



2021 Annual Security Report

Crime Statistics for 2018, 2019 and 2020

2021-2022 Academic Year Publication

GCNYC 2021 ANNUAL SECURITY REPORT

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1. College Overview

Glasgow Caledonian New York College (GCNYC) was founded by Glasgow Caledonian University (GCU), a vibrant, innovative and multi award-winning University for the Common Good. GCU traces its roots to its science college in Glasgow which was established in 1875.

At GCNYC we strive to offer business-solution driven, research-based degrees with a hands-on, practical approach to programming that transcends the traditional practices of higher education. Our mission *For the Common Good* drives the entire community and is exemplified by the staff and student body across all academic schools and departments.

The programs offered at GCNYC include an MS in Sustainable Fashion, an MS in Business for Social Impact and Sustainability, and an MS in Risk, Resilience and Integrity Management. Each degree centers around profitable sustainability and operationalizing systemic change at scale.

The campus for Glasgow Caledonian New York College is located at 64 Wooster Street, in NYC's historic SoHo Neighborhood. The facility includes offices, classrooms, student study areas and event space.

The College currently enrolls approximately 30 students who attend evening classes either on-campus or online.

2. Annual Security Report

2.1. GCNYC will publicly release an Annual Security Report (ASR) on or before October 1 of each year. The ASR will include a copy of all crime and safety related policies, practices, and a report on the safety of the campus for the three previous years. GCNYC will also file a certificate of compliance with New York State Education Law article 129 on or before the 1st of July each year. The Vice President & Provost of GCNYC, or the Title IX Coordinator will be responsible for this report.

3. Security and Access to College Facilities

3.1. General Access to College Facilities

GCNYC is committed to working with all members of the community to ensure that our campus facilities are as safe and secure as possible. Generally, the GCNYC campus is open Monday-Friday from 9:00 AM to 6:00 PM, hours are extended on evenings when classes are in session (typically Monday-Wednesday) until 10:00 PM.

GCNYC does not have a proprietary police or security department. The College hires contract security personnel to work in the College's campus on the ground floor and lower

level of 64 Wooster Street during evenings when classes are in session from 5:00 PM to 10:00 PM. Students and faculty entering the building must present a GCNYC ID card at the security desk.

The front doors remain locked when security personnel are not present and GCNYC staff and most faculty have access to the building via a key card. The front doors remain locked with the exception of 5:00 PM to 8:30 PM during evenings when classes are in session and security personnel is present.

GCNYC periodically hosts daytime and evening events. GCNYC hires security personnel during these events if the guest count exceeds 50 people. If the guest count meets or exceeds 100 people, two guards are hired to have one at each fire exit. Security personnel's responsibilities also involve providing general assistance to students, employees and visitors and securing the premises before closing the building.

3.2. GCNYC Security

The GCNYC security staff are not sworn officers, but staff members from a contracted service, holding security guard licenses. None of the security personnel at GCNYC have the authority to make arrests. Unless they are present during an incident or an incident is reported directly to them as a CSA (Campus Security Authority), they are not part of any investigation nor are required to write up reports.

While there is no proprietary police or security department at GCNYC, institutional representatives do work with the New York Police Department (NYPD) as needed and the College will continue to build relationships with local precincts as the College grows.

3.3. Identification Cards

All employees (staff and faculty) and students are required to carry a valid GCNYC photo identification (ID) card. During class evenings or events, they will be asked to present their ID card to security. The replacement fee for an ID card is \$25.

3.4. College Issued Key Cards

GCNYC staff and most faculty have a key card which unlocks the College's front doors. The Director of Operations and Office & Events Manager are responsible for issuing key cards and managing record keeping. The loss or suspected loss of a key card must be reported to the College immediately.

The Director of Operations and Office & Events Manager are also responsible for managing the key card access system. They can schedule time frames to unlock the doors and can review the campus access history.

3.5. Visitors

During general business hours Monday-Friday 9:00 AM to 6:00 PM, visitors are allowed entrance via an intercom system, must announce themselves at the front desk and wait until the employee they are visiting comes to meet them.

During periods when security personnel is present, expected guests will need to be on a guest list to be verified for entry.

4. Video Monitoring

- 4.1.** The College's premises are monitored by video systems for the purposes of campus security and safety, the protection of property and the prevention and detection of crime. Video footage may also be used for investigations or proceedings arising under the College's regulations, codes and policies.

5. General Procedures for Reporting and Investigating a Crime or Emergency

- 5.1.** Community members, students, faculty, staff, and guests are encouraged to report all crimes and emergencies, in an accurate and prompt manner, directly to the NYPD by dialing 911. During normal business hours, we encourage people reporting a crime or emergency to the NYPD to also report the incident, as soon as practicable, to GCNYC's Title IX Coordinator, a CSA or other College official, and complete an incident report (copies available from the Title IX Coordinator or any other CSA.) Crimes should be accurately and promptly reported to the appropriate police agency, when the victim of a crime elects to, or is unable to, make such a report.

Members of the community are helpful when they immediately report crimes or emergencies to the NYPD and/or to the College's Title IX Coordinator, CSA or other College official, for purposes of including them in the annual statistical disclosure and assessing them for issuing Emergency and Timely Warning Notices, when deemed necessary.

Title IX Coordinator: 646-768-5357 or titleixcoordinator@gcu.ac.uk

- 5.2.** In response to a call, the NYPD takes action it deems appropriate, generally either dispatching an officer to the caller's location or asking the caller to report to the nearest NYPD precinct to file a report. The NYPD is responsible for the investigation of any reported crimes and other public safety emergencies. If assistance is required from the New York City Fire Department, they will be sent by the 911 dispatchers upon receiving an emergency call.

- 5.3. Our published materials for students, staff and faculty reflect our policy that the decision to report a crime is an individual choice; that the College commits itself to not revealing any details which would make victims or witnesses identifiable and provides ways in which individuals can confidentially make reports.
- 5.4. The College Catalog contains information about on- and off-campus resources (Appendix A) and is made available to all GCNYC community members. The information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for GCNYC. Crimes should be reported to NYPD officials and GCNYC as described above to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.
- 5.5. Reports to professional counselors and pastoral can be kept confidential. Professional and pastoral counselors (Note: GCNYC does not currently have pastoral counselors) are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to CSAs, when they deem it appropriate. Any Clergy category crimes will be counted in the annual disclosure of crime statistics.
- 5.6. All incidents of Title IX Sexual Harassment will follow the Department of Education’s Title IX Final Rule regulations issued in May 2020. These regulations include but are not limited to, investigating a formal complaint, investigations, hearings, standard of evidence, appeals and informal resolutions. These regulations can be found at the following link. <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-comparison.pdf>
- 5.7. **Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking**

The process by which GCNYC College investigates and adjudicates reports of sexual misconduct and violence is outlined below.

- i. When both the reporting and responding parties are students, the process will follow the diagram represented in Appendix C. Further detail is described in the Code of Student Conduct.
- ii. When both the reporting and responding parties are employees of the college, the process will follow the diagram represented in Appendix D.
- iii. When the reporting party is an employee of the college, and the responding party is a student, the process will follow the diagram represented in Appendix D. Further detail is described in the Code of Student Conduct.
- iv. When the reporting party is a student, and the responding party is an employee, the process will follow the diagram represented in Appendix D.

6. Protection from Retaliation and Intimidation

6.1. Retaliation against any member of the GCNYC community who files a report on sexual misconduct or violence is strictly prohibited. Likewise, intimidation of anyone who files a report or any witnesses to an incident is strictly prohibited. Members of the GCNYC community found to have engaged in retaliation or intimidation, will be subject to disciplinary action that can include suspension, expulsion, separation, or termination from GCNYC.

7. Campus Security Authorities (CSA's)

7.1. In compliance with relevant regulation (including the Clery Act, the Violence Against Women Act, Title IX, and New York State Educational Law articles 129-a 129-b), the Vice President & Provost of GCNYC, or the Title IX Coordinator, are responsible for identifying those faculty and staff who qualify as "Campus Security Authorities." The Vice President & Provost is also responsible for issuing a letter to each of those individuals informing them of those responsibilities and informing them of scheduled training session. Training sessions are scheduled within two weeks of the beginning of Trimester A; letters to CSAs are sent at least two weeks prior to scheduled training dates. Individuals hired in at other times during the academic year whose roles require that they be CSAs will receive their letter informing them of that status and their responsibilities when they are appointed, and the training will be incorporated into their induction. A copy of our Clery Handbook is kept in the Title IX Coordinator's office.

7.2. Training session for all CSAs include:

- i. Appropriate crime definitions for reporting
- ii. Geographic definitions applicable to reporting
- iii. Processes for passing information to appropriate individuals to allow timely warnings
- iv. Campus Emergency Action plan
- v. Review of all College policies in health and safety
- vi. Best practices for maintaining the safety of our students
- vii. Best practices for speaking with reporters of sexual violence
- viii. Legal and institutional reporting requirements
- ix. Processes for reporting crimes to College officials
- x. Student rights
- xi. College Code of Conduct and processes
- xii. Familiarization with all appropriate laws and policies related to campus safety and crime including the Clery Act, Violence Against Women Act, Title IX, and Educational Law article 129-a and 129-b.

7.3. As of February 2021, GCNYC's CSA's are the:

- Title IX Coordinator (646-768-5357), Main Floor Office
- Director of Academic Engagement (646-768-5303), Lower-Level Office

- Vice President & Provost (646-842-1316), Main Floor Office
- College Security Guards, Main Floor Entrance

Contact information can be found in the directory section on the last page of the College Catalog.

8. Timely Warnings & Emergency Notifications

8.1. At any point at which the GCNYC Vice President & Provost or the Title IX Coordinator has information about a Clery category crime (listed below) which represents or reflects an ongoing threat to the campus or its people, a “Timely Warning” will be issued to all students and employees of GCNYC.

8.2. Clery Category Crimes:

- Criminal homicide
 - Murder and nonnegligent manslaughter
 - Negligent manslaughter
- Sex Offenses
 - Rape
 - Fondling
 - Incest
 - Statutory Rape
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Arrests and referrals for disciplinary actions, including:
 - Arrests for liquor law violations, drug law violations, and illegal weapons possession
 - Persons not included in [34 CFR 668.46\(c\)\(1\)\(ii\)\(A\)](#) who were referred to campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession
- Hate crimes, including:
 - The number of each type of crime in [34 CFR 668.46\(c\)\(1\)\(i\)](#) that are determined to be hate crimes
 - The number of the following crimes that are determined to be hate crimes:
 - Larceny-theft
 - Simple assault
 - Intimidation
 - Destruction/damage/vandalism of property
 - Dating violence, domestic violence, and stalking as defined in [34 CFR 668.46\(a\)](#)

- 8.3. A Timely Warning will be initiated when a criminal act has occurred, has been reported to the College by Police, to a campus CSA, and it is determined that there is a risk of the same crime occurring again by the same individual, agent, or circumstance. The College is not required to provide a Timely Warning with respect to crimes reported by a pastoral or professional counselor.
- 8.4. If there is an *immediate threat* to the health and safety of students and employees, the College will follow its Emergency Notification Policies.
- 8.5. The Timely Warning may be sent by the Vice President & Provost, the Title IX Coordinator or a designee who is directed in writing to assume that responsibility. The individual launching the Timely Warning is permitted to do so upon receipt of relevant information.
- 8.6. Timely Warnings will be issued to all students, staff and faculty via some combination of text message, email, web posting, in building announcements, and/or public placards. Every effort will be made to ensure that reach of the warning is comprehensive.
- 8.7. Students can update their Emergency Contact information by going to the Student Resources section at www.gcny.com. Employees can contact the Office Manager to update their Emergency Contact Information.
- 8.8. The issuing of a Timely Warning will be recorded as an incident in the campus' Daily Crime Log.

9. Information in Warnings and Notifications

- 9.1. Upon confirmation of a significant campus emergency or dangerous situation, GCNYC will without delay, taking into account the safety of the community, determine the content of and send out the notification unless the notification will, in the professional judgement of responsible authorities or upon conferral with the emergency responders, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

Information in direct communication should never release identifiable information about individuals but should provide appropriate information to allow others to be safe and to avoid potentially dangerous situations.

First notifications will provide specific actions (i.e., do not come to campus) and indicate that there will be a follow up message with additional information within 24 hours.

Within 24 hours, the college officer who sent out the message will provide an explanation or resolution; suggest specific follow up actions, or ways to achieve assistance or

accommodation based on potential results from the situation; and update of the situation or incident if continuing.

10. Campus Safety and Security Programs

10.1. Each New Student Orientation and employee onboarding will cover:

- i. The Code of Student Conduct and/or the Staff Handbook
- ii. Appropriate campus safety/security procedures and practices including fire safety and emergency procedures
- iii. Definitions of important terms including 'consent' to sexual activity in the applicable jurisdiction
- iv. Reporting structures
- v. Description of safe and positive options for bystander intervention
- vi. Information on crime prevention and risk reduction

10.2. Ongoing Programs and Campaigns to Prevent Dating Violence, Domestic Violence, Sexual Assault and Stalking

Students and Employees: Each trimester, GCNYC will send out an informational webinar about campus safety including crime prevention and risk reduction, preventing dating violence, domestic violence, sexual assault, stalking and drug and alcohol abuse prevention to all students, staff and faculty. This video will also be available year-round at www.gcny.com. Other materials with related information are also available on the website.

Employees: All College employees are required to complete an annual sexual harassment prevention online training course.

11. Safe & Positive Options for Bystander Intervention

11.1. Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it."¹ We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list² of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

¹ Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

²Bystander intervention strategies adapted from Stanford University's Office of Sexual Assault & Relationship Abuse

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

12. Risk Reduction

12.1. With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don't know where you are going, act like you do.
4. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
5. **Make sure your cell phone is with you** and charged and that you have cab money.
6. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
7. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
8. **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
9. **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
10. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
11. **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
12. **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.

13. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
14. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - i. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - ii. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - iii. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - iv. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
15. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
16. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

13. Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations of Recognize Student Organizations

- 13.1.** Glasgow Caledonian New York College does not have any student organizations that own or control non-campus facilities. Therefore, local law enforcement is not used to monitor and record criminal activity since there are no non-campus locations of student organizations.

14. Geographic Definitions

- 14.1.** Glasgow Caledonian New York College was founded by Glasgow Caledonian University (Scotland) which is the flagship campus which owns and controls schools in multiple locations. GCNYC reported statistics refer specifically to Glasgow Caledonian New York College and do not include information from Glasgow or any other GCU campuses or

partner campuses. For our annual Federal Campus Security Report, GCNYC defines its campus geography as follows:

- i. On-Campus: The Main and lower-level of 64 Wooster Street
- ii. Non-campus: Any additional facilities rented or controlled by GCNYC for the purposes of the delivery of classes or required student activities. These locations are only considered as part of our report during such times as GCNYC is actively using the site.
- iii. Public Property: For our reporting purposes, the only public property which the GCNYC campus abuts is Wooster Street between Broome Street and Spring Street. The report includes reports of crime occurring on the street and either sidewalk.

14.2. For reporting to NYSED in compliance with Education Law article 129-B, geographic boundaries will not be used. Reporting will be based on the status of a reporting individual or Respondent being enrolled as a student of GCNYC.

15. Crime Statistics for 2018, 2019 and 2020

The crime statistics below were obtained from the New York City Police Department (NYPD) and the GCNYC Title IX Coordinator. GCNYC does not have a traditional “campus.” Our campus is located on the ground floor and lower level of an office building located at 64 Wooster Street.

Note: GCNYC does not have non-campus facilities or lease other facilities for short-term use. GCNYC does not have any student housing or on or off campus residential facilities.

Glasgow Caledonian New York College Crime Statistics 2018-2020									
Category	On-Campus			Non-Campus			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder/Non-Negligent Homicide	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sexual Assault									
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	1	0
Aggravated Assault	0	0	0	0	0	0	0	0	0

Burglary	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Arrests									
Weapons Related	0	0	0	0	0	0	0	0	0
Drug Related	0	0	0	0	0	0	0	0	0
Alcohol Related	0	0	0	0	0	0	0	0	0
Referrals for Disciplinary Action									
Weapons Related	0	0	0	0	0	0	0	0	0
Drug Related	0	0	0	0	0	0	0	0	0
Alcohol Related	0	0	0	0	0	0	0	0	0

15.1. There were no hate crimes reported to the College for 2018, 2019 or 2020.

15.2. There were no reported unfounded crimes for 2018, 2019 or 2020. Unfounded crimes are crimes reported to law enforcement personnel that were then investigated and found to be false or baseless.

15.3. Hard copies of the Annual Security Report can be obtained from the Title IX Coordinator by emailing titleixcoordinator@gcu.ac.uk or calling 646-768-5357.

16. Daily Crime Log

16.1. The campus will record all crimes reported to the College and from them generate a Daily Crime Log. The Log will include crimes committed on campus and within the College's Clery geography. The Daily Crime Log will present information about crimes without information that may in any way violate the confidentiality of any individual.

17. Underage Drinking Policy

17.1. As GCNYC offers only postgraduate degrees, we do not anticipate that we will admit any students who are beneath the state drinking age. However, all state and federal laws, including the drinking age, will be fully enforced. Additionally, the GCNYC Code of Student Conduct considers this a Major Offense.

18. Smoke Free Campus

18.1. In alignment with New York State and GCNYC policy, smoking is not permitted anywhere on the GCNYC campus.

19. Alcohol and Drug Policy

19.1. The possession, sale or the furnishing of alcohol on campus is governed by GCNYC's alcohol policy and New York State law. Alcohol is prohibited on campus except in the case of approved events where the sale and service of alcohol is being conducted by the College and/or an affiliated organization in accordance with College policy and State Law. Alcohol policies and applicable federal and state laws and regulations are strictly enforced by Campus Safety and Security.

19.2. Prohibited behaviors involving alcohol include, but are not limited to: use, sale, distribution, and possession; use, display or possession of any paraphernalia associated with alcohol; use of alcohol that leads to impairment and disorderly, destructive, or violent behavior to self or others; and, students under the age of 21 being in the presence of alcohol in the residence halls. The possession, sale, manufacture, or distribution of any controlled substance is illegal under Federal, State and Local law. GCNYC strictly enforces all applicable laws and policies.

19.3. Prohibited behaviors involving drugs, controlled substances, related synthetic materials, and related paraphernalia (including altered or constructed devices used to conceal or consume) include, but are not limited to: use, possession, display, distribution, sale, and being under the influence. Prohibited behaviors involving look-alike drugs include, but are not limited to: possession, consumption, distribution, use, and forcing another to ingest "imitation drugs" or synthetic materials that are either not intended for human consumption or used to produce effects similar to an illegal drug or a substance or drug being used for an unintended purpose (e.g., synthetic cannabis, herbal incense, and or herbal smoking blends, Whip-it and other similar products).

Students and employees that violate policy or law are subject to College disciplinary action, criminal prosecution (under the NYS Penal Law; Article 220 - Controlled Substances Offenses, and/or NYS Penal Law; Article 260 - Offenses Relating to Children, Disabled Persons, Vulnerable Elderly Persons), fine and imprisonment.

Please see the Federal and New York State Drug Trafficking Penalties in Appendix E and the Commonly Used Drugs Chart including uses and effects in Appendix F.

19.4. Disciplinary Sanctions for Students

Incidents are considered a violation of the Code of Student Conduct and subject to both College disciplinary procedures up to and including expulsion and criminal prosecution.

19.5. Disciplinary Sanctions for Employees

Any violation of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

19.6. Drug and Alcohol Abuse Prevention Information

Statement on Self-Reporting and Bystander Intervention (Good Samaritan):

GCNYC students are expected to be aware of their health and safety and to be bystanders who help fellow students when their health and safety is in danger. When a person's health or safety is threatened due to consumption of alcohol, unlawful drugs, controlled substances and/or other synthetic materials, domestic violence, dating violence, sexual assault or stalking, immediate actions should be taken. This includes alerting medical personnel, campus security, or an appropriate College official. In all cases, the incident will be documented. When determining the appropriate response in the conduct process, the College will consider actions taken by any student who seeks assistance on their own behalf or the behalf of another student experiencing a medical emergency related to consumption of alcohol, unlawful drugs, controlled substances and/or other synthetic materials. In some cases, disciplinary sanctions may be reduced. This practice does not preclude action by Campus Safety or other legal authorities.

19.7. Alcohol and Drug Abuse Education Programs

At each New Student Induction, GCNYC will present information designed to prevent the illicit use of drugs and abuse of alcohol by students and employees. The presentation will include services related to drug use and abuse of alcohol.

The College will annually disseminate written informational materials annually to both students and employees. These written materials include information on the College's standards of conduct, disciplinary sanctions for violations of the standard of conduct, possible legal sanctions and penalties, health risks associated with alcohol and drug abuse, educational programming available to students, staff and faculty, counseling services, and referrals.

19.8. Health Risks: Drug and Alcohol Abuse (referenced from the National Institute of Health-NIH)

- Alcohol: Ethyl alcohol, or ethanol, is an intoxicating ingredient found in beer, wine, and liquor. Alcohol is produced by the fermentation of yeast, sugars, and starches. It is a central nervous system depressant that is rapidly absorbed from the stomach and small intestine into the bloodstream.
- Alcohol affects every organ in the drinker's body and can damage a developing fetus. Intoxication can impair brain function and motor skills; heavy use can increase risk of certain cancers, stroke, and liver disease. Alcoholism or alcohol dependence is a diagnosable disease characterized by a strong craving for alcohol, and/or continued use despite harm or personal injury. Alcohol abuse, which can lead to alcoholism, is a pattern of drinking that results in harm to one's health, interpersonal relationships, or ability to work.
- Drug addiction is a brain disease. Although initial drug use might be voluntary, drugs of abuse have been shown to alter gene expression and brain circuitry, which in turn affect human behavior. Once addiction develops, these brain changes interfere with an individual's ability to make voluntary decisions, leading to compulsive drug craving, seeking and use.
- The impact of addiction can be far reaching. Cardiovascular disease, stroke, cancer, HIV/AIDS, hepatitis, and lung disease can all be a result of drug abuse. Some of these effects occur when drugs are used at high doses or after prolonged use; however, some may occur after just one use.

19.9. The following is a list of resources for local drug and alcohol abuse prevention programming:

- NYS Office of Addiction Services and Supports: <https://oasas.ny.gov>
- NYS Treatment Availability Dashboard: <https://findaddictiontreatment.ny.gov>
- NYC Health: Alcohol and Drug Use: <https://www1.nyc.gov/site/doh/health/health-topics/alcohol-and-drug-use.page>
- Inter-Group Association of A.A. of New York: <https://www.nyintergroup.org>

20. Reporting Individual Support

20.1. Beyond Code of Conduct Policies and Procedures, reporting individuals (students, employees, or members of the community) of sexual assault, domestic violence, dating violence and/or stalking will be made aware of supporting resources. In compliance with the standards established by the Violence Against Women Act (VAWA) and Education Law article 129, GCNYC will provide written notification to reporting individuals with information on their rights, options and available resources including counseling, health, mental health, victim advocacy, legal assistance, student financial aid and other services for victims. This document can be found in Appendix A and is available in hard copy from the Title IX Coordinator. Contact titleixcoordinator@gcu.ac.uk.

21. Protective Measures and Accommodations for Reporting Individuals and Respondents

21.1. Upon receipt of a report or formal complaint of sexual misconduct or violence (including sexual assault, domestic violence, dating violence and/or stalking,) the College, through the Title IX Coordinator, will promptly contact the reporting individual to discuss the availability of supportive measures, consider the reporting individual's wishes with respect to supportive measures, provide written notification to the reporting individual of the availability of supportive measures with or without the filing of a formal complaint, and explain to the reporting individual the process for filing a formal complaint.

These supportive measures may include changes to academic, living, transportation and working situations or protective measures. They are designed to restore or preserve equal access to the College's educational and working programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and the broader College community, or deter sexual harassment. While a supportive measure may impose some restrictions on a party, it will not unreasonably burden them. The College may provide supportive measures to the reporting individual or respondent, as appropriate, as reasonably available, and will do so without fee or charge, regardless of whether the complainant seeks formal disciplinary action. Once supportive measures are approved, the parties or affected individuals will be notified in writing of the supportive measures. The College will maintain any supportive measures provided to the reporting individual or respondent as confidential to the extent possible.

21.2. Protective measures and accommodations may include:

- i. counseling;
- ii. extensions of deadlines or other course-related/academic adjustments;
- iii. modifications of work or class schedules;
- iv. modifications to mode of attending work or class (virtual or on campus);
- v. campus escort services;
- vi. mutual restrictions on contact between the parties;
- vii. leaves of absence;
- viii. increased security and monitoring of certain areas of the campus; and/or
- ix. any other measure that can be used to achieve the goals of this policy.

21.3. Requests for supportive measures may be made by or on behalf of the reporting individual or respondent to any College official, including the Title IX Coordinator. The Title IX Coordinator is responsible for ensuring the implementation of supportive measures and coordinating the College's response with the appropriate offices on campus.

21.4. All individuals are encouraged to report concerns about the failure of another to abide by any restrictions imposed by a supportive measure. The College will take immediate action to enforce a previously implemented measure and disciplinary sanctions can be imposed for failing to abide by a College-imposed measure.

22. Policy Against Sexual Misconduct and Violence

22.1. GCNYC prohibits the offenses of domestic violence, dating violence, sexual assault, stalking, Title IX sexual harassment, quid pro quo sexual harassment and other forms of sexual violence. These incidents are considered a violation of the Code of Student Conduct (8.4.2). In keeping with this commitment, GCNYC has taken steps to help prevent and respond to sexual discrimination, relationship violence, sexual assault and other forms of sexual misconduct. These steps include thoughtful procedures for reporting and investigating incidents; educational programs; access to internal and external resources; and compliance with federal and state laws.

23. Sex Offender Registry

23.1. The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where to obtain law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student. Information regarding a registered sex offender can be obtained by calling: New York State Sex Offender Registry Information Line at: 1-800-262-3257 or accessing it online at <https://www.criminaljustice.ny.gov/nsor/>.

23.2. Callers to the sex offender registry must be 18 years old and must provide their name, address and telephone number in order to request information. The Information Line is open Monday through Friday, from 8:00 am to 5:00 pm. To learn the status of an individual, callers must provide the individual's name and at least one of the following identifiers: the individual's street address and apartment number, driver's license number, social security number or birth date. A physical description is helpful but is not required. To use the online link, the person inquiring must provide his/her name and address to access information about the registered sex offenders. Nationwide information is available through the Department of Justice at: www.nsopr.gov.

APPENDICES

24. Appendix A: Procedures Victims Should Follow if a Crime of Sexual Assault, Domestic Violence, Dating Violence & Stalking Occurs



**Procedures Victims Should Follow if a Crime of Sexual Assault, Domestic Violence, Dating Violence & Stalking Occurs
(VAWA & CLERY ACT WRITTEN NOTIFICATION)**

If you or someone you know has been hurt by sexual assault, domestic violence, dating violence, or stalking, **GCNYC is here to help. You have the right to learn, and/or work in a safe and welcoming environment.** Violence is unacceptable, and College policy prohibits sexual assault, domestic violence, dating violence, and stalking. This document outlines steps to take depending on what services you want or need.

Your immediate and long-term safety is what's most important. The resources and options outlined below may be helpful as you decide what next steps are a good fit for you.

WHAT TO DO & HOW TO REPORT TO LAW ENFORCEMENT

- Get to a safe place. (For example, someone's home, the nearest hospital, or police precinct.) If you are the victim of assault and/or violence, the most important step is to get yourself to a place of safety to determine what courses of action you need to take
- Call 911 to be taken to an emergency room for medical care and/or for immediate police protection and assistance. A complete medical evaluation will include a physical examination, treatment, evidence collection, and counseling. Remember, you will not be made to do anything you do not want to do and may decline any part of the evaluation.
- If you have been sexually assaulted, it is important to seek medical care, especially if you have been physically injured. Even if you do not have any visible physical injuries from the assault, there may be physical injuries that you cannot see, and medical and health centers can provide additional services such as testing for sexually transmitted diseases and emergency contraception.
- When you call 911, explain what has happened and request to be sent to an emergency department that is a certified SAFE Center of Excellence. See below for more information and a list of hospitals in New York City with SAFE Centers
- To speak to a specialist about sex crimes, call the NYPD at 1-212-267-RAPE (7273)
- If you have information about a crime you would like to report, call 1-212-567-TIPS (8477)

- If you so choose, GCNYC can assist you in notifying the appropriate local law enforcement.
- You also have the right to decline to notify law enforcement. If you choose not to notify the police, please know that you will still have access to all the forms of support and assistance listed below.

NEW YORK DEPARTMENT OF HEALTH CERTIFIED SEXUAL ASSAULT FORENSIC EXAMINER (SAFE) CENTERS OF EXCELLENCE

The SAFE Centers listed below provide sexual assault patients with:

- Sensitive, victim-centered, medical and forensic health care performed by a specially trained Sexual Assault Forensic Examiner (SAFE).
- Care that is timely, compassionate, and patient-centered, in a designated and appropriately equipped private room.
- Assurance about the quality of collection, documentation, preservation and custody of physical evidence by utilizing a trained and New York State Department of Health certified sexual assault forensic examiner to perform exams. These examiners are available to provide expert testimony if patients choose to report crimes to law enforcement.
- Psycho-social and legal support by a specially trained Rape Crisis Advocate or Counselor.
- Reliable referrals to mental and physical health care and follow-up services.

The following is a list of hospitals in New York City with SAFE Centers that provide the services listed above:

Manhattan

- Mount Sinai St. Luke’s Hospital (CHP) 1111 Amsterdam Avenue & W 113th Street
- Mount Sinai West (CHP) 1000 10th Avenue
- Mount Sinai Beth Israel-Petrie Campus 281 1st Avenue & E 16th Street
- The Mount Sinai Hospital (Mount Sinai) 1 Gustave L. Levy Place
- Bellevue Hospital (HHC) 462 1st Avenue & E 27th Street
- Harlem Hospital (HHC) 506 Lenox Avenue
- Metropolitan Hospital Center (HHC) 1901 1st Avenue
- New York Presbyterian Hospital-Columbia (NYP) 622 W 168th Street
- New York-Presbyterian Hospital- The Allen Pavilion (NYP) 5141 Broadway
- New York-Presbyterian Hospital-Weill Cornell (NYP) 525 East 68th Street

Brooklyn

- Woodhull Medical and Mental Health Center (HHC) 760 Broadway
- Coney Island (HHC) 2601 Ocean Parkway

- Kings County Hospital Center (HHC) 451 Clarkson Avenue

Bronx

- North Central Bronx (HHC) 3424 East 210th Street & Kossuth Avenue
- Lincoln Medical and Mental Health Center (HHC) 234 East 149th Street
- Jacobi Hospital (HHC) 1400 Pelham Parkway S

Queens

- Queens Hospital Center (HHC) 82-68 164th Street
- Elmhurst Hospital (HHC) 79-01 Broadway

Staten Island

- Richmond University Medical Center (IN) 355 Bard Avenue

HOW TO REPORT TO CAMPUS AUTHORITIES

- Should you wish to formally report a crime to GCNYC, please contact the Title IX Coordinator, Jessica Chang-Russell Jessica.Changrussell@gcu.ac.uk. A Campus Security Authority can also file a report for you.
- Please know that reporting to GCNYC is not the same as notifying law enforcement. GCNYC is required to disclose that a crime has occurred but is not required to report names.

IMPORTANCE OF PRESERVING EVIDENCE

- Do not change clothes, bathe, douche, or brush your teeth. This is important for the evidence collection process that will occur at the hospital.
- If you seek to place a report with the police or press charges, it is best for evidence collection to occur within 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order
- Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to College adjudicators/investigators or police.

- Evidence collection does not require you to place a report with the police or press charges, but preserves evidence if you wish to place a report or press charges in the future.
- As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Public Safety or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the College at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.
- Additional Important and helpful information is available from RAINN (Rape And Incest National Network): <https://rainn.org/get-information/aftermath-of-sexual-assault/preserving-and-collecting-forensic-evidence>
- If you are the victim of stalking, please keep all emails, texts, and any other methods of contact.

CONFIDENTIALITY, ACCOMMODATIONS & PROTECTIVE MEASURES

- GCNYC will take every step to keep your information private.
- Your confidentiality will be respected in any discussions you have with GCNYC staff.
- GCNYC will not share personally identifiable information about a reporting individual in any public notification or publicly available recordkeeping including Clery Act reporting and disclosures.
- While GCNYC is legally required to report that a crime occurred and to warn others if a danger is posed, these reports will never provide any details which could reveal your identity.
- The GCNYC Title IX Coordinator will take action to assist you with any reasonable accommodations and protective measures you might require, including academic accommodations; working accommodations; or other additional necessary measures. They are designed to restore or preserve equal access to the College's educational and working programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and the broader College community, or deter sexual harassment. While a supportive measure may impose some restrictions on a party, it will not unreasonably burden them. The College may provide supportive measures to the reporting individual or respondent, as appropriate, as reasonably available, and will do so without fee or charge, regardless of whether the complainant seeks formal disciplinary action. Once supportive measures are approved, the parties or affected individuals will be

notified in writing of the supportive measures. The College will maintain any supportive measures provided to the reporting individual or respondent as confidential to the extent possible.

Protective measures and accommodations may include:

- counseling;
- extensions of deadlines or other course-related/academic adjustments;
- modifications of work or class schedules;
- modifications to mode of attending work or class (virtual or on campus);
- campus escort services;
- mutual restrictions on contact between the parties;
- leaves of absence;
- increased security and monitoring of certain areas of the campus; and/or
- any other measure that can be used to achieve the goals of this policy.

Requests for supportive measures may be made by or on behalf of the reporting individual or respondent to any College official, including the Title IX Coordinator. The Title IX Coordinator is responsible for ensuring the implementation of supportive measures and coordinating the College's response with the appropriate offices on campus.

All individuals are encouraged to report concerns about the failure of another to abide by any restrictions imposed by a supportive measure. The College will take immediate action to enforce a previously implemented measure and disciplinary sanctions can be imposed for failing to abide by a college-imposed measure.

The College will maintain any supportive measures provided to the reporting party or respondent as confidential to the extent that maintaining such confidentiality would not impair the ability to provide such accommodations or protective measures.

ADDITIONAL ON-CAMPUS RESOURCES

Counseling & Mental Health: Please contact Michael Cohen, PhD, GCNYC Director of Counseling and Disability Services Coordinator, Michael.Cohen@gcu.ac.uk

Health: n/a

Victim Advocacy: Please contact Kerri Quinn, Director of Academic Engagement, kerri.quinn@gcu.ac.uk

Legal Assistance: n/a

Visa & Immigration Assistance: Please contact Dominique Studer, Director of Recruitment & Admissions, dominique.studer@gcu.ac.uk

Student Financial Aid: Please contact Lititia Cooley, Financial Aid Coordinator,
financialaid@gcnyc.com

Other: n/a

OFF-CAMPUS RESOURCES

Counseling: n/a

Mental Health: n/a

Health: In an emergency, please call 911. Urgent care services are not provided on campus. Students can visit the closest City MD to campus, which is located at 331 6th Avenue, New York City, NY 10014.

Victim Advocacy: n/a

Legal Assistance: n/a

Visa and Immigration Assistance: n/a

Student Financial Aid:
NYS Higher Education Services Corporation, 888-697-4372
U.S. Department of Education, 800-433-3243

Other: n/a

ADDITIONAL RESOURCES

Below are a few additional resources that are in Manhattan. You can also contact **3-1-1** at any time to be connected to additional services in New York City or in your own neighborhood.

Safe Horizon NYC:

2 Lafayette Street, New York, NY 10007 212-577-7700, 24/7 Hotline: 1-800-621-4673

Provides counseling, safety planning, legal help and court assistance, short-term housing, and other services to victims of domestic violence, rape, sexual assault, stalking, human trafficking, homelessness, and other forms of abuse.

Sylvia Rivera Law Project:

147 W. 24th Street, 5th Floor, New York, NY 10011 212-337-8550

Provides legal assistance to people who are transgender, intersex, or gender non-conforming, including help getting a name change, accessing health care, accessing government services or benefits, fighting harassment and discrimination, and other issues regarding gender identity.

Immigrant Defense Project:

40 W. 39th Street, Suite 501, New York, NY 10018 212-725-6422 www.immdefense.org

Provides legal advice, services, and support to New Yorkers and their families who are undocumented immigrants or are lawful permanent residents (“green card” holders), including those who are victims of crimes, have committed crimes, or are facing deportation.

Rape, Abuse and Incest National Network: <http://www.rainn.org>

Department of Justice: <http://www.ovw.usdoj.gov/sexassault.htm>

Department of Education, Office of Civil Rights:

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

REPORTING & PROCEDURES FOR DISCIPLINARY ACTION

- To report an event requiring action on the part of GCNYC, please contact the Title IX Coordinator, Jessica Chang-Russell Jessica.Changrussell@gcu.ac.uk.
- All disciplinary actions involving students and/or employees will occur within the practices identified in the GCNYC College Catalog.
- Prompt, fair and impartial process and will be conducted from the initial investigation to the final result by officials who receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability
- Both the complainant and the respondent will:
 - Have the same opportunity to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice

Receive simultaneous written notification of the result of any institutional disciplinary proceeding, procedures for appeal, changes to the result, and the date the results become final

RIGHTS OF REPORTING INDIVIDUALS**New York State Student Bill of Rights**

In accordance with New York State Education Law, Article 129-B, also known as Enough is Enough, the following is the list of rights students can expect when reporting or responding to sexual offenses and relationship violence at GCNYC:

All students have the right to:

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

New York State Crime Victims Bill of Rights

Victims of crimes in New York State have the following rights:

- A free copy of the police report, even if there was no physical injury.
- Payment waiver of fees for replacing a driver's license, permit, registration and license plates which were lost or stolen as a result of a crime.
- Have law enforcement and the District Attorney inform employers that the criminal case may require work absences. They can also explain the circumstances of the crime to creditors.
- Not to be penalized by an employer when appearing as a witness in a criminal proceeding, consulting with prosecutors or exercising other rights under the law. A violation of this law by an employer is a B misdemeanor. Employers, however, may withhold wages in these situations.

- File for victim compensation and assistance with the New York State Office of Victim Services. Victims of physical injury or relatives of murder victims are entitled to out-of-pocket expenses incurred as a result of the crime. These expenses may include the repair or replacement of damaged property, loss of earnings or support, medical and counseling bills, crime-scene cleanup or funeral expenses. Crime victims may also be eligible for transportation expenses incurred for necessary court appearances. Kidnapping, stalking and unlawful imprisonment victims may be eligible for an award to cover loss of earnings or support, unreimbursed costs for counseling, rehabilitative training and the costs of damaged essential personal property and security devices. Claims must be filed within one year of the crime or within one year of the victim's death. You can obtain a claim form from the police, the District Attorney, a hospital emergency room, the Office of Victim Services or from the Office of the Attorney General. Assistance is also available from other programs such as rape crisis centers and domestic violence and child abuse programs. Ask the District Attorney's office for referrals.
- Be notified of criminal proceedings. Victims who provide a current address and telephone number to the District Attorney have the right to be notified of the accused's: arrest; first appearance before a judge; release from jail while the criminal proceeding is pending; entry of a guilty plea, trial and sentencing; maximum and minimum terms of imprisonment if the offender is sentenced to prison and parole hearing date.
- Freedom from intimidation, threats or harassment. Intimidating a victim or a witness is a felony, apart from any charges the accused may already face. If you are threatened or your property is damaged by anyone connected to your case, you should contact the District Attorney's office and law enforcement immediately.
- Notice of discharge, release or escape of offender from a correctional facility. The District Attorney has a form to be completed in order to stay informed. The New York Victim Information and Notification Everyday (VINE) system provides up to date information about the custody status of offenders via the telephone or internet. Crime victims and other New Yorkers can call 888-VINE-4NY (888-846-3469) or go to www.vinelink.com to secure information about incarcerated defendants. By providing an inmate's identification number or date of birth, which you can obtain from the District Attorney, you can learn sentencing and release information. You may also register with VINE for automatic notification by telephone when the inmate is released.

25. Appendix B: Code of Student Conduct

25.1. Introduction

This Code of Student Conduct ("the Code") applies to all students. GCNYC believes that effective learning and teaching is best achieved in an ordered and disciplined environment. The

Code seeks to ensure that student discipline is maintained in a manner that promotes fair and equitable treatment of all students. The Code is non-contractual and Glasgow Caledonian New York College (“the College” and “GCNYC”) reserves the right to digress from it, alter it or withdraw it any time.

One of the purposes of this Code is to help and encourage students to achieve and maintain standards of conduct required by the College. It is essential that all students comply with these standards and understand that if they fail to do so this is likely to lead to action by the College. The Code also outlines the action that will be taken when those standards are not met.

We therefore recognize the importance of attempting to resolve issues concerning unsatisfactory conduct within the College and we will take all measures to do so.

25.2. Application of the Code

This Code is not intended to create rights beyond our legal obligations.

All students of the College are subject to the jurisdiction of the Vice President & Provost of GCNYC in respect of their conduct.

The Vice President & Provost, through the Title IX Coordinator, has overall responsibility for the application of the Code.

25.3. Circumstances in which the Code will apply

GCNYC will apply the procedures set out in this Code if it contemplates taking disciplinary action against a registered (or previously registered) student (unless the College, in its sole discretion, decides that it is inappropriate to do so).

The Code also applies to any offenses committed in another institution which students attend as part of a College course such as external secondments, placements, field trips, residential trips, etc. or part of any reciprocal agreement with another institution and/or when committed by any students to and/or on any “College Property.” This includes any property and/or premises owned or controlled by the College or to which access has been gained through membership of the College, including but not restricted to student services provided by another institution, athletic facilities, halls of residence, or other institutions providing services or facilities to students on behalf of, and in agreement with, GCNYC.

25.4. Policy for Alcohol/Drug Use Amnesty

The health and safety of every student at GCNYC is of utmost importance. GCNYC recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that an offense, including but not limited to domestic violence, dating

violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. GCNYC strongly encourages students to report domestic violence, dating violence, stalking or sexual assault to institution officials.

Any student acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to GCNYC's officials or law enforcement will not be subject to disciplinary action under the Code for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

GCNYC's full Drug and Alcohol Policy and Drug and Alcohol Abuse Prevention Information can be found in the Campus Safety section of the College Catalog.

25.5. Offenses

Any suspected cases of misconduct should be reported to the Title IX Coordinator, Vice President & Provost or another member of staff as soon as possible for consideration under the Code.

The following is a non-exhaustive list of examples of Offenses:

- i. Anti-social behavior and/or foul language
- ii. Minor damage to, or unauthorized use of, College Property
- iii. Minor breaches of safety regulations
- iv. Refusing to fulfill minor contractual obligations
- v. Persistent Absenteeism
- vi. Noise beyond socially acceptable norms for the time of day/night
- vii. Offenses in connection with examinations or assessments which allow and/or are intended to allow the student to obtain an unfair advantage
- viii. Falsification, misrepresentation or misuse of documentation, prior qualifications and experiences, certifications, letters, e- communications, etc. presented or transmitted to any officer or student of the College or any person operating on behalf of the College
- ix. Use of the work of other students, past or present, or substantial and unacknowledged use of published (electronic as well as physical) material or violation of copyright material presented as the student's own work
- x. Acts of domestic violence, dating violence, stalking, or sexual assault as defined by the Clery Act, the Violence Against Women Act, Title IX, or New York State Education Law, articles 129-A and 129-B
- xi. A conduct violation that is equivalent to the definition of a Clery Act Part I Primary Crime (as set forth in 34 C.F.R. §668.46(c))
- xii. Avoidance or attempted avoidance of security procedures to gain access to files and work done by users of College computing equipment
- xiii. Use or attempted use of College computing equipment to gain unauthorized access to any College computing facilities and/or unauthorized access to web or other IT related material or access to networked materials in violation of law

- xiv. Harassing, threatening or malicious behavior towards any member of the College community or any person acting on behalf of the College
- xv. Impersonating another person or presenting oneself under false pretenses
- xvi. Theft, fraud, unauthorized possession, misapplication of and/or unauthorized access to or gross negligence in connection with funds or property of any kind
- xvii. Causing negligent or willful damage to or on College Property
- xviii. Causing negligent or willful damage to property owned by any member of the College community and/or any person acting on behalf of the College
- xix. Deliberate and malicious misuse of safety equipment and/or contravention of safe working practices or procedures likely to seriously endanger the health and safety of another person
- xx. Riotous or disorderly conduct affecting good order or persistently noisy or disruptive behavior anywhere within the College or on College Property, including student residences whether or not they are owned by the College
- xxi. Fighting, assault, threatening physical violence, aggressive behavior and/or use of foul and/or abusive language
- xxii. Harassment, discrimination or incitement including harassment discrimination or incitement on the grounds of race (including traits historically associated with race, including but not limited to hair texture and protective hairstyles), sex, sexual orientation, national origin, ethnic origin, religious, political or philosophical belief, disability, age, gender, marital status, mental condition or as detailed in the appropriate College policies available on the College's website, of which you are deemed to have made yourself aware and understood
- xxiii. Possession of weapons (defined as instruments designed to cause injury, intended to cause injury, or imply a threat to cause injury), including simulated weapons, are not allowed on the GCNYC campus (see 17.25 'Weapons Policy')
- xxiv. Possession, supply, use, abuse or touting of controlled substances and/or abuse of alcohol or prescription medication
- xxv. Contravention of the United States Fair Use Doctrine (Section 107 of the Copyright Act) provides the statutory framework for determining whether something is a fair use and identifies certain types of uses—such as criticism, comment, news reporting, teaching, scholarship, and research—as examples of activities that may qualify as fair use
- xxvi. Unauthorized use of the College's internet and e-mail facilities and connections as defined in College Regulations pertaining to the use of Information Technology Facilities
- xxvii. Contravention of established procedures, working practices codes of practice and/or regulations dictated by current legislation or authorities
- xxviii. Non-return of any equipment or property loaned from the College
- xxix. Any conduct or activity of any nature which may bring the College into disrepute whether such conduct or activity takes place either in the College or outside the College, including violent behavior, threatening violence, misrepresentation and immoral or obscene conduct
- xxx. Failure to comply with the decision of the Vice President & Provost in relation to an Offense or failure to comply with the decision of the Select Disciplinary Committee in the case of an appeal against a decision of the Vice President & Provost in relation to an Offense.
- xxxi. Failure to comply with the College's Covid-19 health and safety policies (when in effect).

25.6. Procedures

Preliminary Review

Upon receiving a report of or otherwise learning of an alleged violation of the Code of Student Conduct or other College policy, the Title IX Coordinator will present the information to the Select Disciplinary Committee to determine the most appropriate course of action. The Select Disciplinary Committee (SDC) will determine whether an informal frontline resolution is appropriate or if the launch of a full investigation is required. The SDC will then present their decision to the Title IX Coordinator.

If the SDC determines that an informal resolution is appropriate, the Director of Academic Engagement will be notified and they, along with the Title IX Coordinator will determine an appropriate frontline resolution.

If the SDC determines that a full investigation is necessary, the Vice President & Provost will be notified and the Title IX Coordinator or their designee will proceed with the investigation.

If the alleged violation is related to dating violence, domestic violence, sexual assault, Title IX Sexual Harassment or stalking, the Title IX Coordinator will determine whether there is reasonable belief that a policy has been violated and determine if they will conduct an investigation.

Investigation

Prior to any disciplinary action being taken, the allegation(s) will be investigated by the Title IX Coordinator, who will forward evidence, as appropriate, to the Select Disciplinary Committee.

Any cases of alleged dating violence, domestic violence, sexual assault, Title IX Sexual Harassment or stalking will use a separate investigation procedure conducted by the Title IX Coordinator.

Except in cases of student interim suspension as described below, the Title IX Coordinator will normally deliver the findings of their investigation to the Select Disciplinary Committee within 21 days. The SDC shall normally convene within 28 days of notification of the allegations to determine whether the alleged offense occurred and to take further action in accordance with the code.

i. Meeting with Reporting Party

The Title IX Coordinator or a designee may meet with the reporting party to review the complaint and request additional information. The Title IX Coordinator or a designee may also meet with other members of the GCNYC community who may have information to

share in relation to the complaint. The reporting party will be given a copy of GCNYC's Code of Student Conduct and and/or any other relevant policies and procedures.

ii. Notification to Responding Party

The Title IX Coordinator or a designee will notify the responding party in writing as to the receipt of the complaint, the opportunity to respond to the complaint, and the need to meet with the Title IX Coordinator or a designee. Upon meeting with the Title IX Coordinator or a designee, the reporting party will be given access to GCNYC's Code of Student Conduct and/or any other relevant policies and procedures. Prior to the disciplinary hearing, the Respondent will receive a copy of all relevant evidence presented to the Select Disciplinary Committee, which will be referred to during the hearing.

iii. Records

Where an alleged Offense has occurred, the Title IX Coordinator will consult records to ascertain if the student has a previous offense recorded on the central register of student disciplinary offenses. Where a previous offense has been recorded the second/subsequent offense will then be reported to the SDC for consideration.

Interim Suspension

GCNYC reserves the right to suspend students on an interim basis from GCNYC property, programs, and functions pending the outcome of a disciplinary review, where there is reasonable cause to believe the student's alleged behavior or continued presence at the institution poses a danger to the health, safety, or general welfare of the GCNYC community. The Vice President & Provost shall have the authority to suspend the student. Where a student has been suspended, the Title IX Coordinator will conduct the investigation and provide their findings to the Select Disciplinary Committee within 14 days. This timescale may be modified if the allegations are complex and/or involve detailed investigation and/or a number of witnesses.

No Contact Orders

In issues where there is a reporting individual and a Respondent, the Vice President & Provost, on the recommendation of the Title IX Coordinator, has the right to issue a "No Contact Order." Under such an order, the Respondent is to have no contact with the reporting person, in person, by voice technology or electronic communication. Should both parties appear in the same public space, it is the responsibility of the Respondent to depart. In the event that it a "No Contact Order" is issued, the Select Disciplinary Committee must convene within 7 days to determine whether the order is to be extended and for how long or to rescind the order.

Violation of No Contact Orders

Willful or repeated violations of "No Contact Orders" will be considered a threat to the health and safety of the community and will result in suspension by the Vice President & Provost, pending the outcome of disciplinary proceedings. Individuals wishing to appeal such

suspensions must do so by submitting a written appeal to the Vice President & Provost for GCNYC.

Respondent Withdrawal during Investigation

If a Respondent withdraws from the College while an investigation is in process, or if a Respondent chooses not to re-enroll, if an investigation overlaps more than one term, the Respondent has the right to request a completion of the investigation and the entire process including all appeals. An individual who completes the process agrees to be subject to the appropriate penalties if such are determined by the Select Disciplinary Committee.

Disciplinary Hearing and Evidence and Procedures

The student must take all reasonable steps to attend meetings at which they are requested to be present. If the student is unable to attend a meeting, they must explain this immediately and in advance to the person who invited them to the meeting or the person who is conducting the meeting.

For any disciplinary meeting, the timing and location of meetings will be reasonable, and the meetings will be conducted by the Select Disciplinary Committee in a manner that allows both parties to explain their respective cases. The Select Disciplinary Committee has the right to call for all relevant information including the right to call and hear witnesses and can take any necessary step under the procedures listed below without unreasonable delay:

- i. The Vice President & Provost for GCNYC shall not be a member of the Select Disciplinary Committee.
- ii. The Respondent will have the right to fully state their case, present relevant documentation and other information, submit a written statement to the Select Disciplinary Committee and lead evidence from witnesses at the disciplinary hearing. Any documentation, submissions or witness statements should be delivered to the Title IX Coordinator in advance of the hearing either by hand, recorded delivery or electronically with a signature.
- iii. At the meeting, the Respondent will have the right to be accompanied at the meeting by a chosen representative. The Respondent should advise the Title IX Coordinator who their representative will be in advance of the disciplinary hearing. The representative will be able to make submissions and ask questions on behalf of the Respondent but is not permitted to answer questions for the Respondent.
- iv. The Select Disciplinary Committee may adjourn the disciplinary hearing and delay making a decision where it is decided that further investigation into the allegations is required.
- v. All information obtained during the conduct of the Select Disciplinary Committee's process will be treated as confidential and protected from public release until such time as all appeal possibilities have been exhausted and a final resolution has been reached, unless otherwise required by law.

Composition of the Select Disciplinary Committee

The composition of the Select Disciplinary Committee shall be a Chair and 2 members appointed as follows:

- i. A chair, to be appointed by the GCNYC Academic Board, will hold office for one academic year.
- ii. One member of the staff who shall hold office for one academic year.
- iii. One student appointed by the student member of the GCNYC Academic Board. They shall hold office for one academic year.
- iv. Each member may of the SDC may have their terms extended at the discretion of the Academic Board, for further periods, in each instance not exceeding 5 years.
- v. In an effort to ensure that the disciplinary process is fair, equitable and respectful of all individuals involved, diversity in ethnicity/race and gender among others must be considered when composing a committee.
- vi. Two members of the Select Disciplinary Committee shall form a quorum for the purposes of holding a disciplinary hearing.
- vii. The Chair may nominate one of the other members of the Select Disciplinary Committee to take the Chair in their absence.
- viii. No member of the Select Disciplinary Committee directly involved in the events giving rise to any charge or appeal shall be a member of the Select Disciplinary Committee hearing that charge or appeal.
- ix. The Select Disciplinary Committee shall have the discretion to appoint a legal adviser from outside the College to advise the Select Disciplinary Committee.
- x. The Title IX Coordinator or their nominee shall act as clerk to the Select Disciplinary Committee and shall be responsible for maintaining a confidential record of the proceedings of the Committee. The Title IX Coordinator shall have powers to prepare orders for the regulation of the proceedings and business of the Select Disciplinary Committee.

25.7. Penalties

The Select Disciplinary Committee shall have the power to impose any or all the following penalties when respondents are found guilty of Offenses. The Select Disciplinary Committee reserves the right to defer the imposition of any penalty in appropriate circumstances.

The Vice President & Provost will communicate the written decision to the student within seven days of the hearing of the disciplinary matter.

All Offenses and resultant penalties will be recorded using the Disciplinary Offenses Records Form. The Title IX Coordinator shall ensure that a Records Form is completed, signed and a copy given to the student. The original Records Form will be retained in a separate file by the Vice President & Provost.

The Select Disciplinary Committee may impose one or more of the following penalties:

- i. Verbal or written warning

- ii. Removal of email account for a specified period
- iii. Reprimand
- iv. Fine
- v. Order to make good any damage caused to any property
- vi. Ban, period to be determined, from the College or College-related facilities
- vii. The withholding of the student's parchment on graduation
- viii. Behavioral requirement contract
- ix. Restriction of visitation/guest privileges
- x. Charge for damage and/or other loss arising from the student's conduct
- xi. Examination assessment being declared null and void
- xii. Suspension
- xiii. Expulsion

A decision will normally be made within seven days. Thereafter, the Title IX Coordinator will issue formal notification of the decision of the Select Disciplinary Committee within seven days of the decision being taken. Where that decision involves suspension or expulsion the formal notification shall be signed by the Chair of the Committee. Where the decision does not involve suspension or expulsion the Respondent will be advised of the improvements required in their conduct (if appropriate), the duration of any disciplinary warning and the potential consequences of any repetition of the Offense and/or commission of another disciplinary offense.

For crimes of violence, including but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the Federal Clery Act, Respondents will have a notation on their transcript: "Expelled after a finding of responsibility for a Code of Student Discipline violation."

If the Respondent withdraws while conduct charges are pending, the transcript will include the notation: "Withdrew with conduct charges pending" (unless the Respondent requests that the investigation is completed)

25.8. Appeals: Frontline Resolutions

The Select Disciplinary Committee shall hear appeals against frontline resolution decisions. Respondents have a right of appeal against decisions of the Title IX Coordinator and the Director of Academic Engagement. Should a Respondent fail to comply with the decision of the Title IX Coordinator and the Director of Academic Engagement or the decision of the Select Disciplinary Committee in the case of an appeal against a decision of the Title IX Coordinator and the Director of Academic Engagement, this will constitute as an additional Offense.

An appeal may be considered on the following grounds:

- i. Evidence is now available which was not or could not reasonably have been made available to the Title IX Coordinator and the Director of Academic Engagement at the time of the disciplinary hearing.

- ii. The decision of the Title IX Coordinator and the Director of Academic Engagement was unreasonable in the light of the evidence submitted and/or was unduly harsh and oppressive in relation to the Offense.
- iii. There was procedural irregularity or inadequacy in the conduct of the investigation of the Offense carried out by the Title IX Coordinator and the Director of Academic Engagement.

The appeal to the Select Disciplinary Committee against the decision of the Title IX Coordinator and the Director of Academic Engagement must be in writing and must be lodged with the Title IX Coordinator within 14 days of the date of the formal notification of the original decision. The Respondent must send any written documentation or submission in relation to the appeal either by hand, recorded delivery or electronic delivery with signature at the same time as lodging their written grounds for appeal.

All appeals shall be given preliminary consideration by the Chair of the Select Disciplinary Committee and by the Vice President & Provost who shall be empowered to act on behalf of the Select Disciplinary Committee in determining whether an appeal is competent or to dismiss appeals that are incompetent.

The decision of the Select Disciplinary Committee in such appeals shall be final and not subject to appeal.

25.9. Appeals: Investigated Offenses

All Respondents found in violation of an Offense by the Select Disciplinary Committee shall have the right of appeal to the Vice President & Provost.

An appeal may be considered on any of the following grounds:

- i. Evidence is now available, which was not or could not reasonably have been made available to the Select Disciplinary Committee at the time of the original hearing.
- ii. The decision of the Select Disciplinary Committee was unreasonable in the light of the evidence submitted at the original hearing, and/or the decision of the Select Disciplinary Committee was unduly harsh and oppressive in all of the circumstances.
- iii. There was procedural irregularity in terms of the regulations set out in the Code of Student Discipline which resulted in the student being significantly disadvantaged.

The Title IX Coordinator shall communicate in writing the details of this right to the student at the same time as formal notification of the disciplinary decision is made to the student.

Any appeal to the Vice President & Provost of GCNYC against the decision of the Select Disciplinary Committee must be in writing and must be lodged with the Title IX Coordinator within twenty-one days of the date recorded on the letter of formal notification of the Select Disciplinary Committee's decision. Any written documentation, witness statement or

submission in relation to the appeal must be delivered to the Title IX Coordinator either by hand, recorded delivery or electronic delivery with signature at the same time as lodging their written grounds for appeal.

All appeals shall be given preliminary consideration by the Vice President & Provost for GCNYC. The Vice President & Provost shall determine whether an appeal is competent or to dismiss appeals that are incompetent.

The decision of the Vice President & Provost for GCNYC shall be final.

The Vice President & Provost for GCNYC at their own discretion may appoint a legal adviser from outside the College to be in attendance at any meeting. This legal adviser, however, must not be the same person as the legal adviser to the Select Disciplinary Committee. The Respondent shall have the right to appear in person before the Vice President & Provost to present the evidence in support of their appeal. The Title IX Coordinator shall be in attendance at this meeting to maintain a record as well as to answer any questions about previous actions, investigations, or procedures.

The Respondent will have the right to be accompanied at the meeting by a chosen representative. The Respondent should advise the Title IX Coordinator who their representative will be in advance of the disciplinary hearing. The representative will be able to make submissions and ask questions on behalf of the Respondent but is not permitted to answer questions for the Respondent.

No member of the Select Disciplinary Committee shall be present when the appeal to the Vice President is under consideration.

The Vice President & Provost shall have the right to prepare orders for the regulation of the procedure of the appeal hearing and shall have the right to uphold or reject all or part of the disciplinary decision as it deems right and appropriate. The Vice President & Provost will normally issue a written decision within 7 days of the date of the appeal hearing.

25.10. Academic Integrity

At GCNYC, a commitment to excellence, fairness, honesty, and respect within and outside the classroom is essential to maintaining the integrity of our community. By accepting membership in this community, students take responsibility for demonstrating these values in their own conduct and for recognizing and supporting these values in others. In turn, these values will create a campus climate that encourages the free exchange of ideas, promotes scholarly excellence through active and creative thought, and allows community members to achieve and be recognized for achieving their highest potential.

GCNYC expects and requires its students to adhere to the highest standards of scholarship, research and academic conduct. Essential to the process of teaching and learning is the periodic assessment of students' academic progress through measures such as papers, examinations, presentations, and other projects. Academic dishonesty compromises the validity of these assessments as well as the relationship of trust within the community. Students who engage in such behavior will be subject to review and the possible imposition of penalties in accordance with the standards, practices, and procedures of GCNYC. Violations may result in failure on a particular assignment, failure in a course, suspension or expulsion from the College, or other penalties.

Plagiarism, Ghost-Writing and Cheating

Plagiarism is defined as presenting another's work without adequate acknowledgement of its source, as though it were one's own. Plagiarism is a form of fraud. Some examples of plagiarism:

- i. a sequence of words copied from a source without quotation marks
- ii. an unacknowledged passage paraphrased from another's work
- iii. the use of ideas, sound recordings, computer data or images created by others as though it were one's own

Ghost writing is defined as the use of commissioned material, without reference or acknowledgement.

Cheating is defined as deceiving a faculty member or other individual who assess student performance into believing that one's mastery of a subject or discipline is greater than it is by a range of dishonest methods, including but not limited to:

- i. bringing or accessing unauthorized materials during an examination (e.g., notes, books, or other information accessed via cell phones, computers, other technology or any other means)
- ii. providing assistance to acts of academic misconduct/dishonesty (e.g., sharing copies of exams via cell phones, computers, other technology or any other means, allowing others to copy answers on an exam)
- iii. submitting the same or substantially similar work in multiple courses, either in the same semester or in a different semester, without the express approval of all instructors
- iv. submitting work (papers, homework assignments, computer programs, experimental results, artwork, etc.) that was created by another, substantially or in whole, as one's own

Individual faculty members will be responsible for determining whether a student has been guilty of plagiarism and to apply an appropriate penalty for any such plagiarism. Each faculty member will publish details of any penalties for plagiarism in their syllabus.

While individual faculty members will determine whether plagiarism has occurred in any particular case, plagiarism will include self-plagiarism (i.e. re-use of a student's own previous written work or data presented for assessment on a previous occasion).

Individual faculty members will also be responsible for determining whether there has been a case of ghost writing, which is considered to be an Offense. Faculty should refer any such case to the Director of Academic Engagement to be considered under the Offenses procedures.

The Select Disciplinary Committee shall be competent to hear appeals against decisions of faculty made under the College Regulations regarding Plagiarism and Cheating.

Appeal Process

An appeal may be considered on any of the following grounds:

- i. Evidence is available, which was not or could not reasonably have been made.
- ii. The decision of the academic staff was unreasonable in the light of the evidence submitted at the original investigation, and/or the decision of the academic staff was unduly harsh and oppressive in all of the circumstances.
- iii. There was procedural irregularity or inadequacy in the conduct of the investigation of the Offense carried out by the academic staff.

The Director of Academic Engagement shall communicate the details of this right to the student in writing at the same time as formal notification of the decision of the faculty is made to the student.

The Director of Academic Engagement shall advise the student that any right of appeal to the Select Disciplinary Committee must be exercised by written notice which must be lodged with the Examiner within 14 days of the date recorded on the letter of formal notification of the academic staff's decision.

All appeals shall be given preliminary consideration by the Chair of the Select Disciplinary Committee and by the Director of Academic Engagement who shall be empowered to act on behalf of the Select Disciplinary Committee in determining whether an appeal is competent or to dismiss appeals that are incompetent.

The decision of the Select Disciplinary Committee in such appeals shall be final and not subject to appeal.

25.11. Appeals of Transcript Notations

Respondents, who have a transcript notation where responsibility has been found, may appeal to the Director of Academic Engagement following the process.

Respondents who receive a transcript notation for withdrawing with conduct charges pending may not appeal the notation as there was no finding upon which to base the appeal.

25.12. Criminal Proceedings

In any case where it is considered that a person may be involved in criminal conduct, it is the duty of the Vice President & Provost who, in consultation with the Title IX Coordinator, shall report it to the appropriate authority.

For the avoidance of doubt, in cases where a police investigation or action is underway at the same time as the College's investigation or disciplinary proceedings are underway, the College may still proceed with its investigations and/or disciplinary action. However, depending on the circumstances, such investigation and/or disciplinary action may be suspended. Any decision to suspend proceedings will be made by the Vice President & Provost in consultation with the Title IX Coordinator.

25.13. Records

The College will keep a record of disciplinary proceedings, including the written statement setting out the relevant allegations or circumstances surrounding the potential disciplinary action, a central register of disciplinary Offenses, all letters sent to or by the College in relation to that, written statements and minutes of meetings and appeal meetings.

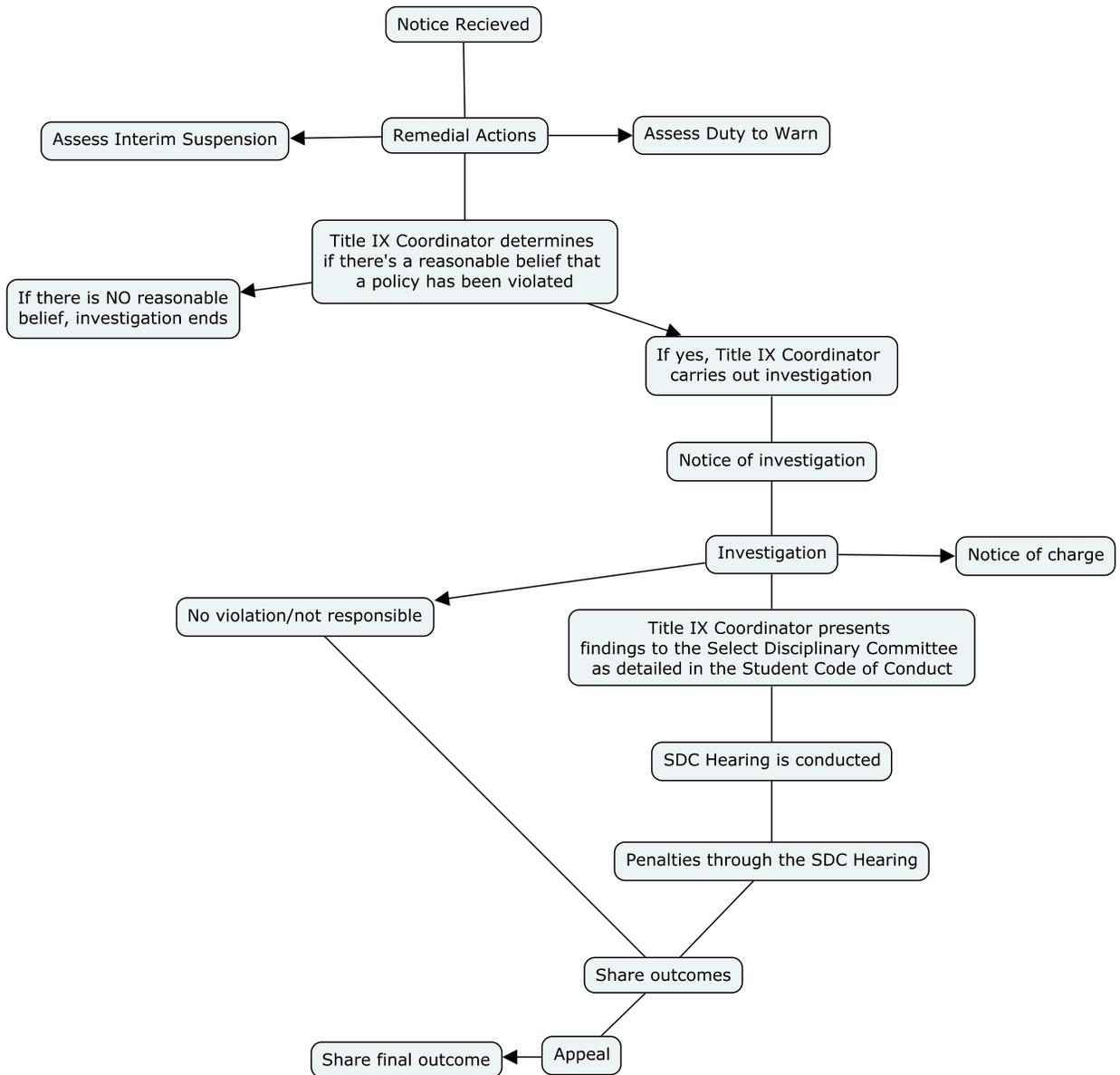
These records will be maintained in accordance with the College's obligations in terms of data protection requirements and will be retained in accordance with the College's data retention policy

25.14. Questions

Clarification on the terms of this Code can be obtained from the office of the Vice President & Provost of GCNYC or the Director of Operations, Title IX Coordinator.

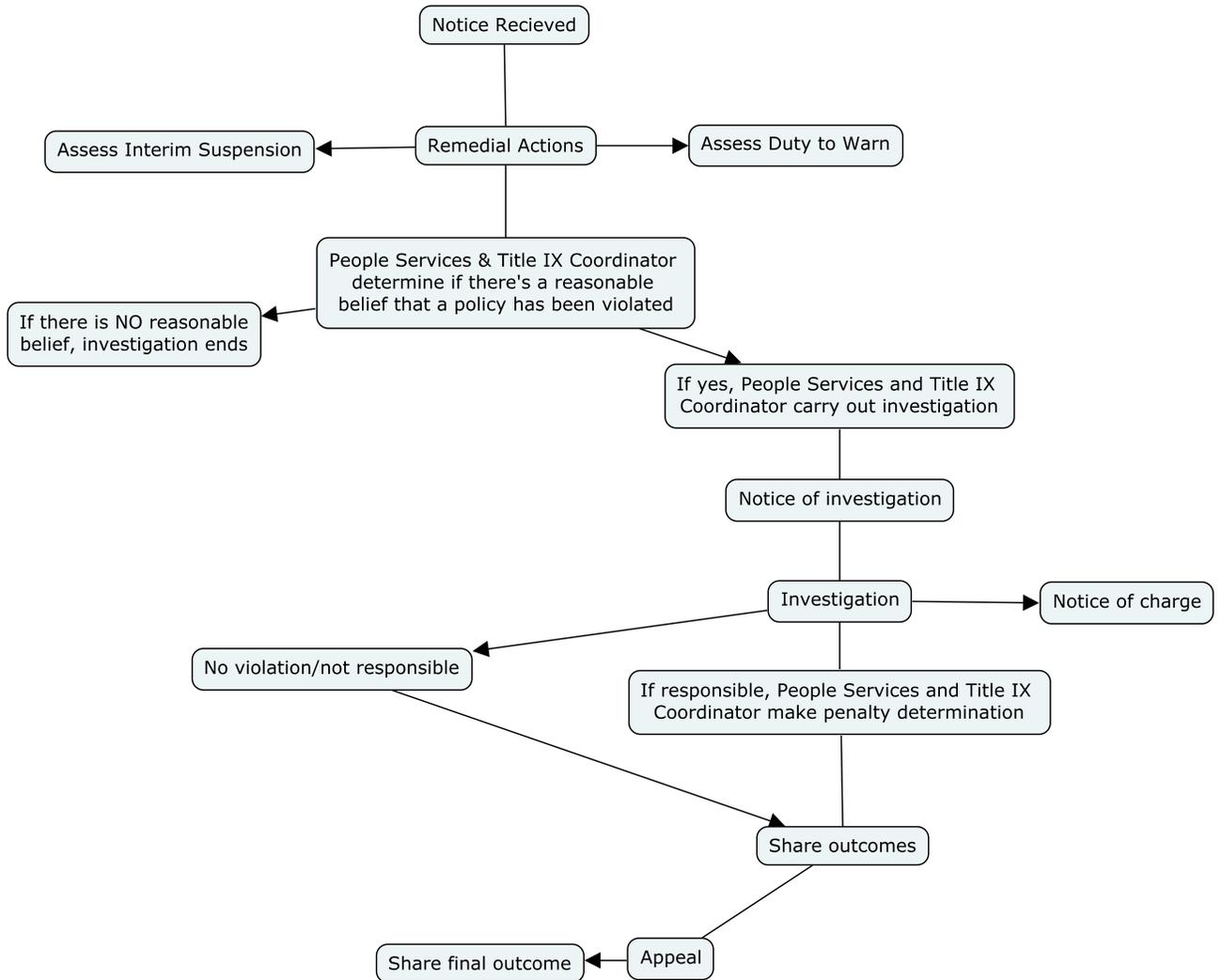
26. Appendix C: Student Investigation Model for Violations of Domestic Violence, Dating Violence, Sexual Assault, Stalking and Other Forms of Sexual Violence

Student Investigation Model for Violations of domestic violence, dating violence, sexual assault, stalking, Title IX sexual harassment, quid pro quo sexual harassment and other forms of sexual violence



27. Appendix D: Employee Investigation Model for Violations of Domestic Violence, Dating Violence, Sexual Assault, Stalking and Other Forms of Sexual Violence

Employee Investigation Model for Violations of domestic violence, dating violence, sexual assault, stalking, Title IX sexual harassment, quid pro quo sexual harassment and other forms of sexual violence



28. Appendix E: Federal and New York State Trafficking Penalties

FEDERAL TRAFFICKING PENALTIES—MARIJUANA—

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not less than 20 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) marijuana plants; 1 to 49 marijuana plants;	Not less than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual	Not less than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

FEDERAL TRAFFICKING PENALTIES—

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. 2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture	100 gm or more pure or 1 kg or more mixture		
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual. Second Offense: Not more than 30 yrs. If death or serious injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV)	1 gram			
Other Schedule III drugs	Any amount	First Offense: Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
All other Schedule IV drugs	Any amount	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.		
Flunitrazepam (Schedule IV)	Other than 1 gram or more	Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
All Schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

New York State Drug Possession Crimes and Penalties

Table 1 describes the different drug possession crimes and their penalties in New York. Penalties for these crimes range from a fine of up to \$100 for certain types of marijuana possession to up to 20 years in prison for 1st degree possession of a controlled substance.

Table 1: Drug Possession Crimes in New York

<i>Crime</i>	<i>Degree</i>	<i>Conduct</i>	<i>Penalty</i>
Possessing controlled substances (NY Penal §§ 220.03 to 220.25)	7 th degree	Possessing a controlled substance	Class A misdemeanor ● Up to 1 year in prison ● Up to \$1,000
	5 th degree (New York does not have a 6 th degree crime)	Possessing: ● a controlled substance with intent to sell ● at least ½ oz preparations containing narcotics preparations ● at least 50 mg phencyclidine (PCP) ● at least ¼ oz concentrated cannabis preparation ● at least 500 mg cocaine ● at least 1,000 mg ketamine ● ketamine with a prior conviction of ketamine possession ● at least 28 g of gamma hydroxybutyric acid (GHB)	Class D felony ● 1 to 2.5 years in prison ● Alternate penalty of up to one year ● Up to \$5,000
	4 th degree	Possessing at least: ● ¼ oz preparations containing a narcotic drug ● ½ oz preparations containing methamphetamine or its precursors ● 2 oz preparations containing narcotics preparations ● 1 g stimulants ● 1 mg lysergic acid diethylamide (LSD) ● 25 mg hallucinogen ● 1 g hallucinogenic substance ● 10 oz dangerous depressant ● 2 lbs of depressants ● 1 oz of concentrated cannabis preparation ● 250 mg PCP ● 360 mg methadone ● 50 mg PCP with intent to sell and prior conviction of a drug offense ● 4,000 mg ketamine ● 200 g GHB	Class C felony ● 1 to 5.5 years in prison ● Alternate penalty of up to one year ● Up to \$15,000
	3 rd degree	Possessing: ● a narcotic with intent to sell ● a stimulant, hallucinogen, hallucinogenic substance, or LSD with intent to sell and a prior drug conviction ● at least 1 g stimulant with intent to sell ● at least 1 mg LSD with intent to sell ● at least 25 mg hallucinogen with intent to sell ● at least 1 g hallucinogenic substance with intent to sell ● at least ¼ oz preparations containing methamphetamine or its precursors with intent to sell ● at least 5 g stimulants ● at least 5 mg LSD ● at least 125 mg hallucinogens ● at least 5 g hallucinogenic substance ● at least ½ oz preparations containing a narcotic drug ● at least 1,250 mg PCP	Class B felony ● 1 to 9 years in prison ● Alternate penalty of up to one year ● Up to \$30,000
	2 nd degree	Possessing at least: ● 4 oz preparations containing a narcotic drug ● 2 oz preparations containing methamphetamine or its precursors ● 10 g stimulants ● 25 mg LSD ● 625 mg of a hallucinogen ● 25 g hallucinogenic substance ● 2,880 mg methadone	Class A-II felony ● 3 to 10 years in prison ● Up to \$50,000
	1 st degree	Possessing at least: ● 8 oz preparations containing a narcotic drug ● 5,760 oz of methadone	Class A-I felony ● 8 to 20 years in prison ● Up to \$100,000
Possessing precursors of controlled substances (NY Penal § 220.60)	-	Possessing certain precursors of controlled substances with intent to make a controlled substance	Class E felony ● 1 to 1.5 years in prison ● Alternate penalty of up to one year ● Up to \$5,000

Crime	Degree	Conduct	Penalty
Possessing methamphetamine manufacturing material (NY Penal §§ 220.70 to 220.71)	2 nd degree	Possessing a precursor, solvent, or chemical reagent with intent to use it or knowing another intends to use it to produce methamphetamine.	Class A misdemeanor ● Up to 1 year in prison ● Up to \$1,000
	1 st degree	Subsequent conviction of the 2 nd degree crime within 5 years of a previous conviction of the crime.	Class E felony ● 1 to 1.5 years in prison ● Alternate penalty of up to one year ● Up to \$5,000
Possessing methamphetamine precursors (NY Penal § 220.72)	-	With intent to use or knowing that another intends to use it to manufacture methamphetamine, possessing a: ● precursor and ● solvent or chemical reagent	Class E felony ● 1 to 1.5 years in prison ● Alternate penalty of up to one year ● Up to \$5,000
Possessing marijuana (NY Penal § 221.05)	-	Presumably, this punishes conduct not covered by the criminal penalties described below	● Up to \$100 ● If prior drug conviction in prior 3 years: up to \$200 ● If two prior drug convictions in prior 3 years: up to 15 days in prison, up to \$250 fine, or both
Possessing marijuana (NY Penal §§ 221.10 to 221.30)	5 th degree	Possessing marijuana ● In a public place, and the marijuana is burning or open to public view or ● preparations weighing more than 25g	Class B misdemeanor ● Up to 3 months in prison ● Up to \$500
	4 th degree	Possessing more than 2 oz of marijuana preparations	Class A misdemeanor ● Up to 1 year in prison ● Up to \$1,000
	3 rd degree	Possessing more than 8 oz of marijuana preparations	Class E felony ● 1 to 1.5 years in prison ● Alternate penalty of up to one year ● Up to \$5,000
	2 nd degree	Possessing more than 16 oz of marijuana preparations	Class D felony ● 1 to 2.5 years in prison ● Alternate penalty of up to one year ● Up to \$5,000
	1 st degree	Possessing more than 10 lbs of marijuana preparations	Class C felony ● 1 to 5.5 years in prison ● Alternate penalty of up to one year ● Up to \$15,000

DRUG SALE CRIMES

Tables describing the different drug sale crimes and their penalties in New York can be viewed at <https://www.cga.ct.gov/2015/rpt/2015-R-0304.htm>

COMMONLY ABUSED DRUGS

WWW.DRUGABUSE.GOV/RESEARCHERS



PRINCIPLES OF EFFECTIVE TREATMENT

1. Addiction is complex but treatable disease that affects brain function and behavior.
2. No single treatment is appropriate for everyone.
3. Treatment needs to be ready available.
4. Effective treatment extends to multiple needs of the individual, not just his or her drug use or misuse.
5. Remaining in treatment for an adequate period of time is critical.
6. Behavioral therapies—including individual, family or group counseling—are the most commonly used forms of drug use disorder treatment.
7. Medications are an important element of treatment for many patients, especially when combined with counseling and other behavioral therapies.
8. An individual's treatment and services plan must be assessed continually and modified as necessary to ensure that it meets his or her changing needs.
9. Many drug-addicted individuals also have other mental disorders.
10. Medically assisted detoxification is only the first step of addiction treatment and by itself does little to change long-term drug use and misuse.
11. Treatment does not need to be voluntary to be effective.
12. Drug use during treatment must be monitored continuously, as lapses during treatment do occur.
13. Treatment programs should test patients for the presence of HIV/AIDS, Hepatitis B and C, tuberculosis, and other infectious diseases, provide risk reduction counseling, and link patients to treatment if necessary.

The Drug Enforcement Administration (DEA) schedule indicates the drug's acceptable medical use and its potential for abuse or dependence. The most up-to-date scheduling information can be found on the DEA website.

DESCRIPTION	STREET NAMES	COMMERCIAL NAMES	COMMON FORMS	COMMON WAYS TAKEN	DEA SCHEDULE	SHORT-TERM	LONG-TERM	OTHER HEALTH-RELATED ISSUES	IN COMBINATION WITH ALCOHOL	WITHDRAWAL SYMPTOMS	MEDICATIONS	BEHAVIORAL THERAPIES
An opioid made from morphine, a natural substance extracted from the seed pod of the various opium poppy plant. For more information, see the Heroin Research Report.	Brown sugar, Chaw White, White, H-H base, Junk, Skag, Skunk, Smack, White base, Whi, O/Cocaine medicine and methamphetamine, O/Cocaine	No commercial uses	White or brownish powder, or black sticky substance known as "black tar heroin"	Injected, smoked, snorted	I	Narrowed blood vessels, enlarged pupils, increased body temperature, tear (tear) and blood pressure; headache, abdominal pain and nausea, vomiting, diarrhea, dizziness, and loss of appetite; anxiety, panic, and violent behavior; panic attacks, paranoia, psychosis; heart rhythm problems, heart attack; stroke, seizure, coma.	Uses of sense of smell, nosebleeds, nasal damage and coughs/sneezing from snorting; infection and death of bowel tissue from decreased blood flow; poor nutrition and weight loss; long damage from snorting.	Pregnancy, premature delivery, low birth weight, difficult in self-regulation and attention in school-age child or prematurely exposed. Risk of HIV, hepatitis, and other infectious diseases from shared needles.	Greater risk of cardiac toxicity than from either drug alone.	Depression, listlessness, increased appetite, insomnia, vivid unpleasant dreams, slowed movement, restlessness.	There are no FDA-approved medications to treat cocaine addiction.	<ul style="list-style-type: none"> • Cognitive behavioral therapy (CBT) • Contingency management, or motivational incentives, including vouchers • The Matrix model • Community-based recovery groups such as 12-step programs • Mobile medical application: reSET®
A powerful sedative-stimulant that acts on the brain's receptors for gamma-aminobutyric acid (GABA), which is a neurotransmitter that inhibits the brain's electrical activity. For more information, see the Xanax Research Report.	Bow, Bump, C-Coin, Charlie, One, O/Coc, Fable, Rock, Slow, Tot	Cocaine hydrochloride topical solution (anesthetic) rarely used in medical procedures	White powder, whitish rock or tablet	Smoked, snorted, injected	II	Narrowed blood vessels, enlarged pupils, increased body temperature, tear (tear) and blood pressure; headache, abdominal pain and nausea, vomiting, diarrhea, dizziness, and loss of appetite; anxiety, panic, and violent behavior; panic attacks, paranoia, psychosis; heart rhythm problems, heart attack; stroke, seizure, coma.	Uses of sense of smell, nosebleeds, nasal damage and coughs/sneezing from snorting; infection and death of bowel tissue from decreased blood flow; poor nutrition and weight loss; long damage from snorting.	Pregnancy, premature delivery, low birth weight, difficult in self-regulation and attention in school-age child or prematurely exposed. Risk of HIV, hepatitis, and other infectious diseases from shared needles.	Greater risk of cardiac toxicity than from either drug alone.	Depression, listlessness, increased appetite, insomnia, vivid unpleasant dreams, slowed movement, restlessness.	There are no FDA-approved medications to treat cocaine addiction.	<ul style="list-style-type: none"> • Cognitive behavioral therapy (CBT) • Contingency management, or motivational incentives, including vouchers • The Matrix model • Community-based recovery groups such as 12-step programs • Mobile medical application: reSET®
A synthetic, psychoactive drug that has similarities to both the stimulant amphetamine and the hallucinogen mescaline. MDMA is an abbreviation of the scientific name 3,4-methylenedioxymethylamphetamine. For more information, see the MDMA (Ecstasy) Abuse Research Report.	Blunt, Bud, Dope, Ganja, Glass, Green, Herb, Joint, Marijuana, P/B, Redder, Shemella, Skunk, Smoke, Teas, Weed	No commercial uses	Greenish-gray powdered dust, shredded leaves, stems, seeds, and/or flowers; resin (hashish) or sticky, black liquid (resin)	Smoked, eaten (most in food or brewed as tea)	I	Confusion, nausea, slurred speech, lack of coordination, euphoria, dizziness, dryness, dilated pupils, hyperthermia, tachycardia, and hypertension; dry mouth; fainting; loss of consciousness; loss of bladder control; loss of other chemicals in aerosols; death from asphyxiation, suffocation, convulsions or seizures; coma, or choking. Nitrites: enlarged blood vessels, enhanced sexual pleasure (increased heart rate, rapid sensation of heat and excitement), dizziness, headache.	Lowered inhibition; enhanced sensory perception; increased heart rate and blood pressure; muscle tension; reduced appetite; increased body temperature leading to sweating, fatigue or death.	Fight-fighting (antibiotics called halitrogen) Resisting (antibiotics called HFRG), ongoing viral infections, disorganized thinking, paranoia, and mood swings.	Increased heart rate, blood pressure; further slowing of mental processing; further reaction time.	Increased heart rate, blood pressure; further slowing of mental processing; further reaction time; problems with balance and coordination; increased body temperature leading to sweating, fatigue or death.	There are no FDA-approved medications to treat marijuana addiction.	<ul style="list-style-type: none"> • Cognitive behavioral therapy (CBT) • Contingency management, or motivational incentives • Behavioral treatments geared to adolescents • Mobile medical application: reSET®
Various brand names in states where the sale of marijuana is legal	Hehsh, Born, Gungler, Heh, Herp	No commercial uses	Greenish-gray powdered dust, shredded leaves, stems, seeds, and/or flowers; resin (hashish) or sticky, black liquid (resin)	Smoked, eaten (most in food or brewed as tea)	I	Confusion, nausea, slurred speech, lack of coordination, euphoria, dizziness, dryness, dilated pupils, hyperthermia, tachycardia, and hypertension; dry mouth; fainting; loss of consciousness; loss of bladder control; loss of other chemicals in aerosols; death from asphyxiation, suffocation, convulsions or seizures; coma, or choking. Nitrites: enlarged blood vessels, enhanced sexual pleasure (increased heart rate, rapid sensation of heat and excitement), dizziness, headache.	Lowered inhibition; enhanced sensory perception; increased heart rate and blood pressure; muscle tension; reduced appetite; increased body temperature leading to sweating, fatigue or death.	Fight-fighting (antibiotics called halitrogen) Resisting (antibiotics called HFRG), ongoing viral infections, disorganized thinking, paranoia, and mood swings.	Increased heart rate, blood pressure; further slowing of mental processing; further reaction time.	Increased heart rate, blood pressure; further slowing of mental processing; further reaction time; problems with balance and coordination; increased body temperature leading to sweating, fatigue or death.	There are no FDA-approved medications to treat marijuana addiction.	<ul style="list-style-type: none"> • Cognitive behavioral therapy (CBT) • Contingency management, or motivational incentives • Behavioral treatments geared to adolescents • Mobile medical application: reSET®

30. Appendix G: Emergency Action Plan

30.1. Introduction

All employees and students should familiarize themselves with this plan and its requirements. In addition, all fire alarms are visual as well as auditory, and all fire exits are clearly indicated. For special events during which we have large numbers of attendees, we have hired fire marshals in attendance—their directions and instructions should be followed at all times. A first aid kit and defibrillator are available on the main level. Fire extinguishers are located throughout the building and the building is equipped with sprinklers.

30.2. Emergency Notifications

For instances where a significant emergency, potentially dangerous situation or immediate threat is confirmed, an Emergency Notification will be issued to all students and employees of GCNYC. (This Notification will be issued in lieu of a Timely Warning.) These include all incidents identified in the GCNYC Emergency Action Plan, but the Vice President & Provost and/or the Title IX Coordinator have the right to expand those definitions based on their own discretion. These include, but are not limited to terrorist attacks, active shooters, natural disasters, environmental phenomena, weather, or infectious disease.

The Emergency Notification upon confirmation of the report of danger, will be sent without delay. Confirmation can include and be based on information from civil authorities, public media, or direct report or witnessing of situations.

Emergency Notifications will be issued to students and staff via some combination of text message, email, web posting, in building announcements, and/or public placards. Every effort will be made to ensure that reach of the notification is comprehensive.

An Emergency Notification may be sent by the Vice President & Provost, the Title IX Coordinator or a designee who is directed in writing to assume that responsibility in their absence from campus at the required time of the Notification. The College has developed a library of potential messages to be used for Emergency Notifications.

The issuing of an Emergency Notification will be recorded as an incident in the campus' Daily Crime Log.

30.3. Testing

GCNYC facilitates testing of our Emergency Action Plans and Emergency Notification procedure at least once per year. These tests will include students, staff and faculty and may be announced or unannounced. During such tests/drills, building occupants will be re-familiarized with the College's emergency response and evacuation procedures. All tests conducted will be documented by the Title IX Coordinator or their designee and will include a description of the exercise, the date, time and whether it was announced or unannounced.

30.4. Building Evacuation

If the fire alarm is triggered, all individuals should exit the building.

The fire alarm will be used for any threat to safety that requires evacuation of the building. Even if students or staff do not smell smoke or see flames, they are required to exit the building.

Upon exiting the building, turn left and head toward Broome Street. The meeting point will be the northwest corner of Broome and Wooster Streets:

- I. Do not remain in front of the building as Emergency Vehicles will be arriving.
- II. Do not depart until you have checked in with both GCNYC Incident Commanders, who will ensure that everyone is present after the evacuation. If you wish permission to depart, please ensure that you have informed both Incident Commanders.

If a student has important information about the incident or anyone still in the building, the student should report it immediately to one of the GCNYC Incident Commanders, who will communicate the information directly to Emergency Responders.

Once the students and staff have departed the building, no one may not re-enter until an Incident Commander, who after receiving clearance from Emergency Responders, says it is safe to return.

30.5. Seeking Shelter

If a safety threatening event occurs for which safe shelter is required, when directed, all individuals should go to the ground floor of 64 Wooster Street and remain as far to the east end as possible (inside Classroom 3).

While it is recommended that students and staff stay, they may assume the risk of departing; HOWEVER, before doing so, they must receive acknowledgement from both Incident Commanders.

30.6. Medical Emergencies

If someone should become seriously ill or injured, call or ask someone to call 911. Immediately report this to a College official. That College official will become the Incident Commander and will be the primary contact with emergency personnel. Be sure to pass on any and all relevant information to them.

30.7. Criminal Violence

In the event of a threatening situation, seek immediate shelter until instructed otherwise by an Incident Commander or Emergency Personnel. If it is safer for students and staff to evacuate

instead of taking shelter, go to the meeting point at the northwest corner of Broome and Wooster Streets.

If a student can safely do so, dial 911 after taking shelter or evacuating. Do NOT try to determine the situation—it is better to have a false alarm than someone get hurt.

30.8. Active Shooter Preparedness

In the event of an Active Shooter situation follow the Criminal Violence procedures above. If such a situation arises the campus will send out a text message reading, “Shelter in place” or “Evacuate the building.” College Personnel will keep you updated and/or provide further direction as they are able and as the situation warrants. At no time should students or staff accept directions from anyone other than a College Incident Commander, Campus Safety Officer or Law Enforcement Personnel.

30.9. Incident Commander Responsibilities and Actions

Incident Commanders will be the primary responsible parties for GCNYC in an emergency situation and are the primary contact for emergency personnel. Incident Commanders will:

- i. Ensure that everyone has vacated the building in an evacuation situation
- ii. Ensure that individuals exit the building in a timely manner
- iii. Ensure that all individuals are in the appropriate areas in a seek shelter situation
- iv. Ensure that everyone is accounted for

Unless otherwise communicated, the Incident Commanders will be:

From 9am-6pm:

-Vice President & Provost

-Title IX Coordinator

-If the above are unavailable, a GCNYC staff Director may assume this role

After 6pm:

-Campus Security

-or a Faculty member present on campus