, change, add to, or delete any of these procedures at any time without notice.

3 Depending on the campus or location, the Chief Diversity Officer often serves the additional roles of 504/ADA Coordinator, addressing disability reasonable accommodation concerns, Title IX Coordinator, addressing sex discrimination allegations of students, and Sexual Harassment Coordinator or Deputy Coordinator.
2. Preliminary Review of Employee, Student, or Visitor Concerns

Individuals who believe they have experienced discrimination, harassment, and/or retaliation should promptly contact the Chief Diversity Officer at their location to discuss the issues, with or without filing a complaint. Following the discussion, the Chief Diversity Officer will inform the complainant of the options available. These include seeking informal resolution of the issues the complainant has encountered or asking that a full investigation be conducted. Based on the facts of the complaint, the Chief Diversity Officer may also advise the complainant that his or her situation is more suitable for resolution by another entity within the University.

3. Filing a Complaint

Following the discussion with the Chief Diversity Officer, individuals who wish to pursue a complaint of discrimination, harassment, and/or retaliation should be provided with a copy of the complaint form. Complaints should be in writing whenever possible, including in cases where the complainant is seeking an informal resolution.

4. Informal Resolution

Individuals who believe they have been discriminated or retaliated against may choose to resolve their complaints informally. Informal resolution is a process whereby parties can participate in a search for fair and workable solutions. The parties may agree upon a variety of resolutions, including, but not limited to, modification of a work assignment, training for a department, or an apology. The Chief Diversity Officer will determine if informal resolution is appropriate in light of the nature of the complaint. Informal resolution requires the consent of both the complainant and the accused and suspends the complaint process for up to thirty (30) working days, which can be extended, at the discretion of the Chief Diversity Officer, upon consent of both parties. Resolutions should be agreed upon, signed by, and provided to both parties. Once both parties reach an informal agreement, it is final. Because informal resolution is voluntary, sanctions may be imposed against the parties only for a breach of the executed voluntary agreement.

The Chief Diversity Officer or either party may at any time, prior to the expiration of thirty (30) working days, declare that attempts at informal resolution have failed. Upon such notice, the Chief Diversity Officer may commence a full investigation.

If no informal resolution of a complaint is achieved, the complainant may request that the Chief Diversity Officer conduct a full investigation of the complaint.

5. Investigation

A full investigation of a complaint may commence when it is warranted after a review of the complaint, or after informal resolution has failed.

It is recommended that the intake and investigation include the following, to the extent feasible:

   a. Interviewing the complainant. The complainant should be informed that an investigation is being commenced, that interviews of the accused and possibly other people will be conducted, and that the President \(^4\) will determine what action, if any, to take after the investigation is completed.

   b. Interviewing the accused. The accused should be advised that a complaint of discrimination has been received and should be provided a copy of the complaint unless circumstances warrant otherwise. Additionally, the accused should be advised that an investigation has begun, which may include interviews with third parties, and that the President will determine what action, if any, to take after the investigation is completed. An accused employee who is covered by a collective bargaining agreement may consult with, and have, a union representative present during the interview.

   The accused must be informed that retaliation against any person who files a complaint of discrimination, participates in an investigation, or opposes a discriminatory employment or educational practice or policy is prohibited under these policies and federal, state, and city laws. The accused should be informed that if retaliatory behavior is engaged in,

\(^4\) References to the President in these Procedures refer to the Executive Vice Chancellor and Chief Operating Officer and the Deans of the Law School and Graduate School of Journalism wherever those units are involved, rather than a college.
he/she may be subject to disciplinary charges, which, if sustained, may result in penalties up to and including termination of employment, or permanent dismissal from the University if the accused is a student.

c. Interviewing witnesses. The Chief Diversity Officer should determine if, in addition to the complainant, the accused, and those persons named by them, there are others who may have relevant information regarding the events in question and whether there is documentary evidence that may be relevant to the complaint. Persons interviewed should be advised to maintain confidentiality over discussions had during the investigative interview.

6. Withdrawing a Complaint

A complaint of discrimination may be withdrawn at any time during the informal resolution or investigation process. Only the complainant may withdraw a complaint. Requests for withdrawals must be submitted in writing to the Chief Diversity Officer. The University reserves the right to continue with an investigation if it is warranted. In a case where the University decides to continue with an investigation, it will inform the complainant.

In either event, the accused will be notified in writing that the complainant has withdrawn the complaint and whether University officials determined that continuation of the investigation is warranted for corrective purposes.

7. Timeframe

While some complaints may require extensive investigation, whenever possible, the investigation of complaints should be completed within sixty days of the receipt of the complaint. If there is an undue delay in completing the investigation, the Chief Diversity Officer should send the parties the Delay Notification Letter.

8. Action Following Investigation of a Complaint

a. Promptly following the completion of the investigation, the Chief Diversity Officer will report his or her findings to the President, and in the event that the accused or complainant is a student, also to the Chief Student Affairs Officer.

b. Following such report, the President will review the complaint investigation report and, when warranted by the facts, authorize such action as he or she deems necessary to properly correct the effects of or to prevent further harm to an affected party or others similarly situated. This can include commencing action to discipline the accused under applicable University Bylaws, policies or collective bargaining agreements.

c. The complainant and accused should be apprised in writing of the outcome and action taken as a result of the complaint.

d. For each investigation, the President will sign a form that will go into the investigation file, stating what, if any, action will be taken pursuant to the investigation.

e. If the President is the accused, the Vice Chancellor of Human Resources Management will appoint an investigator who will report his/her findings to the Chancellor or his/her designee, who will determine what action will be taken and whose decision will be final.

9. Immediate Preventive Action

The President may take whatever action is appropriate to protect the college community.

10. False and Malicious Accusations

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

11. Anonymous Complaints
In the event that a complaint is anonymous, the complaint should be investigated as thoroughly as possible under the circumstances.

12. Responsibilities

a. Responsibilities of the President
   1. Appoint a Chief Diversity Officer, a Sexual Harassment Coordinator and at least one Deputy Coordinator, a Sexual Harassment Awareness and Intake Committee, a 504/ADA Compliance Coordinator, and a Title IX Coordinator. The Chief Diversity Officer may be appointed to serve in multiple roles, such as Sexual Harassment Coordinator or Title IX Coordinator.
   2. Ensure that the individuals appointed to handle allegations of discrimination, including sexual harassment and retaliation, are fully trained and equipped to carry out their responsibilities.
   3. Ensure that supervisors receive training on these Policies.
   4. Annually disseminate these Policies to the entire college community and include the names, titles and contact information of all appropriate resources at its location. Such information should be widely disseminated, including placement on the college website.

b. Responsibilities of Supervisors
   Supervisory personnel exercise authority on behalf of the University. They include deans, directors, department chairpersons, executive officers, administrators, or other persons with supervisory responsibility. They must take steps to create a workplace free of discrimination, harassment and retaliation, and must take each and every complaint seriously. Supervisors must promptly consult with the Chief Diversity Officer if they become aware of conduct that may violate these Policies.

c. Responsibilities of the University Community-at-Large
   1. Members of the University community who become aware of allegations of discrimination, including sexual harassment or retaliation should encourage the aggrieved individual to report the alleged behavior.
   2. All employees and students are required to cooperate in any investigation.

d. Responsibilities of the Chief Diversity Officer
   As the President's designee, the Chief Diversity Officer is responsible for providing consultation, informal complaint resolution, and investigation of all internal complaints of discrimination, harassment, and/or retaliation.

e. Responsibilities of the Sexual Harassment Coordinator, Deputy Coordinator and Sexual Harassment Awareness and Intake Committee ("SHAIC")
   1. As the President's designee, the Sexual Harassment Coordinator is responsible for reviewing all complaints of sexual harassment from any member of the college community and for making efforts to resolve those complaints informally, if possible. When informal resolution is not possible, the Sexual Harassment Coordinator will investigate the complaint in accordance with these complaint procedures. The Sexual Harassment Coordinator will report to the President (and the Chief Student Affairs Officer, if the accused/complainant is a student) the results of the investigation. A Deputy Coordinator may also assume responsibility for the informal resolution or investigation of complaints, as assigned by the Sexual Harassment Coordinator.
   2. SHAIC is responsible for educating employees about sexual harassment and its potential consequences to the University community, and for overseeing the sexual harassment training.
   3. SHAIC members may explain the University complaint procedures and receive complaints and report them to the Sexual Harassment Coordinator or Deputy Coordinator, but not conduct any investigation. SHAIC members have an obligation to maintain confidentiality to the fullest extent possible.

13. Some Relevant Laws Concerning Non-discrimination and Equal Opportunity

   It is recommended that a Sexual Harassment Awareness and Intake Committee consist of a minimum of five (5) persons, all of whom will be appointed by and serve at the pleasure of the President. Further, it is strongly recommended that the Committee reflect the diversity of the college and be composed of faculty members, staff, and students.
The CUNY community should be aware of the following laws relating to non-discrimination and equal opportunity:

Section 1324b of the Immigration and Nationality Act prohibits employers from intentional employment discrimination based upon citizenship or immigration status, national origin, and unfair documentary practices or “document abuse” relating to the employment eligibility verification or Form I-9 process. Document abuse prohibited by the statute includes improperly requesting that an employee produce more documents than required by the I-9 form, or a particular document, such as a “green card”, to establish the employee’s identity and employment authorization; improperly rejecting documents that reasonably appear to be genuine during the I-9 process; and improperly treating groups of applicants differently when completing the I-9 form.

Executive Order 11246, as amended, prohibits discrimination in employment by all institutions with federal contracts and requires affirmative action to ensure equal employment opportunities.

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in employment (including hiring, upgrading, salaries, fringe benefits, training, and other terms, conditions, and privileges of employment) on the basis of race, color, religion, national origin, or sex.

Title VI of the Civil Rights Act of 1964 prohibits discrimination or the denial of benefits because of race, color, or national origin in any program or activity receiving federal financial assistance.

Equal Pay Act of 1963, as amended, prohibits discrimination in compensation on the basis of sex.

Title IX of the Education Amendments of 1972 prohibits discrimination or the denial of benefits based on sex in any educational program or activity receiving federal financial assistance.

Age Discrimination in Employment Act, as amended, prohibits discrimination against individuals who are age 40 or older. Section 504 of the Rehabilitation Act of 1973 defines and forbids acts of discrimination against qualified individuals with disabilities in employment and in the operation of programs and activities receiving federal financial assistance.

Section 503 of the Rehabilitation Act of 1973 requires government contractors and subcontractors to take affirmative action to employ and advance in employment qualified individuals with disabilities.

Vietnam Era Veterans’ Readjustment Act of 1972, as amended, requires government contractors to take affirmative action to employ and advance in employment disabled and other protected veterans.


Americans with Disabilities Act of 1990, as amended, prohibits discrimination on the basis of disability.

Genetic Information Nondiscrimination Act of 2008 prohibits employment discrimination based on genetic information.

New York City Human Rights Law prohibits discrimination based on age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage or citizenship status, arrest or conviction record, or status of an individual as a victim of domestic violence, sex offenses or stalking.

New York City Workplace Religious Freedom Act clarifies the employer’s obligation to provide religious accommodation.

New York State Human Rights Law prohibits discrimination based on race, creed, color, national origin, sexual orientation, military status, sex, age, marital status, domestic violence victim status, disability, predisposing genetic characteristics or prior arrest or conviction record.

To access the Charge of Discrimination Form, visit http://www.cuny.edu/about/administration/offices/ohrm/policies-procedures/finalnondiscrimpolicy121213.pdf.
**Nondiscrimination of Students on the Basis of Pregnancy, Childbirth and Related Conditions**

The CUNY School of Professional Studies, as part of the Graduate School and University Center, does not discriminate against any student on the basis of pregnancy or related conditions. Absences due to medical conditions relating to pregnancy will be excused for as long as deemed medically necessary by a student’s doctor and students will be given the opportunity to make up missed work. Students needing assistance can seek accommodation from the Office of Accessibility at lobley@cuny.edu or 646.664.8615.

**Disability Accommodations**

The CUNY School of Professional Studies does not discriminate on the basis of disability in the admission and retention of students or the employment of faculty and staff. For information regarding services and facilities for students with disabilities, please refer to http://sps.cuny.edu/filestore/2/1/3/3_93d012ea14e9f69/2133_aabb335752bec7f.pdf.

An internal grievance procedure provides for prompt and equitable resolution of complaints alleging any action prohibited by the Office of Civil Rights under section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act of 1990. Grievances should be addressed to:

Dr. Zeita-Marion Lobley, Director of Student Services  
CUNY School of Professional Studies  
119 West 31st Street, 4th Floor  
New York, New York 10001  
lobley@cuny.edu

**Sexual Assault, Stalking and Domestic and Intimate Partner Violence Against Students**

II. **POLICY STATEMENT**

The City University of New York seeks to create and maintain a safe environment in which all members of the University community—students, faculty and staff—can learn and work free from the fear of sexual assault and other forms of violence. The University’s policies on Workplace Violence and Domestic Violence and the Workplace apply to all acts of violence that occur in the workplace or that may spill over into the workplace. The University’s Sexual Harassment Policy prohibits many forms of unwelcome conduct, including but not limited to, physical conduct of a sexual nature. This policy is specifically directed towards sexual assault, domestic and intimate partner violence and stalking committed against students on and off-campus.

CUNY wants all victims of sexual assault, stalking and domestic and intimate partner violence to know that the University has professionals and law enforcement officers who are trained in the field to assist student victims in obtaining help, including immediate medical care, counseling and other essential services. If the alleged perpetrator is also a member of the CUNY community, the college will take prompt action to investigate, and, where appropriate, to discipline and sanction the alleged perpetrator. CUNY urges all victims to seek immediate help in accordance with the guidelines set forth in this policy with the assurance that all information received from a complaint will be handled as confidentially as possible. In order to eliminate sexual assaults and other forms of violence perpetrated against students, and to create a safe college community, it is critical to provide an appropriate prevention education program and have trained professionals to provide vital supportive services.

Accordingly, CUNY is committed to the following goals:

- Providing clear and concise guidelines for students to follow in the event that they or someone they know have been the victim of a sexual assault, domestic/intimate partner violence, or stalking.
- Assisting victims of sexual assault or abuse in obtaining necessary medical care and counseling, whether on or off-campus.
- Providing the most informed and up-to-date education and information to its students about how to identify situations that involve sexual assault, domestic and intimate partner violence, or stalking, and ways to prevent these forms of violence.
- Educating and training all staff members, including counselors, public safety officers and student affairs staff and faculty, to assist victims of sexual assault, domestic/intimate partner violence, or stalking.
- Ensuring that disciplinary procedures are followed in the event that the alleged perpetrator is a CUNY student or employee.

III. PROCEDURES FOR REPORTING INCIDENTS OF SEXUAL ASSAULT AND OTHER FORMS OF VIOLENCE

Obtaining assistance after a student is sexually assaulted, stalked or is in an abusive relationship is extremely important and can involve different points of on-campus contact for students, faculty and staff, including the Public Safety Department, Women's/Men's Centers and Counseling Departments, and/or the Dean of Student Development/Student Affairs. Each provides different forms of assistance which together address many of the needs of survivors.

- **Contact Law Enforcement Personnel Immediately**
  CUNY urges any student who has been the victim of a sexual assault or other act of violence or abuse, or any student or employee who has witnessed a sexual assault or other act of violence against a student, to immediately report the incident to the college Public Safety Department if the attack occurred on-campus, or to call 911 or go to the local NYPD precinct if the incident took place off-campus. Each college shall be provided with a list of emergency contact numbers as part of its orientation and training programs.

- **Seek Immediate Medical Attention**
  It is critical that victims of a physical assault receive comprehensive medical attention as soon as possible. For a sexual assault in particular, immediate treatment and the preservation of evidence of the attack (i.e. retain the clothing worn during the attack and do not shower) is crucial to a criminal investigation. If a 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. In all other circumstances, public safety and police personnel can assist the victim in obtaining medical care. Each college shall be provided with a list of local hospitals, some of which are designated as SAFE (Sexual Assault Forensic Examiner) hospitals that are specially equipped to handle sexual assaults and are trained to gather minute evidence from such assaults. Rape crisis advocates at emergency rooms are also trained to handle domestic violence. EMS will be directed to bring victims to a SAFE hospital at their request. Medical attention is critical not only to treat internal and external injuries and to combat the possibilities of sexually transmitted infections and/or pregnancy, but also to collect evidence that can be used against the alleged perpetrator. It is also vital to ongoing safety and recovery that victims receive emotional support and professional counseling as soon as possible after the attack.

- **Seek On-Campus Assistance**
  CUNY encourages student victims to contact the Dean of Student Affairs/Student Development to obtain assistance in accessing medical and counseling services, or to make any necessary changes to the student's academic program or residential housing situation. Public Safety can assist victims getting to and from campus safely, filing a police report and obtaining an order of protection against the alleged perpetrator. Victims can also file a complaint with the College against an alleged perpetrator who is a student or employee of the University with the Dean of Student Affairs/Student Development and the Public Safety Office.

- **Obtaining an On-Campus Advocate**
  Student victims of a sexual assault, stalking or domestic or intimate partner violence shall be provided with on-campus support in the form of an advocate from the Women's/Men's Center (if there is one on campus) or an appropriately trained counselor to assist them in handling the various aspects of their ordeal, such as: 1) explaining to victims their options of whether or not to report the incident to campus or law enforcement authorities; 2) providing guidance if they require medical attention; 3) providing guidance in obtaining crisis intervention and/or ongoing counseling services (or a referral to obtain the necessary services if such services are not available on campus); and 4) assisting victims throughout the College's disciplinary process if they choose to file a complaint against another student in connection with the incident.
Handling Sexual Assault, Stalking and Domestic and Intimate Partner Violence Complaints On-Campus

The Colleges shall act promptly in response to information that a student has been sexually assaulted, or has been the victim of domestic or intimate partner violence or stalking by another member of the CUNY community. Upon receipt of a complaint, the College shall undertake an appropriate investigation. If it appears that there is sufficient evidence to warrant disciplinary charges against a student or staff member, such charges shall be brought pursuant to the appropriate University procedures or collective bargaining agreement. If the alleged perpetrator is a student and the matter is brought before a hearing, the victim and alleged perpetrator are entitled to the same opportunities to have others present and to be informed of the outcome of the proceedings. The victim is entitled to a report of the results of the proceeding at her/his request. If a student is found guilty of committing a sexual assault or other act of violence against another CUNY student or employee after a disciplinary hearing, the penalties may include suspension, expulsion from residence halls, or permanent dismissal from CUNY.

In addition, if during the course of the investigation and/or disciplinary process the alleged perpetrator, or anyone on his/her behalf, seeks to contact the victim so as to harass, intimidate, threaten or coerce the victim in any way, the College reserves the right to bring additional disciplinary action against the actor. Such conduct by any member of the CUNY community will not be tolerated.

Confidentiality

The University recognizes that confidentiality is particularly important to victims of sex crimes, domestic and intimate partner violence and stalking. If the victim seeks counseling with a licensed professional and/or works with an advocate from the campus, those communications will be confidential. CUNY encourages victims in all circumstances to seek counseling in order to speak about her/his options and to begin the recovery period.

While complete confidentiality cannot be guaranteed, every effort will be made to maintain confidentiality on a “need to know” basis. Generally, the wishes of a victim not to report a sexual assault or incident of domestic/intimate partner violence or stalking to the police will prevail, though the College reserves the right to notify the police when it believes that such reporting is necessary for the protection of the College community. Such notification, however, will generally be done without divulging the victim’s identity and for the purpose of providing a campus-wide safety alert. In addition, the College must adhere to legal mandates such as Title IX, medical reporting laws, and the Campus Security Act. For example, CUNY is required to make an annual report documenting the occurrences of violent crimes on campus, including sexual assault. However, this report does not include any information identifying the individuals (including the victims) linked to these crimes.

IV. IMPLEMENTATION OF THE POLICIES AND PROCEDURES CONCERNING SEXUAL ASSAULT AND OTHER FORMS OF VIOLENCE AGAINST STUDENTS

The President and Vice President for Student Affairs/Student Development of each college shall be responsible for implementing this policy in accordance with the most up-to-date information and resources pertaining to sexual assault, stalking and domestic/intimate partner violence education and prevention, and victim assistance. The following steps must be taken to implement this policy:

1. **Publication**: A copy of this policy shall be easily accessible on the CUNY website and on the website administered by each College. A summary shall also be incorporated into every College student handbook. In addition, copies of the policy and procedures shall be made available in student centers, residence halls, student affairs/student development offices, women’s/men’s centers, counseling centers, health clinics and public safety departments, and shall be distributed to all new students during orientations.

2. **Prevention/Risk Reduction Education**: Each College shall 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. Prevention education should provide up-to-date and relevant information, such as education pertaining to bystander intervention, the importance of peer networks and the significance of fostering a community of responsibility.

Prevention education materials and programs shall be incorporated into campus orientation activities for all incoming undergraduate and graduate students (including transfers), and shall be made available to all student activity groups, clubs and athletic teams. In addition, all residence halls shall 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.

3. **Professional Training:** Each College shall 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 shall 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.

4. **Oversight by CUNY Central Administration:** The University Vice Chancellor for Student Affairs shall monitor compliance with this policy at all of the campuses, shall review the policies and procedures on an annual basis, and shall make recommendations in the event that updates to prevention and education information are necessitated. In addition, the Office of the Vice Chancellor for Student Affairs shall provide educational materials that may be needed to ensure full implementation of this policy on every campus. Liaisons will be identified from each campus who will receive standardized training in order to fulfill their responsibilities on their campuses. The policies, procedures and outreach materials and programs will be subject to a periodic process of assessment in order to maintain efficacy.

**Workplace Violence Prevention Policy**

1. **Policy Statement**

The City University of New York (the “University” or “CUNY”) is committed to the prevention of workplace violence and will respond promptly to any threats and/or acts of violence. For purposes of this Policy, Workplace Violence is defined as any physical assault or acts of aggressive behavior occurring where an employee performs any work-related duty in the course of his or her employment, including but not limited to

i. An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;

ii. Any intentional display of force that would give an employee reason to fear or expect bodily harm;

iii. Intentional and wrongful physical contact with an employee without his or her consent that entails some injury; and

iv. Stalking an employee in a manner that may cause the employee to fear for his or her physical safety and health when such stalking has arisen through and in the course of employment.

Workplace Violence presents a serious occupational safety hazard to CUNY and its employees. The University will respond promptly to threats and/or acts of violence. All employees are responsible for helping to create an environment of mutual respect and for assisting in maintaining a safe and secure work environment and will participate in the annual Workplace Violence Prevention Training Program. Individuals who violate this Policy may be removed from University property and are subject to disciplinary and/or personnel action up to and including termination, consistent with University policies, rules and collective bargaining agreements, and/or referral to law enforcement authorities for criminal prosecution.

Incidents involving Workplace Violence will be given the serious attention they deserve. Employees are responsible for reporting any incidents of Workplace Violence of which they become aware. The procedure for reporting incidents of suspected or alleged Workplace Violence can be found in the campus specific Workplace Violence Prevention Programs at Paragraph 7. The procedure for reporting complaints of a potential violation of the CUNY Workplace Violence Prevention Policy and Programs can be found in the campus specific Workplace Violence Prevention Programs at Paragraph 9.

The University, at the request of an employee or student, or at its own discretion, may prohibit members of the public, including family members, from seeing an employee or student on University property unless necessary to transact University-related business. This policy particularly applies when an employee or student anticipates that an act of violence may result from an encounter with said individual(s).
Employee participation in the implementation of this Policy will be through their authorized employee representatives, who will be invited to participate in:

(1) scheduled physical risk assessment site evaluation(s) to determine the presence of risk factors which may place employees at risk of workplace violence; (2) the development and annual review of a Workplace Violence Prevention Program promulgated by each College for the implementation of the Policy; (3) the annual review of the Campus Workplace Violence Incidents Report prepared annually by each College; and (4) as appropriate, following a serious incident of Workplace Violence.

Footnotes:
1. Complaints of sexual harassment are covered under the University's Policy Against Sexual Harassment.
2. Students are not directly covered by this Policy, but they should contact the Department of Public Safety to report concerns about workplace violence.

Domestic Violence and the Workplace Policy

POLICY STATEMENT
The City University of New York ("CUNY") disapproves of violence against women, men, or children in any form, whether as an act of workplace violence or in any employee's personal life. Domestic violence can spill over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover. CUNY is committed to full compliance of all applicable laws governing domestic violence in the workplace, to promoting the health and safety of its employees, and to making a significant and continual difference in the fight to end domestic violence. CUNY will review this policy annually and will notify all employees and the New York State Office for the Prevention of Domestic Violence ("OPDV") of any revisions.

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

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

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

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

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

POLICY

1. Employee Awareness
   1. CUNY will provide its Domestic Violence and the Workplace Policy to all employees.
   2. CUNY employees will review and follow this policy and procedures.
   3. CUNY will provide to all employees, and post in locations of high visibility, such as bulletin boards and break rooms, health/first aid offices, university phone directories, and on-line information data bases, a list of resources for survivors and perpetrators of domestic violence, the phone numbers and descriptions of national and local domestic violence resources batterers' intervention programs as well as the information for the New York State Office for the Prevention of Domestic Violence. Also posted prominently will be the names and contact information of CUNY personnel who are trained and available to serve as confidential sources of information, support, and referral.
4. Included in the documentation provided to all employees will be information advising employees that New York State law prohibits insurance companies and health maintenance organizations from discriminating against domestic violence victims. The law prohibits designation of domestic violence as a pre-existing condition. An insurance company cannot deny or cancel an insurance policy or require a higher premium or payment because the insured is or has been a domestic violence victim. [§2612 of the Insurance Law].

2. CUNY will integrate information on domestic violence into existing materials and literature, policies, protocols, and procedures, including its Workplace Violence Prevention Policy & Procedures and existing health and wellness programs, as appropriate. CUNY will take all reasonable actions to educate employees regarding the effects of domestic violence, ways to prevent and curtail violence, and methods to report such violence to authorities.

Non-Discriminatory and Responsive Personnel Policies for Victimized Employees

1. CUNY will not discriminate against victims of domestic violence or persons perceived as domestic violence victims in employment determinations and will be responsive to the needs of victims of domestic violence.
2. CUNY will not make inquiries about a job applicant's current or past domestic violence victimization and employment decisions will not be based on any assumptions about or knowledge of such exposure.
3. CUNY will abide by all relevant New York State laws making it a crime for employers to penalize an employee who, as a victim or witness of a criminal offense, is appearing as a witness, consulting with a district attorney, or exercising his/her rights. CUNY, with at least one prior day notification, will allow time off for victims or subpoenaed witnesses to exercise their rights as provided in the Criminal Procedure law, the Family Court Act, and the Executive law [Penal law §215.14]. If there are any questions or concerns regarding the leave that must be granted to victims or subpoenaed witnesses, employees should contact their human resources director for assistance and clarification.
4. CUNY, upon request of the employee, will assist the employee in determining the best use of his/her attendance and leave benefits when an employee needs to be absent as a result of being a victim of domestic violence. If an employee requests time off to care for and/or assist a family member who has been a victim of domestic violence, CUNY will evaluate the employee's request for leave for eligibility under existing law and collective bargaining agreements applicable to the employee.
5. In instances when an employee victim of domestic violence has difficulty producing the documentation necessary to justify absences due to his/her status as such victim, CUNY will make all reasonable efforts, in consultation with employee victims of domestic violence, to identify the documentation necessary to justify absences from work and assist the employee with his/her safety-related needs to satisfactorily meet the identified documentation requirement without compromising the employee's safety.
6. When appropriate, available and permissible, employees who are victims of domestic violence and who separate from a spouse (or terminate a relationship with a domestic partner, if covered), will be allowed to make reasonable changes in benefits at any time during the calendar year where possible, in accordance with statute, regulation, contract and policy.
7. CUNY encourages victims of domestic violence who are subject to discipline due to job performance or conduct problems, to notify appropriate supervisory, managerial or human resources staff of their situation. Said employees will be afforded all of the proactive measures outlined in this policy, and will be provided clear information about performance expectations, priorities, and performance evaluation. If a disciplinary process is initiated, special care will be taken to consider all aspects of the victimized employee's situation, and all available options in trying to resolve the performance problems will be exhausted, including making a referral to any Employee Assistance Program, consistent with existing collective bargaining agreements, statutes, regulations and policy.
8. CUNY encourages any employee who is terminated or voluntarily separates from employment due to domestic violence-related performance problems to notify appropriate human resources staff in order to investigate the employee's potential eligibility for unemployment insurance. CUNY will respond quickly to any requests for information that may be needed in the claims process. New York State law provides that a victim of domestic violence who voluntarily separates from employment may, under certain circumstances, be eligible for unemployment insurance benefits. [§593 of NYS labor law.]

3. Workplace Safety Plans

Each campus within the CUNY system has prepared a domestic violence workplace safety response plan and each campus and worksite is prepared to provide reasonable means and personnel to assist victimized employees in developing and implementing individualized domestic violence workplace safety plans, consistent with existing collective bargaining
agreements, statutes and regulations. Said workplace safety response plans are on file on each campus and worksite with the relevant security personnel and with the University-level liaison to OPDV.

1. CUNY has designated a University liaison to OPDV to ensure University-wide implementation of the domestic violence and the workplace policy, and to serve as the primary liaison with OPDV regarding the domestic violence and the workplace policy. Said liaison’s name and contact information will be provided with copies of this policy to employees and will be listed on all additional literature and postings.

2. CUNY has designated campus-level liaisons on each campus to further ensure campus-level implementation of the domestic violence and the workplace policy, to serve as the campus-level liaison within CUNY regarding the domestic violence and the workplace policy, and to be available to employees in need of support.

3. Each campus-level liaison will be identified in University and college-level materials and his/her name, phone number and office location will be clearly posted.

4. CUNY is committed to compliance and assistance with enforcement of all known court orders of protection, particularly orders in which abusers have been ordered to stay away from the work site of the victim. If requested by the victim of domestic violence or law enforcement, CUNY will cooperate in situations concerning an alleged violation of an order of protection. Employees are encouraged to bring their Orders of Protection (OP) to the attention of the Director of Campus Security/Public Safety or the Deputy Director of Campus Security/Public Safety. Once the OP has been brought forward, the document will be kept in a secure location accessible only to the Director of Campus Security/Public Safety or the Deputy Director of Campus Security/Public Safety. In the case of a workplace emergency requiring the presentation of the OP to law enforcement, if the Director of Campus Security/Public Safety or the Deputy Director of Campus Security/Public Safety is unavailable to obtain the document, a designated member in the Office of Campus Security/Public Safety will have access to the secure location. The Director of Campus Security/Public Safety or the Deputy Director of Campus Security/Public Safety will discuss with the employee a plan on how to best proceed to ensure the safest possible work environment for the employee and the rest of the staff. With the permission of the employee, this may include: providing a copy of the OP and/or photo of perpetrator to security or front desk personnel; a discussion of who should be told if there is no security or front-desk staff, including identifying a supervisor or colleagues who would be able to assist with the identification of the perpetrator; blocking the subject/perpetrator of the OP form from the workplace; and creating a personal workplace safety plan. The employee is responsible to notify the Director of Campus Security/Public Safety or the Deputy Director of Campus Security/Public Safety if there are any changes to the OP.

5. In the event that a person is observed engaging in threatening behavior, each CUNY campus public safety department will implement its emergency security response plan, including procedures for contacting the appropriate law enforcement agency, and will provide employees with clear instructions about what to do and whom to contact.

6. Upon notice from a victimized employee, each campus public safety department, working with the employee, the campus-level liaison and the employee’s supervisor will develop and implement individualized workplace safety plans, which may include, when appropriate, advising co-workers and, upon request, the employee’s bargaining representative, of the situation; setting up procedures for alerting security and/or the police; temporary relocation of the victim to a secure area; options for voluntary transfer or permanent relocation to a new work site; change of work schedule; reassignment of parking space; escort for entry to and exit from the building; responding to telephone, fax, e-mail or mail harassment; and keeping a photograph of the abuser and/or a copy of any existing court orders of protection in a confidential on-site location and providing copies to security personnel. Plans must address additional concerns if the victim and the offender are both employed by CUNY.

4. Accountability for Employees Who Are Offend

CUNY will not tolerate nor excuse conduct that constitutes workplace domestic violence. CUNY will hold accountable any and all employees who engage in the following behavior:

1) using CUNY resources to commit an act of domestic violence;
2) committing an act of domestic violence from or at the workplace or from any other location while on official CUNY business; or
3) using their job-related authority and/or CUNY resources in order to negatively affect victims and/or assist perpetrators in locating a victim and/or in perpetrating an act of domestic violence.

1. In cases in which CUNY has found that an employee has threatened, harassed, or abused an intimate partner at the workplace using CUNY resources such as work time, workplace telephones, FAX machines, mail, e-mail or
other means, said employee will be subject to corrective or disciplinary action in accordance with existing collective bargaining agreements, statutes and regulations. If appropriate, law enforcement will be contacted, which may result in arrest, criminal charges, and/or prosecution.

2. In cases in which CUNY has verification that an employee is responsible for a domestic violence-related offense, or is the subject of any order of protection, including temporary, final or out-of-state order, as a result of domestic violence, and said employee has job functions that include the authority to take actions that directly impact victims of domestic violence and/or actions that may protect abusers from appropriate consequences for their behavior, CUNY will determine if corrective action is warranted, in accordance with existing collective bargaining agreements, statutes and regulations.

3. In cases in which any employee intentionally uses his/her job-related authority and/or intentionally uses state resources in order to negatively impact a victim of domestic violence, assist an abuser in locating a victim, assist an abuser in perpetrating acts of domestic violence, or protect an abuser from appropriate consequences for his behavior, said employee will be subject to corrective or disciplinary action, in accordance with existing collective bargaining agreements, statutes and regulations. If appropriate, law enforcement will be contacted, which may result in arrest, criminal charges, and/or prosecution.

5. Firearms

1. Pursuant to New York State and federal law, a person convicted of a domestic violence-related crime or subject to an order of protection, under certain circumstances, forfeits the right to legally possess a firearm or long gun. Additionally, federal law contains prohibitions relating to shipping, transportation, or receiving firearms or ammunition.

2. In addition to complying with the law, employees who are authorized to carry a firearm as part of their job responsibilities are required to notify CUNY if they are arrested on a domestic violence-related offense and/or served with an order of protection. Under certain circumstances, such employees are responsible for surrendering their firearms to the issuing agency or to the appropriate police agency.

3. Should an employee fail to comply with the requirements set forth above, said employee will be subject to corrective or disciplinary action, in accordance with existing collective bargaining unit agreements, statutes or regulations. In addition, the appropriate law enforcement agency will be notified for possible criminal action.

6. Training

CUNY will train management and supervisory personnel on this policy and will provide continuing educational opportunities for employees using materials provided by or approved by OPDV.

1. All persons designated as liaisons, whether the University-level liaison or college-level liaison, and all liaison-identified support personnel will complete OPDV’s one-day training on Domestic Violence and the Workplace as soon as practicable after the appointment is made. Training will prepare support personnel to identify possible signs and indicators of victimization, make appropriate referrals to domestic violence service providers, work with professionals to assist identified victims with safety planning, and develop individualized responses. Training will also include information on the physical, social and cultural realities that may affect victims of domestic violence, the ways in which domestic violence impacts the workplace, including the potential impact on worker productivity and the safety risks to on-site personnel and visitors.

2. Campus-level liaisons will designate, as appropriate, managers, supervisors, employee assistance professionals, human resources personnel, union and labor representatives or security staff for additional training on domestic violence issues which may include the one-day OPDV training.

3. CUNY will also make training in the prevention and awareness of domestic violence and its impact on the workplace available for all staff. Training will include information on the physical, social and cultural realities that may affect victims of domestic violence, the ways in which domestic violence impacts the workplace, including the potential impact on worker productivity and safety risks.

7. Reporting Requirements

As directed by OPDV, CUNY is obligated to document all incidents of domestic violence that happen in the workplace, including the number of employees who report domestic violence, the number of employees who request information/services, and the number of referrals made to domestic violence service providers. The information gathered will not contain any identifying personal information. Said information will be forwarded by each college to the University liaison
to OPDV for further reporting to OPDV at the time and in a manner determined by OPDV. Such documents will be kept confidential to the extent permitted by law and policy and the provisions of section (VIII) detailed below.

8. Confidentiality

Information related to an employee being a victim of domestic violence will be kept confidential, to the extent permitted by law and policy, and will not be divulged without the consent of the victimized employee, unless CUNY determines that maintaining said confidentiality puts the victim or other employees at risk of physical harm, is required by law, or is deemed necessary to enforce an order of protection. The limitations on confidentiality will be discussed with each victim who seeks assistance from supervisory or security staff. In such circumstances where a determination has been made that maintaining confidentiality puts the victim or other employees at risk of physical harm, is required by law, or is deemed necessary to enforce an order of protection, only those individuals (employees and/or safety and security personnel and/or rescue and first aid personnel) as deemed necessary by CUNY to protect the safety of the victim and/or other employees or to enforce an order of protection will be given information concerning incidents of domestic violence.

CUNY will disclose only the minimum amount of information necessary to protect the safety of the victim and/or other employees or to enforce an order of protection. Where possible, CUNY will provide to the victim of domestic violence notice of the intent to provide information to other employees and/or safety personnel. Nothing herein will prevent CUNY from investigating an act or acts of domestic violence that happen within the workplace. Examples of situations where confidentiality cannot be maintained include the following:

1. Supervisors/managers may be informed about a domestic violence incident that happens in the workplace, or a report of domestic violence, if it is necessary to protect the safety of the employee or the employee's co-workers.
2. First-aid and safety personnel may be informed about a domestic violence incident that happens in the workplace or a report of domestic violence, if it is necessary to protect the safety of the employee or the employee's co-workers.
3. Government officials investigating a domestic violence incident that happens in the workplace, or a report of domestic violence, will be provided relevant information on request.

9. Law Enforcement and Legislation

CUNY will cooperate to the fullest extent legally possible with law enforcement and other appropriate government agencies. In addition, this policy will be interpreted and applied in accordance with all applicable local, state and federal laws as well as all existing collective bargaining agreements, policies and regulations.

Notice of Access to Campus Crime Statistics, The Campus Security Report, and Information on Registered Sex Offenders

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires colleges and universities to publish an annual security report. The report contains information regarding campus security including such topics as: emergency procedures, crime prevention, university law enforcement authority, crime reporting policies, sexual assault prevention, disciplinary procedures and other matters of importance related to security on campus. It also contains crime statistics for the previous three calendar years.


If you would like to receive a hard copy of the Security Policies and Crime Reporting Procedures pamphlet, please call the Office of Public Safety at 646.664.8600.
Policy on Drugs Alcohol

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

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

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

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

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

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

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

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

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

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

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

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

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

Tobacco Free Policy
The following shall be prohibited at The City University of New York: (i) the use of tobacco on all grounds and facilities under CUNY jurisdiction, including indoor locations and outdoor locations such as playing fields; entrances and exits to buildings; and parking lots; (ii) tobacco industry promotions, advertising, marketing, and distribution of marketing materials on campus properties; and (iii) tobacco industry sponsorship of athletic events and athletes.

CUNY Protocol on Infectious Disease Notification (Revised: February 1, 2012)
From time to time, CUNY students or employees may contract an infectious disease that can be spread through casual contact. In such circumstances, which could impact the health and safety of the CUNY community, students and employees should follow this protocol. If a student or an employee is in doubt whether an infectious disease is covered, he/she should contact the Director of Campus Operations.

When students contract an infectious disease that can be spread through casual contact, they should immediately report it to the Director of Campus Operations.

When employees contract an infectious disease that can be spread through casual contact, they should immediately report it to the Director of Faculty & Staff Resources who is responsible for reporting it to the Graduate Center’s Human Resources Office. Employees should also inform their supervisor.

The campus Public Safety office should report cases involving students to the campus Chief Student Services Administrator, and cases involving employees to the Director of Faculty and Staff Resources.

Reporting should include as much information as possible, including:

- Names of the individuals involved
- All available contact information for the individuals involved:
  - Phone numbers (e.g., cell, home, office)
  - Email address(es)
  - Emergency contact information
- Student information (if applicable):
  - Classes
• Clubs
• Friends and/or faculty members and their respective contact information

The date and time of the following:
• Diagnosis and/or symptoms
• Treatment
• Campus notification

Members of the University community who become aware of a student or an employee who has contracted an infectious disease that can be spread through casual contact are also encouraged to contact the Director of Campus Operations or the Director of Faculty and Staff Resources.

The Chief Student Services Administrator and the Graduate School’s Director of Human Resources are responsible for notifying the NYC Department of Health and Mental Hygiene (as required), and other appropriate campus officials via e-mail or phone, and for notifying the University Director of Environmental, Health, Safety, and Risk Management and the University Director of Mental Health and Wellness Services via e-mail to healthreporting@cuny.edu.

Confidentiality of personal information, including medical information and the name of the individual, must be respected to the fullest extent possible. Such information shall be disclosed only on a need-to-know basis.

If contact tracking is required, the Chief Student Affairs Administrator, for students, or the Director of Faculty and Staff Resources, for employees, is responsible. Once contact tracking is complete, or if contact tracking is not required, these supervisors must document the tracking or the decision not to track.

**Freedom of Information Law**

The Provost’s Office of the Graduate School and University Center of the City University of New York is responsible for ensuring compliance with the regulations of the Freedom of Information Law, Section 88, on public access. The Vice President for Student Affairs has been designated as the Records Access Officer. Requests for access to public records may be made in person or in writing. Records requested will be available for inspection and copying in the Office of Student Affairs, Room 7301, between the hours of 9 a.m. and 5 p.m., Monday through Friday. No fee is charged for the search for records, inspection, or certification. A fee not to exceed 25 cents per sheet may be charged for copying of records.

**Student Rights Concerning Religious Observances**

Education Law Section 224-a, stating the rights and privileges of students unable to attend classes on certain days because of religious beliefs, appears below, as mandated by New York State law.

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

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

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

(4) If registration, classes, examinations, study, or work requirements are held on Friday after four o’clock post meridian or on Saturday, similar or makeup classes, examinations, study, or work requirements or opportunity to register shall be made available on other days, where it is possible and practicable to do so. No special fees shall be charged to the student for these classes, examinations, study, or work requirements held on other days.
In effectuating the provisions of this section, it shall be the duty of the faculty and of the administrative officials to exercise the fullest measure of good faith. No adverse or prejudicial effects shall result to any student because of his/her availing himself/herself of the provisions of this section.

Any student who is aggrieved by the alleged failure of any faculty or administrative officials to comply in good faith with the provisions of this section shall be entitled to maintain an action or proceeding in the supreme court of the county in which the institution is located for the enforcement of his or her rights under this section.

**Student Rights Regarding Access to Education Records**

The federal Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. See Section "6," below, on your right to prevent the disclosure of directory information. The FERPA rights of students are as follows:

1. The right to inspect and review the student’s education records within 45 days of the day the college receives a request for access.

   Students should submit to the Registrar, Vice President for Student Affairs, Executive Officer of the academic program, or other appropriate officials, written requests that identify the record(s) they wish to inspect. If the records are not maintained by the Graduate Center official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

   Pursuant to the guidelines issued by the Board of Trustees of the City University of New York, all requests shall be granted or denied in writing within 15 days of receipt. If the request is granted, the student will be notified of the time and place where the records may be inspected. If the request is denied or not responded to within 15 days, the student may appeal. Additional information regarding the appeal procedures will be provided to the student if a request is denied.

2. The right to request the amendment of the student’s education records that the student believes are inaccurate or misleading.

   Students may ask the college to amend a record that they believe is inaccurate or misleading. They should write to the college official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the college decides not to amend the record as requested by the student, the college will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to consent to disclosure of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

   One exception that permits disclosure without consent is disclosure to school officials with legitimate education interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position; a person or company with whom the University has contracted; a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

   A school official has a legitimate education interest if access is reasonably necessary in order to perform his or her instructional, research, administrative, or other duties and responsibilities.

   Upon request, the college discloses education records to officials of another school in which a student seeks or intends to enroll.

4. The right to appeal the alleged denial of FERPA rights. The appeal should be directed to the General Counsel and Vice
Chancellor for Legal Affairs, The City University of New York, 205 East 42nd Street, New York, NY 10017.

(5) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the college to comply with the requirements of FERPA. The office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 600 Independence Avenue, SW, Washington, DC 20202-4605.

(6) The following directory information may be made available concerning current and former students by the college to those parties having a legitimate interest in the information: Name, attendance dates (periods of enrollment), addresses, telephone number, electronic mail address, date and place of birth, photograph, full- or part-time status, enrollment status (undergraduate, graduate, etc.), level of education (credits) completed, major and minor fields of study, previous schools attended, and degrees and awards received. By filing a form with the Registrar’s office, any student or former student may request all of the information stated above not be released without his or her prior written consent. This form is available in the Registrar’s office and may be filed, withdrawn, or modified at any time.

**Academic Records and Transcripts**

To request an official transcript at any time during the course of study, the student may send a letter to: Assistant Dean of Registrar and Student Services, 119 West 31st Street, New York, NY 10001 or an email to: thomas.jennings@cuny.edu. The letter should include the student’s current name and address, former name (if different from that on the transcript) social security number, date of entry into the program and student’s signature as well as full information about where to send the transcript. There is a $7 charge (please enclose a check) for a transcript to be sent to an institution outside of the CUNY system. There is no charge for sending a transcript to any CUNY institution.

**Student Rights Regarding Release of Information**

Per regulations, the CUNY School of Professional Studies does not release student information (name, attendance dates, address, telephone, email address, fields of study and degrees received), except to those documenting a legitimate interest. By filing a request with the Office of the Executive Director of Enrollment Services and Senior Registrar, a student may ask that such information not be released without the individual student’s written consent.

See [Student Rights Concerning Educational Records](www.cuny.edu) and the [Freedom of Information Law Notice](www.cuny.edu) on the University website for additional information.

**Withholding Student Records**

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

**CUNY Policy on Academic Integrity**

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

1. Definitions and Examples of Academic Dishonesty
1.1. **Cheating** is the unauthorized use or attempted use of material, information, notes, study aids, devices or communication during an academic exercise.

Examples of cheating include:

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

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

Examples of plagiarism include:

- Copying another person’s actual words or images without the use of quotation marks and footnotes attributing the words to their source.
- Presenting another person’s ideas or theories in your own words without acknowledging the source.
- Failing to acknowledge collaborators on homework and laboratory assignments.
- Internet plagiarism, including submitting downloaded term papers or parts of term papers, paraphrasing or copying information from the internet without citing the source, or “cutting & pasting” from various sources without proper attribution.

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

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

1.4 **Falsification of Records and Official Documents**

Examples of falsification include:

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

2.1. Packets containing a copy of the CUNY Policy on Academic Integrity and, if applicable, the college’s procedures implementing the Policy, and information explaining the Policy and procedures shall be distributed to all current faculty and, on an annual basis to all new faculty (full and part-time). These packets also shall be posted on each college’s website. Orientation sessions for all new faculty (full and part-time) and students shall incorporate a discussion of academic integrity.

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

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

3. Reporting

3.1. Each college’s president shall appoint an Academic Integrity Officer in consultation with the elected faculty governance leader. The Academic Integrity Officer shall serve as the initial contact person with faculty members when they report incidents of suspected academic dishonesty. The Academic Integrity Officer may be the college’s Student Conduct Officer, another student affairs official, an academic affairs official, or a tenured faculty member. Additional duties of the Academic Integrity Officer are described in Sections 4.1, 4.2.1, 4.2.2, 4.3, and 4.4.

3.2. A faculty member who suspects that a student has committed a violation of the CUNY Academic Integrity Policy shall review with the student the facts and circumstances of the suspected violation whenever feasible. Thereafter, a faculty member who concludes that there has been an incident of academic dishonesty sufficient to affect the student’s final course grade shall report such incident on a Faculty Report Form in substantially the same format as the sample annexed to this Policy and shall submit the Form to the college’s Academic Integrity Officer. Each college shall use a uniform form throughout the college, which shall contain, at a minimum, the name of the instructor, the name of the student, the course name and number and section number, the date of the incident, a description of the incident and the instructor’s contact information.

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

4. Procedures for Imposition of Sanctions

4.1. Determination on academic vs. disciplinary sanction The Academic Integrity Officer shall determine whether to seek a disciplinary sanction in addition to an academic sanction. In making this determination, the Academic Integrity Officer shall consult with the faculty member who initiated the case and may consult with student affairs and/or academic affairs administrators as needed. Before determining which sanction(s) to seek, the Academic Integrity Officer also shall consult the student’s confidential academic integrity file, if any, to determine whether the student has been found to have previously committed a violation of the Academic Integrity Policy, the nature of the infraction, and the sanction imposed or action taken. Prior violations include both violations at the student’s current college and violations that occurred at any other CUNY college. In making the determination on prior violations, the Academic Integrity Officer shall determine whether the student previously attended any other CUNY colleges and, if so, shall request and be given access to the academic integrity files, if any, at such other CUNY colleges.

The Academic Integrity Officer should seek disciplinary sanctions only if (i) there is a substantial violation; or (ii) the student has previously violated the Policy; or (iii) academic sanctions are unable to be imposed because the student
has timely withdrawn from the applicable course. Examples of substantial violations include but are not limited to forging a grade form or a transcript; stealing an examination from a professor or a university office; having a substitute take an examination or taking an examination for someone else; having someone else write a paper for the student or writing a paper for another student; sabotaging another student’s work through actions that prevent or impede the other student from successfully completing an assignment; and violations committed by a graduate or professional student or a student who will seek professional licensure. The college also should consider any mitigating circumstances in making this determination.

4.2. Procedures in Cases Involving Only Academic Sanctions

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

If a faculty member wishes to seek only an academic sanction (i.e., a reduced grade) and the student does not contest either his/her guilt or the particular reduced grade the faculty member has chosen, then the student shall be given the reduced grade, unless the Academic Integrity Officer decides to seek a disciplinary sanction. The reduced grade may apply to the particular assignment as to which the violation occurred or to the course grade, at the faculty member’s discretion. A reduced grade may be an “F” or another grade that is lower than the grade that the student would have earned but for the violation.

The faculty member shall inform the Academic Integrity Officer of the resolution via email and the Officer shall update the applicable Faculty Report Form to reflect that resolution.

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

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

4.2.3. Student Denies the Academic Dishonesty

In a case where a student denies the academic dishonesty, a fact-finding determination shall be made, at each college’s option, by an Academic Integrity Committee established by the college’s governance body or by the Student-Faculty Disciplinary Committee established under Article XV of the CUNY Bylaws. Each college’s Academic Integrity Committee shall adopt procedures for hearing cases. (If a college opts to use its Student-Faculty Disciplinary Committee for this purpose, that Committee shall use Article XV procedures.) Those procedures, at a minimum, shall provide a student with (i) written notice of the charges against him or her; (ii) the right to appear before the Committee; and (iii) the right to present witness statements and/or to call witnesses. Those procedures also shall provide the faculty member with the right to make an appearance before the Committee. The Committee may request the testimony of any witness and may permit any such witness to be questioned by the student and by the administrator presenting the case. Academic Integrity Committees and Student-Faculty Disciplinary Committees, as applicable, shall issue written decisions and send copies of their decisions to the college’s Academic Integrity Officer. The Academic Integrity Officer may not serve on a college’s Academic Integrity Committee.

4.3. Procedures in Cases Involving Disciplinary Sanctions

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

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

Where a matter proceeds to the Faculty-Student Disciplinary Committee, the Academic Integrity Officer shall promptly report its resolution to the faculty member and file a record of the resolution in the student's confidential academic integrity file, unless, as explained below, the suspected violation was held to be unfounded.

4.4 Required Action in Cases of No Violation

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

5. Implementation

Each college, in accordance with its governance plan, shall implement this Policy and may adopt its own more specific procedures to implement the Policy. Colleges' procedures must be consistent with the policy and procedures described in the Policy.

**CUNY Policy on Acceptable Use of Computer Resources**

I. Introduction

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

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

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

II. Applicability

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

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

III. Definitions

1. "CUNY Computer resources" refers to all computer and information technology hardware, software, data, access and other resources owned, operated, or contracted by CUNY. This includes, but is not limited to, personal computers, handheld devices, workstations, mainframes, minicomputers, servers, network facilities, databases, memory, and associated peripherals and software, and the applications they support, such as e-mail and access to the internet.
2. “E-mail” includes point-to-point messages, postings to newsgroups and listservs, and other electronic messages involving computers and computer networks.

3. “Faculty” includes full-time, part-time, and adjunct faculty.

4. “FOIL” is the New York State Freedom of Information Law.

5. “Non-Public University Information” has the meaning set forth in CUNY’s IT Security Policies and Procedures found at security.cuny.edu, namely: personally identifiable information (such as an individual’s Social Security Number; driver’s license number or non-driver identification card number; account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual’s financial account; personal electronic mail address; Internet identification name or password; and parent’s surname prior to marriage); information in student education records that is protected under the Family Educational Rights and Privacy Act of 1974 (FERPA) and the related regulations set forth in 34 CFR Part 99; other information relating to the administrative, business, and academic activities and operations of the University (including employee evaluations, employee home addresses and telephone numbers, and other employee records that should be treated confidentially); and any other information available in University files and systems that by its nature should be treated confidentially.

6. “User” means a user of CUNY Computer Resources, including all current and former users, whether affiliated with CUNY or not, and whether accessing those resources on a CUNY campus or remotely.

IV. Rules for Use of CUNY Computer Resources

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

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

3. Compliance with Law
   a. CUNY Computer Resources may not be used for any purpose or in any manner that violates CUNY rules, regulations or policies, or federal, state or local law. Users who engage in electronic communications with persons in other states or countries or on other systems or networks may also be subject to the laws of those other states and countries, and the rules and policies of those other systems and networks. Users are responsible for
ascertaining, understanding, and complying with the laws, rules, policies, contracts, and licenses applicable to their particular use.

b. Examples of applicable federal and state laws include those addressing defamation, invasion of privacy, obscenity and child pornography, and online gambling, as well as the following:

   - Computer Fraud and Abuse Act
   - Copyright Act of 1976
   - Electronic Communications Privacy Act
   - Export control regulations issued by the U.S. Departments of Commerce, State and Treasury
   - Family Educational Rights and Privacy Act
   - FOIL
   - New York State Law with respect to the confidentiality of library records

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

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

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

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

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

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

8. Disruptive Activities
   a. CUNY Computer Resources must not be used in a manner that could reasonably be expected to cause or does cause, directly or indirectly, unwarranted or unsolicited interference with the activity of other users, including:
      i. chain letters, virus hoaxes or other e-mail transmissions that potentially
      ii. disrupt normal e-mail service;
iii. ii. spamming, junk mail or other unsolicited mail that is not related to CUNY business and is sent without a reasonable expectation that the recipient would welcome receiving it;
iv. iii. the inclusion on e-mail lists of individuals who have not requested membership on the lists, other than the inclusion of members of the CUNY community on lists related to CUNY business; and
v. iv. downloading of large videos, films or similar media files for personal use.

b. CUNY has the right to require Users to limit or refrain from other specific uses if, in the opinion of the IT director at the User’s college, such use interferes with efficient operations of the system, subject to appeal to the President or, in the case of central office staff, to the Chancellor.

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

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

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

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

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

c. Monitoring without Notice

i. Categories. CUNY may specifically monitor or inspect the activity and accounts of individual users of CUNY computer resources, including individual login sessions, e-mail and other communications, without notice, in the following circumstances:

1. when the User has voluntarily made them accessible to the public, as by posting to Usenet or a web page;
2. when it is reasonably necessary to do so to protect the integrity, security, or functionality of CUNY or other computer resources, as determined by the college chief information officer or his or her designee, after consultation with CUNY’s chief information officer or his or her designee;
3. when it is reasonably necessary to diagnose and resolve technical problems involving system hardware, software, or communications, as determined by the college chief information officer or his or her designee, after consultation with CUNY’s chief information officer or his or her designee;
4. when it is reasonably necessary to determine whether CUNY may be vulnerable to liability, or when failure to act might result in significant bodily harm, significant property loss or damage, or loss of evidence, as determined by the college president or a vice president designated by the president or, in the case of the Central Office by the Chancellor or his or her designee, after consultation with the Office of General Counsel and the Chair of the University Faculty Senate (if a current CUNY faculty member’s account or activity is involved) or Vice Chair if the Chair is unavailable;
5. when there is a reasonable basis to believe that CUNY policy or federal, state or local law has been or is being violated, as determined by the college president or a vice president designated by the president or, in the case of the Central Office by the Chancellor or his or her designee, after consultation with the Office of General Counsel and the Chair of the University Faculty Senate (if a current CUNY faculty member’s account or activity is involved) or Vice Chair if the Chair is unavailable;
6. when an account appears to be engaged in unusual or unusually excessive activity, as indicated by the monitoring of general activity and usage patterns, as determined by the college president or a vice president designated by the president and the college chief information officer or his or her designee or, in the case of the Central Office by the Chancellor or his or her designee, after consultation with CUNY’s chief information officer or his or her designee, the Office of General Counsel, and the Chair of the University Faculty Senate (if a current CUNY faculty member’s account or activity is involved) or Vice Chair if the Chair is unavailable;
7. as otherwise required by law.

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

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

iii. Other Disclosure

1. CUNY, in its discretion, may disclose the results of any general or individual monitoring or inspection to appropriate CUNY personnel or agents, or law enforcement or other agencies. The results may be used in college disciplinary proceedings, discovery proceedings in legal actions, or otherwise as is necessary to protect the interests of the University.

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

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

iv. Annual Statement. The Office of General Counsel shall issue an annual statement of the instances of account monitoring or inspection that fall within categories D through G above. The statement shall indicate the number of such instances and the cause and result of each. No personally identifiable data shall be included in this statement.

v. Privacy Policy. See CUNY’s Web Site Privacy Policy for additional information regarding data collected by CUNY from visitors to the CUNY website at www.cuny.edu.

14. Waiver of Policy
   a. A CUNY employee or student may apply to the General Counsel for an exception or waiver from one or more of the provisions of this policy. Such application may be for a single use or for periodic or continuous uses, such as in connection with a course or program. Any application for a waiver should be made prior to using the CUNY Computer Resource for the purposes described in the application.
   b. The written waiver application must state:
      i. the policy provision or provisions for which the User is seeking a waiver;
      ii. how the User plans to use CUNY Computer Resource to be covered by the waiver and the reasons why the User believes a waiver should be approved;
      iii. if the waiver involves confidential research information, what steps will be taken to protect such information;
      iv. the length of time for which the waiver is being requested; and
      v. if a student, how and by whom the student will be supervised.
   c. The General Counsel shall consult with the CUNY’s chief information officer and the president of the applicant’s college (or, if the applicant is a Central Office employee, the Chancellor) or their designees, prior to making a determination regarding the application.
   d. Users should be aware that CUNY cannot waive federal, state or local law; for example, the contents of CUNY Computer Resources (including confidential research information) may be subject to a valid subpoena regardless of the terms of any waiver.

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

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

17. Disclaimer
   a. CUNY shall not be responsible for any damages, costs or other liabilities of any nature whatsoever with regard to the use of CUNY Computer Resources. This includes, but is not limited to, damages caused by unauthorized access to CUNY Computer Resources, data loss, or other damages resulting from delays, nondeliveries, or service interruptions, whether or not resulting from circumstances under the CUNY’s control.
   b. Users receive and use information obtained through CUNY Computer Resources at their own risk. CUNY makes no warranties (expressed or implied) with respect to the use of CUNY Computer Resources. CUNY accepts no responsibility for the content of web pages or graphics that are linked from CUNY web pages, for any advice or information received by a user through use of CUNY Computer Resources, or for any costs or charges incurred by a user as a result of seeking or accepting such advice or information.
Online Etiquette and Anti-Harassment Policy

The University strictly prohibits the use of University online resources or facilities, including Blackboard, for the purpose of harassment of any individual or for the posting of any material that is scandalous, libelous, offensive or otherwise against the University’s policies.

Online harassment can be any conduct involving the use of the internet that has the intent or effect of unreasonably interfering with an individual or group’s educational or work performance at the University or that creates an intimidating, hostile, or offensive educational, work, or living environment. In some cases, online harassment may also be a violation of applicable criminal and/or civil laws. Online harassment on the basis of race, color, gender, disability, religion, national origin, sexual orientation, or age includes harassment of an individual in terms of a stereotyped group characteristic, or because of that person's identification with a particular group. Statements constituting “hate speech” toward and individual or a group are a violation of this policy.

Generally, a statement posted on an internet site, such as Blackboard, general message board, internet blogs, and the like, is libelous if it false and injurious to the reputation of another. The intentional posting of libelous statements may also subject the responsible party to applicable civil penalties in a court of law.

The University is committed under this policy to stopping online harassment and associated retaliatory behavior. The University will promptly investigate any reported incidents suspected of violating the foregoing section. Anyone wishing to report any such incidents should first contact the Director of Student Services. A preliminary investigation into the matter will be conducted and the findings reported to the Dean for further investigation and action, if appropriate.

Any member of the CUNY online community who has experienced incidents of harassment is encouraged to report the complaint.

This University considers violations of this online etiquette policy to be a serious offense. Anyone found to have used the University’s online services in violation of this policy is subject to punishment, including failing grades, suspension, and expulsion. As noted above, serious offenses may lead to criminal and/or civil liability.

CUNY Student Complaint Procedure

PROCEDURES FOR HANDLING STUDENT COMPLAINTS ABOUT FACULTY CONDUCT IN ACADEMIC SETTINGS

I. Introduction. The University and its Colleges have a variety of procedures for dealing with student-related issues, including grade appeals, academic integrity violations, student discipline, disclosure of student records, student elections, sexual harassment complaints, disability accommodations, and discrimination. One area not generally covered by other procedures concerns student complaints about faculty conduct in the classroom or other formal academic settings. The University respects the academic freedom of the faculty and will not interfere with it as it relates to the content or style of teaching activities. Indeed, academic freedom is and should be of paramount importance. At the same time the University recognizes its responsibility to provide students with a procedure for addressing complaints about faculty treatment of students that are not protected by academic freedom and are not covered by other procedures. Examples might include incompetent or inefficient service, neglect of duty, physical or mental incapacity and conduct unbecoming a member of the staff.

II. Determination of Appropriate Procedure. If students have any question about the applicable procedure to follow for a particular complaint, they should consult with the chief student affairs officer. In particular, the chief student affairs officer should advise a student if some other procedure is applicable to the type of complaint the student has.
III. Informal Resolution. Students are encouraged to attempt to resolve complaints informally with the faculty member or to seek the assistance of the department chairperson or campus ombudsman to facilitate informal resolution.

IV. Formal Complaint. If the student does not pursue informal resolution, or if informal resolution is unsuccessful, the student may file a written complaint with the department chairperson or, if the chairperson is the subject of the complaint, with the academic dean or a senior faculty member designated by the college president. (This person will be referred to below as the “Fact Finder.”)

B. The complaint shall be filed within 30 calendar days of the alleged conduct unless there is good cause shown for delay, including but not limited to delay caused by an attempt at informal resolution. The complaint shall be as specific as possible in describing the conduct complained of.

C. The Fact Finder shall promptly send a copy to the faculty member about whom the complaint is made, along with a letter stating that the filing of the complaint does not imply that any wrongdoing has occurred and that a faculty member must not retaliate in any way against a student for having made a complaint. If either the student or the faculty member has reason to believe that the department chairperson may be biased or otherwise unable to deal with the complaint in a fair and objective manner, he or she may submit to the academic dean or the senior faculty member designated by the college president a written request stating the reasons for that belief; if the request appears to have merit, that person may, in his or her sole discretion, replace the department chairperson as the Fact Finder.

D. The Fact Finder shall meet with the complaining student and faculty member, either separately or together, to discuss the complaint and to try to resolve it. The Fact Finder may seek the assistance of the campus ombudsman or other appropriate person to facilitate informal resolution.

E. If resolution is not possible, and the Fact Finder concludes that the facts alleged by the student, taken as true and viewed in the light most favorable to the student, establish that the conduct complained of is clearly protected by academic freedom, he or she shall issue a written report dismissing the complaint and setting forth the reasons for dismissal and send a copy to the complaining student, the faculty member, the chief academic officer and the chief student affairs officer. Otherwise, the Fact Finder shall conduct an investigation. The Fact Finder shall separately interview the complaining student, the faculty member and other persons with relevant knowledge and information and shall also consult with the chief student affairs officer and, if appropriate, the college ombudsman. The Fact Finder shall not reveal the identity of the complaining student and the faculty member to others except to the extent necessary to conduct the investigation. If the Fact Finder believes it would be helpful, he or she may meet again with the student and faculty member after completing the investigation in an effort to resolve the matter. The complaining student and the faculty member shall have the right to have a representative (including a union representative, student government representative or attorney) present during the initial meeting, the interview and any post-investigation meeting.

F. At the end of the investigation, the Fact Finder shall issue a written report setting forth his or her findings and recommendations, with particular focus on whether the conduct in question is protected by academic freedom, and send a copy to the complaining student, the faculty member, the chief academic officer and the chief student affairs officer. In ordinary cases, it is expected that the investigation and written report should be completed within 30 calendar days of the date the complaint was filed.

V. Appeals Procedure. If either the student or the faculty member is not satisfied with the report of the Fact Finder, the student or faculty member may file a written appeal to the chief academic officer within 10 calendar days of receiving the report. The chief academic officer shall convene and serve as the chairperson of an Appeals Committee, which shall also include the chief student affairs officer, two faculty members elected annually by the faculty council or senate and one student elected annually by the student senate. The Appeals Committee shall review the findings and recommendations of the report, with particular focus on whether the conduct in question is protected by academic freedom. The Appeals Committee shall not conduct a new factual investigation or overturn any factual findings contained in the report unless they are clearly erroneous. If the Appeals Committee decides to reverse the Fact Finder in a case where there has not been an investigation because the Fact Finder erroneously found that the alleged conduct was protected by academic freedom, it may remand to the Fact Finder for further proceedings. The committee shall issue a written decision within 20 calendar days of receiving the appeal. A copy of the decision shall be sent to the student, the faculty member, the department chairperson and the president.

VI. Subsequent Action. Following the completion of these procedures, the appropriate college official shall decide the appropriate action, if any, to take. For example, the department chairperson may decide to place a report in the faculty member’s personnel file or the president may bring disciplinary charges against the faculty member. Disciplinary charges may also be brought in extremely serious cases even though the college has not completed the entire investigative process.
described above; in that case, the bringing of disciplinary charges shall automatically suspend that process. Any action taken by a college must comply with the bylaws of the University and the collective bargaining agreement between the University and the Professional Staff Congress.

VII. Campus Implementation. Each campus shall implement these procedures and shall distribute them widely to administrators, faculty members and students and post them on the college website.

Bias-related Crimes Prevention

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, religion, ethnicity, gender, sexual orientation, or disability. Hate/bias crimes have received renewed attention in recent years, particularly since the passage of the federal Hate/Bias Crime Reporting Act of 1990 and the New York State Hate Crimes Act of 2000.

Bias-related incidents are behaviors which constitutes an expression of hostility, against the person or property of another because of the targeted person's race, religion, sexual orientation, ethnicity, national origin, gender, age, or disability. 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. The Graduate Center is required to report statistical incidence of bias crimes on or around campus annually as part of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"). Bias crime statistics can be found at the end of this report.

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 where a range of sanctions is available both 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 to the Office of Security and Public Safety by calling x7777. Please remember that any evidence such as graffiti, e-mails, written notes or voice mail messages should be preserved. The Office of Security and Public Safety will investigate and follow the appropriate college adjudication procedures. Victims of bias crime can also avail themselves of counseling and support services through the Office of the Vice President for Student Affairs.