

CUNY SCHOOL OF LAW

2018 - 2019

# STUDENT HANDBOOK



*Law in the Service of Human Needs*

**Welcome to the CUNY School of Law**—we wish you a stimulating, challenging, and rewarding year.

This *Student Handbook* contains the policy, rules, and regulations all students at the Law School are required to observe, as well as information on the wide range of services and activities at the Law School. Current information affecting students is generally conveyed by the Office of Student Affairs through email or via student mailboxes. It is expected that students check these sources of information regularly.

Any requests for modification of, or exemptions from, the provisions of the *Handbook* should be made in writing to the Office of Student Affairs or other relevant offices identified in this *Handbook*. We hope this *Handbook* will serve as a useful guide and resource for your time here at CUNY Law.

## **RESERVATION OF RIGHTS**

This *Handbook* is intended for the guidance of the students of CUNY School of Law. The *Handbook* generally sets forth the manner in which the Law School intends to proceed with respect to the matters addressed. The Law School reserves the right to depart from the terms of this *Handbook* for good cause and without notice. This version of the *Student Handbook* supersedes all previous editions.

## **IMPORTANT NOTICE OF POSSIBLE CHANGES**

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

## STATEMENT OF NON-DISCRIMINATION

The City University of New York School of Law is an Equal Opportunity and Affirmative Action Institution. The School of Law does not discriminate on the basis of race, color, creed, national origin, ethnicity, ancestry, religion, age, sex (including pregnancy, childbirth, and related conditions), sexual orientation, gender, gender identity, gender expression, marital status, partnership status, disability, genetic information, alienage, citizenship, military or veteran status, status as a victim of domestic violence/stalking/sex offenses, unemployment status, or any other legally prohibited basis in accordance with federal, state and city laws. The City University of New York School of Law is an Equal Opportunity and Affirmative Action Institution. The School of Law does not discriminate on the basis of race, color, national or ethnic origin, religion, age, sex, sexual orientation, transgender, disability, genetic predisposition or carrier status, alienage or citizenship, veteran or marital status in its student admissions, employment, access to programs, and administration of educational policies.

Patricia Kennedy is the Law School's Interim Chief Diversity Officer. Her office is located in room 5-115 and her telephone number is (718) 340-4380. Students may appeal the denial of their request for an accommodation or academic adjustment by filing a complaint with Cheryl Howard, Associate Dean for Student Affairs.

Associate Dean Cheryl Howard is the 504/ADA Coordinator. Her office is located in room 5-117 and her telephone number is (718) 340-4487. Professor Raquel Gabriel is the coordinator for Title IX, which prohibits sex discrimination in federally assisted education programs. Her office is located in room 6-117 and her telephone number is (718) 340-4249.

## POLICY ON DIVERSITY

The Law School is a public institution, committed to fostering respect for the rich diversity of our community, our city, our state, our nation, and, indeed, the world. To that end, the Law School has adopted the following:

**THE FACULTY AND STAFF OF CUNY SCHOOL OF LAW BELIEVE THAT WE HAVE A RESPONSIBILITY TO HELP CREATE A BAR THAT IS MORE DIVERSIFIED, AND MORE REPRESENTATIVE OF THE FULL RANGE OF PEOPLE THAT MAKE UP NEW YORK CITY AND THE UNITED STATES. ACCORDINGLY, WE ACTIVELY SEEK TO RECRUIT, EMPLOY, RETAIN, PROMOTE, AND TRAIN STUDENTS, FACULTY, AND STAFF OF ALL RACES, NATIONAL ORIGINS, CLASSES, AND BELIEF SYSTEMS, WITHOUT REGARD TO SEX OR SEXUAL ORIENTATION, OR TO AGE OR MARITAL OR PARENTAL STATUS. THIS COMMITMENT IS REFLECTED IN ALL THAT WE DO, BEGINNING WITH OUR ADMISSIONS POLICIES: WE LOOK AT THE WHOLE APPLICANT IN ACCORDANCE WITH THE BROAD AND INCLUSIVE CRITERIA APPROVED BY THE BOARD OF TRUSTEES OF THE CITY UNIVERSITY OF NEW YORK.**

We are all very serious about abiding by this policy. To that end, we foster an exchange of views and ideas that may often be impassioned, but should never be hostile or disrespectful. We believe this attitude to be critical to the most professional practice of law, as well as to the productive functioning of our Law School.

In the event any member of the community experiences or witnesses behavior that violates this policy, he/she should immediately report the incident to the Office of Student Affairs. There is a procedure in place to handle such violations, and all reports will be investigated thoroughly so that appropriate action may be taken.

The Law School and the Public Safety Department respect the rights and dignity of every student without regard to race, color, creed, national origin, ethnicity, ancestry, religion, age, sex (including pregnancy, childbirth and related conditions), sexual orientation, gender, gender identity, gender expression, marital status, partnership status, disability, genetic information, alienage, citizenship, military or veteran status, status as a victim of domestic violence/stalking/sex offenses, unemployment status, or any other legally prohibited basis in accordance with federal, state and city laws. The Law School abides by the principle of non-discrimination. In terms of gender identification, we provide two gender neutral, single occupancy bathrooms on each floor. Additionally, individuals have the right to use multi-stall bathrooms consistent with their own gender identity. They also have the right to be free from harassment, exclusion, or other bias. Questions about these procedures should be referred to the Committee on Sexual Harassment, Workplace Violence and Campus Security.

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## **Section I—Academic Requirements**

The Academic Affairs Office oversees the Law School's academic program and implements academic policy. We work with students to develop individualized programs, within the constraints of our curricular and academic policies, that will maximize each student's professional development and goals. Academic counseling is available at any point during the year.

To schedule an appointment or to check on the status of an academic matter, please call (718) 340-4370. You may use email as appropriate to ask a specific question, to seek advice, or to provide information that would enable us to be better prepared for meeting with you.

The Law School's academic program retains the strengths of traditional legal education while making significant innovations. Our central purpose is to create an educational program that honors students' aspirations toward a legal career built on a commitment to justice, fairness, and equality. These principles form the basis of the Law School's motto, "Law in the Service of Human Needs."

The faculty has designed a curriculum responsive to these concerns. While our curriculum includes the core doctrine taught at law schools around the country, it is different in two significant respects. First, it pays far greater attention to theory and to practice, integrating them into the substantive courses. Second, the method and content of our courses are designed to train lawyers who aspire to serve the public interest through a practice in public service, in public interest firms, or in community-based law offices and advocacy centers.

To earn the Juris Doctor degree from the CUNY School of Law a student must pass all required courses, earn 86 credits, be in good academic standing, and comply with the attendance, residency, and other requirements described in this Handbook.

The Law School's pedagogical philosophy derives from these premises:

- the development of professional skills, ethics, and habits requires opportunities for guided experiential learning that create opportunities for students to be in role as lawyer and the opportunity to do the work of a lawyer in supervised clinical or meaningful externship setting;
- the development of strong active learning and critical thinking skills involves a multi-dimensional cognitive process;
- identifying, developing, and using conceptual frameworks and theory as integral to learning the law and good lawyering;
- teachers should make conscious choices about goals, teaching methods, and evaluations that are designed to maximize opportunities for learning and to provide a fair assessment of a student's progress towards mastery of the skills, understanding, and knowledge necessary for competent legal practice; and
- academic support and opportunities for individual assistance should be available to complement classroom and peer-learning opportunities.

## **1.1. FULL-TIME COURSE OF STUDY**

### **FIRST YEAR**

Civil Procedure	<b>30 credit-hours</b> 3 credits
Contracts (Law and the Market Economy I and II)	6 credits
Criminal Law	3 credits
Law and Family Relations	2 credits
Lawyering Seminars I and II	8 credits
Legal Research	2 credits
Liberty, Equality, and Due Process	3 credits
Torts	3 credits

### **SECOND YEAR**

Constitutional Structures	<b>28-30 credit-hours</b> 3 credits
Evidence	4 credits
Property	4 credits
Public Institutions (Administrative Law)	3 credits
Lawyering Seminar III	4 credits
Elective Courses	10-12 credits

### **SECOND OR THIRD YEAR**

Professional Responsibility	<b>2 credits</b>
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### **THIRD YEAR**

Clinic	<b>26-30 credit-hours</b> 12-16 credits
Elective Courses	9-12 credits
Core Doctrine/Applied Legal Analysis (ALA)	5 credits

## **1.2 PART-TIME COURSE OF STUDY**

### **FIRST YEAR (including first summer)**

Civil Procedure	<b>28 credit-hours</b> 4 credits
Contracts (Law and the Market Economy)	4 credits
Criminal Law	3 credits
Lawyering Seminars I and II	8 credits
Legal Research (summer)	2 credits
Liberty, Equality, and Due Process	3 credits
Torts (summer)	4 credits

### **UPPER LEVEL**

Law and Family Relations	<b>22 credit-hours</b> 2 credits
Constitutional Structures	3 credits
Evidence	4 credits
Property	4 credits
Public Institutions (Administrative Law)	3 credits
Professional Responsibility	2 credits
Lawyering Seminar III	4 credits

### **THIRD YEAR OR FOURTH YEARS**

Clinic	<b>18-19 credit-hours</b> 10 credits
Elective Courses	8-19 credits

### **FOURTH YEAR**

Core Doctrine/Applied Legal Analysis	<b>18-19 credit-hours</b> 5 credits
Elective Courses	13-19 credits

Professional Responsibility is a required course for all students entering in the Fall 2015 semester or later. Professional Responsibility is also a requirement for sitting for the New York Bar Exam.

Core Doctrine is a required course for all students. Students with a cumulative GPA of 3.3 or higher by the end of their fifth semester (or the seventh semester for part-time students) may opt out of this requirement and take a sufficient number of additional elective credits to satisfy graduation requirements. CUNY School of Law does not round GPAs up or down for the purpose of this opt-out. Thus, a student with a GPA of 3.299 at the end of their fifth semester will be required to take Core Doctrine, while a student with a 3.30 GPA will not.

All students must take at least four courses that the Academic Dean deems “Bar Elective” courses. Students with a cumulative GPA of 3.3 or higher at the end of their third semester (fourth semester for part-time students) may opt out of this requirement. Currently, the following courses are considered bar electives: Advanced Evidence, Applied Legal Analysis (if taken in conjunction with Core Doctrine), Business Associations, Criminal Procedure I, Criminal Procedure II, Domestic Relations Law, Federal Courts, First Amendment, New York Practice, Professional Responsibility (for students matriculating before Fall 2015), Real Estate Transactions, UCC Survey, and Wills and Trusts. CUNY School of Law does not round GPAs up or down for the purpose of this opt-out. Thus, a student with a GPA of 3.299 at the end of their third semester will be required to take four bar electives, while a student with a 3.30 GPA will not.

Third-year, full-time students and third- or fourth-year, part-time students must participate in our clinical program. The choice of which Clinic and elective courses will be offered is determined each year, and the Law School expressly reserves the right to change or modify these offerings for future years. The following Clinics will be offered in the 2018-2019 school year:

#### **Practice Clinics**

Equality and Justice	One semester	12 credits
Health	One semester	12 credits
Family Law	One semester	12 credits

#### **Clinics**

		12-16 credits
Community Economic Development	One semester	12 credits
Criminal Defenders	One semester	12 credits
Human Rights and Gender Justice	Two semesters	8 credits/semester
Immigration and Non-Citizens’ Rights	Two semesters	8 credits/semester
Mediation	One semester	12 credits

### **1.3 [AUDITING](#)**

To audit a course, a student must complete an Audit Request Form. Permission from the faculty member who is teaching the course is required. A student’s performance will not be graded or evaluated in an audited course. The grade of “AUD,” which carries no credit, will be assigned to the course.

A student must formally register for the course in the same manner as any other course and pay the applicable tuition and fees. The last day to add a course is also the last day for an audited course to be added to your schedule.

### **1.4 [CLINIC ELIGIBILITY AND LIMITS](#)**

A student may take a Clinic or Practice Clinic only if they are in good academic standing (not on probation), have passed a minimum of 45 credits, including all first year required courses, all required lawyering seminars, and Constitutional Structures and Evidence. In addition to the above requirements, some Clinics or Practice Clinics may have additional individual pre- or co-requisite course requirements, which must also be met. Students seeking to graduate in three years are expected to take Property and Public Institutions during their second year. A student who has registered for a Clinic, but does not meet these criteria by the first day of the semester in which s/he is scheduled to take the Clinic, will not be able to enroll in that Clinic. A full-time student on probation in the fifth semester, as a

result of fourth semester grades, will be required to remain in law school for an extra semester because you will not be able to meet the Clinic requirement in the spring semester. Similarly, a part-time student who has not yet taken a Clinic and who is on probation in the seventh semester, as a result of sixth semester grades, will likely be required to remain in law school for an extra semester because you will not be able to meet the Clinic requirement in the spring semester.

### **1.5 CORE DOCTRINE OPT-OUT**

Core Doctrine is a required course for all students. Students with a cumulative GPA of 3.3 or higher by the end of their fifth semester (for full-time students), or seventh semester (for part-time students), may opt-out of this requirement and take a sufficient number of additional elective credits to satisfy graduation requirements. CUNY School of Law does not round GPAs up or down for the purpose of this opt-out. Thus, a student with a GPA of 3.299 at the end of their fifth semester will be required to take Core Doctrine, while a student with a 3.30 GPA will not.

### **1.6 COURSE CHANGES**

Students may add, drop, or substitute courses, after they have registered. During the fall and spring semesters, the last day to add a course is the 7<sup>th</sup> day of classes. The end of the drop period is the 21<sup>st</sup> day of the semester. (For financial aid purposes, as of the 8<sup>th</sup> day of the fall and spring semesters up until the 21<sup>st</sup> day, when you drop a course, a grade of “WD” will be displayed by the course in the CUNYFirst Student Center. Neither the dropped course nor the WD grade will appear on your transcript.) Clinical courses may only be changed with the written permission of the Clinic Director or the Associate Dean for Academic Affairs.

According to University regulations, students are required to pay a fee of \$18.00 each time they change their program on or after the first day of classes (except for those students only dropping courses or as a result of Law School-initiated changes). The \$18.00 charge covers one or more changes effectuated at the same time.

### **1.7 CREDIT HOURS POLICY\***

The Law School sets forth the following policy for awarding credit hours. It distinguishes the following types of classes:

- Traditional doctrinal classes that are graded, in part, by a final exam. For these classes, the final exam “counts” as a class meeting for the purpose of calculating the required fifteen-week period of “classroom or direct faculty instruction” and out-of-class student work and the amount of “classroom or direct faculty instruction,” and out-of-class student work can be based on a period of 14 weeks plus a final exam.
- Lawyering Seminars, other Seminars, Legal Research classes, and Clinics, which are not graded by a final exam. Since these classes do not have a final exam, the calculation of the total hours of classroom or direct faculty instruction and out-of-class student work must be based on a fifteen-week period.
- Independent Studies, Moot Court, Law Review, and other co-curricular, credit-bearing activities, which do not have regularly scheduled classroom meetings.

The Law School’s policy follows the ABA’s explanation that 42.5 total hours per credit is required. For all classes that have regularly scheduled class meetings, the Academic Affairs office will schedule classes in a way that allots sufficient classroom time to satisfy the Standard’s requirement for “classroom or direct faculty instruction.” Faculty members should plan assignments to reflect their best judgment about the approximate time students will spend in out-of-class student work required to complete the learning objectives for the class. The combined total of “classroom or direct faculty instruction” and “out-of-class student work” should approximate the required amount of time for a course’s allocated credits.

Faculty members should enumerate in their syllabi the expected amount of time students will spend in out-of-class work. This time will vary depending on the type of course and the particular assignment. Out-of-class time includes required readings and other assignments, such as completion of hypothetical problems, preparation for group presentations and other group work, simulations, and client-related work.

When creating class assignments, faculty should estimate the amount of time students are expected to spend on particular assignments based on factors such as the following:

- level of class (1L, 2L, 3L, 4L)
- complexity of material (case law, social science, case materials, commentary, etc.)
- supplemental course requirements (hypotheticals, problem sets, group projects, presentations)
- complexity of assignment
- level of faculty or other professional supervision and degree of collaboration or group work with other students, clients, or community partners.

Faculty may require students to maintain time logs or other mechanisms for all or some assignments to evaluate the number of hours students have spent on out-of-class work.

For classes incorporating asynchronous learning (e.g., “flipped classrooms” and other “hybrid” approaches), time spent engaged in faculty-designed and supervised, out-of-class learning activities (such as watching videotaped lectures; engaging in prepared exercises, problems, and role plays), as well as time spent in an asynchronous exchange with a faculty member giving feedback on student work, or other faculty-designed online activities that promote exchange of ideas between students and faculty, are also considered “classroom or direct faculty instruction” for purposes of calculating the total amount of time associated with awarding credits. For these classes, the amount of time scheduled in the physical classroom may be adjusted accordingly.

When determining the amount of combined in-class and out-of-class work per credit for their classes, faculty may find the following examples helpful:

- **Doctrinal courses (graded, in part, by a final exam):** The combined classroom or direct faculty instruction and out-of-class student work includes time spent preparing reading assignments, hypotheticals and any other class presentations or group work, and in preparing for and taking a final exam.
- For example, for a 3-credit criminal law class that is graded, in part, by a final exam, the class would require a total of approximately 127.5 hours.
- **Lawyering Seminars (not graded by a final exam):** The combined classroom or direct faculty instruction and out-of-class student work include time spent preparing reading assignments, completing writing projects, working with other students to prepare group projects, and preparing for simulations.
- For example, for a 4-credit lawyering seminar course that is not graded, in part, by a final exam, the class would require a total of approximately 170 hours.
- **Clinics (in-house and practice clinics and Pro Bono Scholars) and other simulation courses (not graded by final exam):** The combined classroom or direct faculty instruction and out-of-class student work include time spent performing field placement or clinic work, preparing reading or other class assignments, working with other students to prepare group projects, and preparing for simulations.
- For example, for an 8-credit clinic that is not graded, in part, by a final exam, the class would require a total of approximately 340 hours.
- **Legal Research course (not graded by a final exam):** The combined classroom or direct faculty instruction and out-of-class student work includes time spent preparing reading and research assignments and other class projects.
- For example, for a 2-credit legal research class that is not graded in part by a final exam the class would require a total of approximately 85 hours.
- **Seminar course (not graded by a final exam):** The combined classroom or direct faculty instruction and out-of-class student work include time spent preparing reading assignments, preparing class presentations or other projects, and in writing the required paper(s) and associated drafts.
- For example, for a 3-credit seminar class that is not graded, in part, by a final exam, the class would require a total of approximately 127.5.

- **Independent Studies and co-curricular classes, e.g., moot court or law review (not graded by a final exam):** The combined classroom or direct faculty instruction and out-of-class student work include time spent engaged in legal research, editing, drafting, and in other project-related work.
- For example, for a 2-credit independent study, the course would require a total of approximately 85 hours.

#### **Publication of the policy:**

This policy shall be published in the student handbook (both paper and on-line versions) and in the course planning handout distributed to students each semester. Faculty members shall incorporate a statement of their expectation of the amount of student out-of-class work into their syllabus for each course.

#### **Ensuring adherence to the policy:**

The Law School ensures adherence to this policy through the following procedures:

- The policy is incorporated into its curriculum review and assessment program, the course approval process, and the ongoing review by the Academic Dean's office of the school's academic program.
- Proposals for new courses (including Topics in Law (TIL) courses) must include a justification for the number of credits to be awarded, taking into account the projected time that will be spent in classroom or direct faculty instruction and time spent in out-of-class work.
- The Academic Affairs office periodically reviews course descriptions and syllabi to ensure that the amount of work assigned complies with the school's policy for the amount of work required per credit. The Academic Affairs office also periodically reviews supporting materials, such as student time logs, where appropriate, to ensure that they are being submitted and reviewed by faculty and that they are consistent with the policy.
- The Academic Dean will review course evaluations to identify student concerns about workload inconsistency with allotted course requirements.

*\*Approved by faculty vote 11/4/16*

### **1.8 CREDIT LOAD**

A full-time student may not enroll for more than 16 or fewer than 12 credit hours in any semester without the permission of the Associate Dean of Academic Affairs. A part-time student may not enroll in fewer than 9 credit hours or more than 11 credit hours in any semester without the permission of the Associate Dean of Academic Affairs. No student may enroll in more than 6 credits in a summer session.

Pursuant to ABA rules, no student will be permitted to register for more than 17 credits in any semester.

No student with a pending grade of Incomplete will be permitted to register for more than 16 credits for any subsequent semester.

Applications for waivers of these rules, which are consistent with the ABA rules, New York Court of Appeals rules, and other regulatory requirements, may be made to the Academic Standing Committee. Students are urged to make such applications early; the timing of Academic Standing Committee meetings over the summer and between semesters may make it impossible for the Committee to consider the request before the end of the registration period.

### **1.9 FAILED COURSES**

a. Pursuant to New York State law, the grade earned each time a course is taken will appear on the transcript, including the grade of F. If a failing grade is received in any course, the student will not receive any credit hours for that course. If the student is a first-year, first-semester student, the grade of "No Cr." (no credit) will be recorded on the student's official transcript. For all other students, an "F" will be entered on the student's official transcript. The grade awarded each time the course is taken will count toward computation of the student's GPA.

b. If a student fails a required course, he/she must repeat the class until he/she has passed. The student is expected to repeat the course when it is next offered. If the failed required course conflicts with another required course, the student must meet with the Associate Dean of Academic Affairs who will determine which required course is the

most appropriate course for the student to take in a particular semester. A student must pass all required classes in order to graduate.

c. A student who is in good standing and has passed all required courses must earn 86 credits in order to be eligible for graduation.

### **1.10 GRADUATE COURSES AT OTHER CUNY INSTITUTIONS**

CUNY students matriculated in one institution of the University may take courses at other CUNY institutions, if the credits will be accepted towards degree requirements. If you would like to take a **graduate** course at another CUNY institution, you will need the approval of the Academic Dean and then you will need to file an ePermit request in your CUNYFirst Student Center. [Click here for the CUNY permit approval form to submit to Academic Affairs.](#)

Students who obtain an ePermit to study at another CUNY institution pay tuition and fees to their home school.

#### **How to Apply for a CUNY ePermit:**

- 1) You apply for an ePermit through your CUNYFirst Student Service Center.

**Step 1:** Navigate to the Student Self Service Student Center

**Step 2:** Go to “Other Academic” and select the “ePermit” option on the drop-down menu

**Step 3:** Select the term for which you want to apply for an ePermit, select the “Add ePermit” radio button, and then hit the “Continue” button” to proceed.

**Step 4:** You will be taken to the “Browse Course Catalog” page where you will choose a school from the drop-down menu and browse for the particular graduate course for which you are seeking to enroll.

**Step 5:** After you’ve selected the course, click on the “ePermit form” button to continue.

**Step 6:** Review the information, ensure that you’ve selected the correct term, enter any comments you might like to include, and then click the “submit” button. Your ePermit request has been initiated.

Once submitted, the status of your ePermit request can be checked by returning to your Student Center and choosing the ePermit option on the “Other Academic” drop-down menu.

If your ePermit is approved, the status in your Student Center will be “Approved.” An auto-generated email will be sent to the Law School’s Registration Office and to each potential host school.

- 2) **Please note:** Applying for a permit doesn’t register you. If the ePermit is approved by both your home institution and the host institution, you will need to obtain registration instructions from the host college.

**Cancelling an ePermit:** You must cancel the ePermit application online if the course you wish to take is closed or if you no longer want to enroll in the course prior to the start of the term.

**Cancelling an ePermit Request or Course:** It is the student’s responsibility to cancel the course registration at both the home and host schools as well as the ePermit request. The student must do this prior to the start of the term, in order to avoid a tuition liability.

The Law School’s academic calendar differs from the University-wide academic calendar, so be sure to obtain the host school’s academic calendar.

### **1.11 DUAL DEGREE PROGRAMS**

CUNY School of Law offers three dual degree programs: JD/MPA in Law and Public Accountability, with the John Jay College of Criminal Justice; JD/MA in Forensic Psychology, with the John Jay College of Criminal Justice; and JD/MIA with City College's Colin Powell School for Civic and Global Leadership. Each of the Master's programs has slightly different requirements, but each dual degree program allows a student to earn the two degrees in less time than it would take to complete each separately, because the programs have agreed to recognize some of the classes from the other program toward its degree. For information about the dual degree programs, contact Academic Affairs at 718-340-4340 or [academicdeanoffice@law.cuny.edu](mailto:academicdeanoffice@law.cuny.edu).

### **1.12 INDEPENDENT STUDY/TEACHING ASSISTANTSHIPS/LAW REVIEW**

#### **a. Independent Study**

To meet the credit requirements for graduation a student, with the permission of the Academic Dean, may take up to 3 credit-hours of independent, faculty-supervised study. (A student may take fewer than 3 credit hours of Independent Study at a time and may do so more than once, as long as the total number of Independent Study credit hours during the student's tenure at the Law School is not more than 3 or meets the requirements outlined below.) A student may also register for more than 3 credits of Independent Study, if the credits are not used to meet the credit requirements for graduation.

In exceptional circumstances, the student may, with the permission of the Academic Dean, register for up to 3 additional hours of Independent Study credits to meet the credit requirements for graduation. Exceptional circumstances exist when the student has made satisfactory progress in the curriculum, taking advantage of the recommended elective course offerings, and when additional Independent Study credits will enhance the student's education.

A judicial clerkship, internship, or a law office clerkship does not satisfy the requirements of an Independent Study. However, these experiences may form the basis of further research for an independent project. This research and writing must be done under direct faculty supervision in order to gain Independent Study credit. In April 2017, the faculty adopted the following policy regarding Independent Study credits for internship placements:

#### **A. Course-Linked Placements – 1 credit**

**Duration of placement:** 7-8 weeks

**Time in placement:** 7-8 hours a week either in one full day or two half days with option for student to complete some work off site, if permitted by placement supervisor; student should complete a total of approximately 42.5 hours of combined faculty-directed and independent work related to their placement project.

#### **Faculty Responsibilities:**

- Initial faculty contact with placement supervisor; guidelines provided
- Initial faculty meeting with students (in a group) to discuss professionalism and deal with supervisor issues, with an assigned reading, if available
- One faculty check-in with individual students after 3<sup>rd</sup> week
- One mid-semester faculty meeting with students in one or more small groups to discuss placement issues (modified Rounds)
- One telephone or email contact between faculty and each placement supervisor during the last third of the semester

#### **Supervisory Responsibilities:**

- A telephone or email contact between faculty and each placement supervisor at the beginning and during the last third of the semester
- Supervisor assessment form to be completed by end of semester



**Writing Requirements:**

- The student must produce placement-related written work product (research, memo), which could include notes or summaries of meetings, depositions, client interviews, etc. The work product should involve some significant engagement with issues of law or fact, and should be approximately 10 pages in length.
- The student may be asked to complete additional writing requirements, including:
  - a) weekly journal entry (a paragraph or two documenting what student did each week) with longer reflection (e.g., 4-6 pages) at the end of the semester in response to several prompts, including reflection on course/placement interface, what each contributed to the other in terms of student learning, habits of work and mind needed to succeed at the placement, identifying a lawyering lesson learned, OR
  - b) 3 short (e.g., 1-2 pages) reflection essays in response to a specific prompt and longer reflection (e.g., 4-6 pages) at end of semester in response to several prompts, as in (a) above

**B. Independent Study: Placement-Linked Practicum – 1-3 credits\***

**Duration of placement:** 11-12 weeks during fall and spring semesters (or 8-10 weeks during summer session).

**Time in placement:** 7-8 hours a week either in one full day or two half days with option for student to complete some work off-site, if permitted by placement supervisor. The student should complete a total of approximately 42.5 hours of combined faculty-directed and independent work per credit related to the Independent Study project.

**Faculty Responsibilities:**

- Initial faculty contact with placement supervisor; guidelines provided
- Initial faculty meeting with student(s) (in a group if more than one) to discuss professionalism and dealing with supervisor issues, with an assigned reading, if available
- Two faculty check-ins with individual students, for example, one after 3<sup>rd</sup> week and one after 7<sup>th</sup> week, as needed
- One telephone or email contact between faculty and each placement supervisor during the last third of the semester to discuss student performance
- Review an outline, initial and final draft of writing product and provide significant feedback to student on the outline and draft
- Faculty would ordinarily not supervise more than 2 students per semester but are free to supervise more than two independent studies in a semester.

**Supervisory Responsibilities:**

- A telephone or email contact between faculty and each placement supervisor at the beginning and during the last third of the semester
- Supervisor assessment form to be completed by end of semester

**Writing Requirements:**

- The student must produce a placement-related written work product (research, memo) that could include notes or summaries of meetings, depositions, client interviews, etc. The work product should involve some significant engagement with issues of law or fact, and should be approximately 10 pages in length.
- The student may be asked to complete additional writing requirements, such as:
  - a) weekly short journal entry (a paragraph or two documenting what student did each week) with longer reflection (e.g., 4-5 pages) at the end of the semester in response to several prompts, including reflection on how placement enhanced student's substantive legal knowledge, habits of work and mind needed to succeed at the placements, identifying a lawyering lesson learned, OR
  - b) 6 short (e.g., 1-2 pages) reflection essays in response to a specific prompt and longer reflection (e.g., 4-5 pages) at end of semester in response to several prompts. As there is no linked course, reflections should reference related readings.

**Reading Requirement:**

- Reading assignments to complement the placement, to be discussed in written reflections

\* Three credits normally would be offered in the summer rather than during the academic year.

### **C. Independent Study: Directed Research or Other Faculty-Supervised Work - 1-3 credits\***

- Student writes up specific goals of IS and explains how it will contribute to professional development and fill a gap in the student's knowledge of the law (up to a page) before permission is granted
- Student and faculty supervisor set schedule for bi-weekly check-ins
- Particular student requirements may vary depending on the project
- For research papers, student work would ordinarily include an outline, a draft, and a final product incorporating feedback
- Student should complete a total of approximately 42.5 hours of combined faculty-directed and independent work per credit related to the independent study project
- Faculty would ordinarily not supervise more than 2 students per semester but are free to supervise more than two independent studies in a semester.

\* Three credits normally would be offered in the summer rather than during the academic year.

Procedure for Registration for Independent Study:

1. Student obtains a form from the Registrar's Office.
2. Student identifies faculty member willing to supervise the student's work.
3. The student and teacher fill out the sections on the form entitled "Description of the Project" and "Credit-Hours."
4. The student obtains the signature of the Academic Dean.

**Note:** Students must complete the registration process for this course during the regular registration and add/drop periods for the semester during which they hope to obtain credit for the course.

#### **b. Teaching Assistantships and Law Review**

For requirements and specifications on teaching assistantships and law review, check the current semester course booklet. Teaching Assistantships are available for required courses and the Summer Law Institute only.

### **1.13 LEAVE OF ABSENCE**

Students may request a leave of absence under two circumstances:

1. A student has completed the first year but needs to take time off from school for a semester or more; or
2. A student who is currently enrolled wishes to withdraw from all courses subsequent to the third week and on or before the withdrawal deadline.

Such requests must be submitted, in writing, to the Associate Dean for Academic Affairs. A student will not be regarded as having been granted a leave of absence unless her/his written request is approved, in writing, by the Associate Dean for Academic Affairs. A leave of absence may be granted for up to one year. If a student is unable to return within that period, the student must request an extension of the leave of absence in writing.

Students who withdraw during their first semester of law school are not eligible for a leave of absence. If the circumstances surrounding their decision to leave and the details of the application would have made them eligible for an admission deferment, such students may be eligible for re-admission in the following or a later semester. In these cases, students must make a written request seeking re-admission. These students will be notified, in writing, of the requirements for re-admission consideration. If the student meets these requirements, re-admission decisions in these cases will be made jointly by the Dean of Admissions and the Associate Dean for Academic Affairs. The student will be notified, in writing, of the outcome of this process and, if re-admission is granted, of the terms and conditions of re-admission. If re-admission is not granted through this process, the student is free to re-apply to the Law School for admission through the regular admissions process.

If a student officially withdraws during the course of a semester, grades of Withdrawal (W) appear on the transcript for courses in which the student was enrolled. A student who is granted a leave of absence and wishes to return to the Law School must submit a Re-entry Application to the Office of Registration and Student Records Management,

along with a \$20 re-entry fee and a \$100 seat deposit, no later than 60 days prior to the start of the semester for which they are re-entering. Students should make an appointment to meet with the Associate Dean for Academic Affairs before re-entering.

Transcripts will indicate any semesters for which a student was granted a leave of absence.

### **Inactive Status**

Continuing students who have not registered by the end of the first week of the semester will be automatically withdrawn from the Law School and will be deemed “inactive.” Students who fail to register for one semester, or seek re-entry following Academic Dismissal, must be approved for re-admission by the Associate Dean for Academic Affairs and the Academic Standing Committee, where applicable. (Also see “Leave of Absence.”) Application for re-entry must be filed with the Office of Registration and Student Records Management 60 days prior to the first day of classes.

### **Pregnancy Policy**

CUNY School of Law does not discriminate against any student on the basis of pregnancy or related conditions. Absences due to medical conditions relating to pregnancy will be excused for as long as deemed medically necessary by a student’s doctor, and students will be given the opportunity to make up missed work. Students needing assistance can seek accommodations from the Office of Student Affairs (contact Patricia Kennedy, room 5-115, tel. 718-340-4380) or the Title IX Coordinator (contact Raquel Gabriel, room 6-117, tel. 718-340-4249).

Students are strongly advised to consult the Office of Academic Affairs at (718) 340-4370, to assess the effect of any leave on academic attendance requirements provided in Standard 304 of the ABA Standards and Rules of Procedure for Approval of Law Schools and Section 520.3 of the New York Court of Appeals Rules on Law Study.

### **Students in the Military**

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

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

- A. Grades. In order to obtain a grade, a student must attend 13 weeks (5 weeks for summer session).
- B. Refunds. A student called up to the reserves or drafted who does not attend for a sufficient time to qualify for a grade is entitled to a 100% refund of tuition and all other fees, except application fees.

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

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

#### **III. Other provisions for military service.**

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

- B. Re-enrollment of Veterans. Veterans who are returning students are given preferred treatment in the following ways:
1. Veterans who were former students with unsatisfactory scholastic records may be readmitted with a probationary program.
  2. Veterans, upon their return, may register, even after normal registration periods, without late fees.
  3. Granting of college credit for military service and armed forces instructional courses.
  4. Veterans returning too late to register may audit classes without charge.
- C. Late Admissions. Veterans with no previous college experience are permitted to file applications up to the date of registration and are allowed to begin classes, pending completion of their application and provision of supporting documents.
- D. Readmission Fee. Upon return from military service, a student will not be charged a Readmission Fee to register at the same college.
- E. Veterans' Tuition Deferrals. Veterans are entitled to defer the payment of tuition, pending receipt of veterans' benefits.
- F. New York National Guard Tuition Waivers. Active members of the New York National Guard, who are legal residents of New York State and who do not have a baccalaureate degree, are eligible for a tuition waiver for undergraduate study.

#### **1.14 REGISTRATION**

Students in the full-time program are registered administratively for the first year of law school. Students in the part-time program are registered administratively for the first year as well as the fall semester of their second year of law school. Second-, third-, and fourth-year students register online via CUNYFirst for most courses, except for lawyering seminars, independent studies, clinics, and other courses that require approval. A hold on a student's account will prevent the student from being able to register.

#### **1.15 ADDITIONAL SEMESTER**

The New York Court of Appeals determines eligibility to sit for the New York State bar exam. Current requirements are that the program and course of study leading to a juris doctor be completed no earlier than 24 months and no later than 60 months after a student has commenced law study at the Law School or a law school from which the school has accepted transfer credit. As an ABA-accredited law school, graduates may take the bar examination in other states.

CUNY School of Law's curriculum is designed for full-time students to graduate in six semesters (excluding summer school), and for part-time students to graduate in eight semesters plus one mandatory summer session. Students may elect or, if on academic probation, may be required, to stay for an additional semester. The Law School will work closely with students taking an additional semester to ensure that the selected course of study is that which best supports successful completion of law school and preparation for the profession's entrance exam. Students considering an additional semester should speak with their advisors and are required to have the permission of the Academic Dean. Additional semesters have financial aid implications, and students considering an additional semester should speak with the Financial Aid Office as soon as they begin to consider an additional semester.

#### **1.16 TRANSFER OF CREDIT FROM OTHER LAW SCHOOLS**

Transfer credit for classes taken at other law schools will be given only under the circumstances described in this section. A student must obtain at least a "C+" or better in each course for the credit to count towards the CUNY School of Law degree. CUNY Law does not accept transfer credit for courses taken pass/fail. (If a student earns a grade of C or lower or has taken a course on a pass/fail basis, the student will not receive transfer credit for the

class.) A student who takes a course which has been approved by the Associate Dean for Academic Affairs and who receives a grade of “C+” or better will not receive transfer credit until the Office of Registration and Student Records Management receives an official transcript for that student from the other law school. All grades of “C+” or better in transfer credit courses will be entered as “Credit” on the student’s CUNY School of Law transcript and will not be calculated into a student’s GPA.

a. Transfer Students

To receive transfer credit for courses that were successfully completed at another law school prior to admission to CUNY School of Law, a student must request consideration for credit in his or her application for admission to the Law School. If a student requests such consideration, the Associate Dean for Academic Affairs will determine whether, or how many, credits will be granted. In compliance with Law School policy, no more than 30 credit hours may be transferred from other law schools consistent with ABA Standards.

b. Currently Enrolled Students

Requests for transfer of credit should be directed to the Associate Dean for Academic Affairs, who must approve both the course and the request to transfer credits prior to the student taking the course. The Law School may accept credits from other law schools that are earned during the period of matriculation toward the CUNY Law School degree in three circumstances:

1. With the advance permission of the Associate Dean for Academic Affairs, which may be granted only to accommodate exceptional circumstances, a student may earn up to 30 hours of credit towards the CUNY School of Law degree as a visiting student at another ABA-approved law school.
2. With the advance permission of the Associate Dean for Academic Affairs, which may be granted to permit a student to take a course not offered at the Law School at all or, with respect to failed, required courses, not offered at the Law School in the student’s final semester or in other exceptional circumstances is approved by the Academic Dean.
3. With the advance permission of the Office of Academic Affairs, which may be granted only if the courses are not offered at the Law School and are important to the student’s career goals, or if there are significant extenuating circumstances, a student may earn up to 7 hours of credit in a summer session and up to 14 hours of credit in two summer sessions at another ABA-accredited law school.

Procedures for Approval and Transfer of Course Credit from Other Law Schools

To receive credit for approved courses obtained as a visiting student at another ABA-approved law school, the student must complete a “Non-CUNY Permit” form and a “Request to Attend Classes at Other Law Schools” form. (These forms are available in the Academic Affairs and Registrar’s offices). Visiting credits will be transferred only for courses that were previously approved by the Associate Dean and in which a student receives a grade of “C+” or better. **Courses that are graded Pass/Fail will not be accepted.**

Procedures for Obtaining Permission and Transferring Credit from Summer Classes at Other Schools

1. A student must complete the summer school permission form and attach the non-CUNY permit form. (These forms are available in the Academic Affairs office.)
2. The student must attach a copy of the summer school brochure and must indicate the particular course(s) the student wants to take.
3. The summer school courses must be part of an ABA-approved summer program.
4. If the request is approved, the student will be contacted to pick up a letter of good standing to send with the application to the other school.
5. When the student enrolls in the summer school course, the student should obtain and complete the summer school’s form, which will authorize the summer school to transmit the student’s grade(s) to the Office of Registration and Student Records Management at the Law School.
6. When the official transcript from the other school arrives in the Office of Registration and Student Records Management, CUNY School of Law will then compare the course taken to the one originally approved. Transfer credits will be accepted only for those courses which were approved by the Associate Dean and in which the student has received a “C+” or better. (Note: No transfer credit will be given for a grade of “C” or lower.)
7. Pass/Fail from summer school courses at other schools will not result in the transfer of credit, unless special permission is obtained from the Academic Dean in advance of enrollment.

### **1.17 TRANSFER OF CREDIT FROM NON-LAW SCHOOL COURSES**

CUNY School of Law School will accept up to 12 credits of non-law school graduate level credits from an accredited University or College. Students must be in good standing and must receive advance permission from the Academic Dean.

No non-law school credits may be taken pass/fail and students must receive a “B” or above to receive law school credit. The grade will appear on your CUNY Law transcript as a Credit and will not be calculated into your GPA. The credits will not count toward any law school required course or count toward the 64 classroom hours required by the Court of Appeals.

### **1.18 INTERNATIONAL STUDENT SERVICES**

International student registration services are housed in the Registration Office. For information contact them at [iss@law.cuny.edu](mailto:iss@law.cuny.edu). Students can also obtain information about International Student and Scholar Services from the City University of New York’s central office at <http://www2.cuny.edu/academics/international-education/iss/>.

### **1.19 WITHDRAWALS**

The official course withdrawal period begins after the end of the program adjustment period. The last day to officially withdraw from the semester is noted on the academic calendar.

During the fall and spring semesters, a student may officially withdraw from course(s) after the third week of the semester and on or before the published withdrawal deadline. During the summer session, the withdrawal period begins at the end of the second week of the session.

A grade of “W” (Withdrawal) appears on the transcript for courses withdrawn from. When a student drops a course(s) prior to or during the first three weeks of the semester, the student is considered not to have been enrolled in the course. Thus, no entry of the course will be made on the student’s transcript for that course.

#### **Withdrawal Procedure**

An official withdrawal is accomplished by submitting a Withdrawal Form to the Office of Academic Affairs, after the third week of classes, and on or before the withdrawal deadline.

Withdrawals must be approved by the Associate Dean for Academic Affairs. No student will be granted a withdrawal after the withdrawal deadline, unless special permission is granted by the Academic Standing Committee, based on a student appeal.

All summer school deadlines are proportionate to the regular semester calendar.

#### **Medical Withdrawal**

A student may request a medical withdrawal any time during a term, including the final exam period. For a medical request to be considered, the student must provide medical documentation to the Office of Student Affairs, along with the Course Withdrawal Form. The Dean of Students will review the applicable documentation to determine whether the student qualifies for a medical withdrawal.

If a student is unable to submit the request for a medical withdrawal in person, the form and the medical documentation may be submitted by another party authorized by the student.

#### **Unofficial Withdrawal**

Lack of course attendance or notification to the professor does not constitute an official withdrawal. Failure to comply with the official withdrawal policy will result in a grade of “WN” or a grade of “WU” in each course for which a student did not officially withdraw.

A grade of “WN” (Withdrew, Never Attended) is assigned to a student who never attended a course and did not officially withdraw.

A grade of “WU” (Unofficial Withdrawal) is assigned to a student who attended a minimum of one class, stopped attending, but did not officially withdraw. A grade of “WU” is equivalent to an “F” grade.

## **1.20 THE CITY UNIVERSITY OF NEW YORK MEDICAL WITHDRAWAL AND RE-ENTRY POLICY AND PROCEDURES GOVERNING STUDENT BEHAVIOR THAT PRESENTS A DIRECT THREAT OF HARM TO SELF OR OTHERS OR SUBSTANTIALLY DISRUPTS THE LEARNING OR WORKING ENVIRONMENT OF OTHERS**

### **I. Introduction**

The City University of New York (“CUNY”) is committed to the academic success and personal growth of its students. As part of that commitment, CUNY and its constituent campuses are responsible for providing a safe learning and working environment for students, faculty, staff, and other members of the University community. Some students may, because of a medical condition, engage in behavior that presents a direct threat of harm to themselves or to others, or substantially disrupts the learning or working environment of others. In such situations, the safety and security of the campus community, including the individual student, is paramount. This policy does not replace or supersede reasonable and appropriate security and health and safety measures, such as calling 911 or taking other immediate action, in case of imminent threat to life or limb.

In addition to taking action to protect the security and safety of the campus community, a college may address the student’s conduct to determine if action under this policy or under the student disciplinary process is appropriate. When a student’s conduct that directly threatens or substantially disrupts the learning or working environment of others appears to relate to a medical condition, the campus may, at its option, address the student’s conduct either in accordance with this policy, or through the student disciplinary process. If the student’s conduct constitutes a threat solely to him or herself, it should be addressed under this policy rather than the disciplinary process.

### **II. Policy**

A. As an alternative to disciplinary action that may be taken under Article XV of CUNY’s Bylaws, a college of CUNY may bring a proceeding to require a student to withdraw from the University, or, under some circumstances, the student’s home college and/or from residence in a college residence hall under this withdrawal policy and procedures when the student’s behavior evidences a direct threat of harm to others, or when the student’s behavior substantially disrupts the learning or working environment of others. A direct threat means a significant risk of harm to health or safety.

B. A student who threatens to commit or attempts to commit suicide, and who does not otherwise threaten direct harm to others or substantially disrupt the learning or working environment of others, shall not be subject to disciplinary action for that threat or attempt under Article XV of CUNY’s Bylaws. If a college determines that withdrawal of the student or retention of the student subject to specified conditions is appropriate because the student’s behavior threatens direct harm to him or herself, the procedures outlined below shall apply instead of disciplinary procedures.

C. A student who withdraws or is withdrawn from the University, a college, or college residence hall pursuant to this policy may apply for re-entry to the University, a college and/or to a college residence hall. The application for re-entry shall be made to the student’s home college’s Chief Student Affairs Officer, who shall determine whether the student still presents a direct threat of harm to him or herself or others or still presents a significant risk to substantially disrupt the learning or working environment of others. If the Chief Student Affairs Officer or designee determines, based on the assessment of a qualified, licensed mental health professional, that there is not a significant risk that the behavior that required withdrawal will be repeated, he or she shall approve the student’s application for re-entry.

### III. Procedures

#### A. Emergency Interim Removal

1. If a student's behavior presents an immediate, severe, and direct threat to him or herself or others (by evidencing a likelihood of harm to him or herself or others), or is substantially disrupting the learning or working environment of others, the Chief Student Affairs Officer or designee (if such Officer is not immediately available) may direct an emergency interim removal of the student that restricts the student's access to the College's campus or residence hall, as appropriate, for an interim period before a final determination of the matter. The Chief Student Affairs Officer or designee shall consult with the University's Office of the General Counsel prior to making any such direction.

2. The fact that a student has threatened to commit suicide or attempted suicide, by itself, does not allow the Chief Student Affairs Officer or designee to direct an emergency interim removal. In all cases involving such students, the Chief Student Affairs Officer or designee must attempt to have the student individually assessed by a mental health professional, as outlined below in A.3., before deciding whether to direct an emergency interim removal.

3. Except as permitted in III A. 1. above, before determining whether to require an emergency interim removal, the Chief Student Affairs Officer or designee shall take the following steps:

a. exercise all reasonable efforts to meet with the student; and

b. in that meeting, offer the student the opportunity to be evaluated at the college's expense by a qualified, licensed mental health professional, who may be an employee of a college of CUNY or CUNY or on retainer to a college of CUNY or CUNY. Whenever possible, that professional shall have had no prior contact with the student. The professional shall assess whether the student's behavior presents an immediate, severe, and direct threat to him or herself or others or presents a significant risk to repeat behavior that substantially disrupts the learning or working environment of others, and, if so, whether the student's behavior may be the result of a medical issue. That professional shall present his or her findings to the Chief Student Affairs Officer or designee, who shall determine based on those findings and other evidence available, whether emergency interim removal under these procedures is appropriate.

c. If the student refuses to meet, and/or refuses to undergo such assessment or to keep a scheduled appointment, the Chief Student Affairs Officer or designee may require emergency interim removal without a meeting and/or mental health assessment, if he or she reasonably concludes on the basis of the available evidence that the student's behavior evidences an immediate, severe, and direct threat of harm to the student or others or is substantially disrupting the working or learning environment of others and presents a significant risk to continue that substantial disruption. The Chief Student Affairs Officer or designee shall consult with the University's Office of the General Counsel before making such a determination.

4. The emergency interim removal from the College and/or residence hall shall remain in effect until a final decision has been made, pursuant to the procedures below, unless, before a final decision is made, the Chief Student Affairs Officer or designee determines that the reasons for imposing the interim removal no longer exist.

#### B. Withdrawal after Emergency Interim Removal

1. If a student has been subjected to an emergency interim removal from the college and/or residence hall, the college shall request retention with conditions or voluntary withdrawal within seven (7) calendar days of such removal. Should the request for retention with conditions or voluntary withdrawal request be refused, the College shall determine within seven (7) calendar days of such refusal whether to take further action against the student, including whether to initiate involuntary withdrawal proceedings or disciplinary proceedings under Article XV of the CUNY Bylaws, as applicable under II A. above, and shall send notice of either such proceeding in accordance with the notice requirements of the applicable procedure within that seven (7)-day period. For students who have been subjected to an emergency interim removal without having undergone the assessment procedures outlined in III



A. 3 above, the College shall follow the assessment procedures outlined below in B.2. a. prior to determining its course of action.

2. In cases where the student has been subjected to an emergency interim removal without assessment, the procedure for determining whether withdrawal is appropriate is as follows:

a. The Chief Student Affairs Officer or designee shall exercise best efforts to meet with the student to discuss the student's behavior and to hear the student's explanation of the alleged behavior. If, after hearing the explanation, the Officer or designee still wishes to consider the possibility of the student's withdrawal, he or she shall offer the student an opportunity to be evaluated, at the college's expense, by a qualified, licensed mental health professional, who may be an employee of a college of CUNY or CUNY, or on retainer to a college of CUNY or CUNY. Whenever possible, that professional shall have had no prior contact with the student. The professional shall make findings concerning whether the student's behavior presents a direct threat of harm to him or herself or others or presents a significant risk to repeat behavior that substantially disrupts the learning or working environment of others and, if so, whether the student's behavior may be the result of a medical issue. The professional shall report such findings to the Chief Student Affairs Officer, who shall, based on those findings, and after consultation with the University's Office of the General Counsel, determine the appropriate action, including whether to request that the student withdraw from the University, the college, and/or the college residence hall or whether to request that the student agree to specified conditions in lieu of withdrawal.

b. If the student refuses to undergo the requested assessment, or fails to keep the scheduled appointment, and the Chief Student Affairs Officer reasonably concludes on the basis of the available evidence that the student's behavior presents a direct threat of harm to him or herself or others or substantially disrupts the learning or working environment of others and presents a significant risk to repeat behavior that substantially disrupts the learning or working environment of others, the Chief Student Affairs Officer may request that the student voluntarily withdraw from the University, the college, and/or the college residence hall. The Chief Student Affairs Officer shall consult with the University's Office of the General Counsel before making any such request.

c. If the student agrees to the request for voluntary withdrawal or to the specified conditions, the Chief Student Affairs Officer or designee shall (i) discuss with the student the procedures for and consequences of voluntary withdrawal or the specified conditions, as applicable; (ii) discuss the circumstances with the student's parents or legal guardians, as permissible by law, and as appropriate; (iii) consult with the student's academic advisor or department, as appropriate; (iv) consult with the residence hall director, as appropriate; (v) refer the student to appropriate resources for treatment; and (vi) advise the student concerning the process for applying for re-entry, as well as on conditions for re-entry, if applicable and appropriate.

d. If the student does not agree to the request for voluntary withdrawal or to the specified conditions, the Chief Student Affairs Officer shall determine, in consultation with the University's Office of the General Counsel, whether to take further action against the student, including whether to initiate involuntary withdrawal proceedings, or, in the case of students referenced in II A. above, whether to initiate disciplinary proceedings under Article XV of the CUNY Bylaws.

### C. Withdrawal of Students Without Emergency Interim Removal

#### 1. Students Who Present a Direct Threat of Harm to Others or Substantially Disrupt the Learning or Working Environment of Others

##### a. Voluntary Withdrawal or Retention with Conditions

(1) In situations where a student's behavior evidences a direct threat of harm to him or herself or others or substantially disrupts the learning or working environment of others and presents a significant risk to repeat behavior that substantially disrupts the learning or working environment of others and the Chief Student Affairs

Officer reasonably believes that the student's behavior may be connected to a medical issue, the Chief Student Affairs Officer or designee may request that the student voluntarily withdraw or agree to retention under conditions.

(2) If the student agrees to the request for voluntary withdrawal or to the specified conditions, the Chief Student Affairs officer or designee shall (i) discuss with the student the procedures for and consequences of voluntary withdrawal or the specified conditions, as applicable; (ii) discuss the circumstances with the student's parents or legal guardians, as permissible by law, and as appropriate; (iii) consult with the student's academic advisor or department, as appropriate; (iv) consult with the residence hall director, as appropriate; (v) refer the student to appropriate resources for treatment; and (vi) advise the student concerning the process for applying for re-entry, as well as on conditions for re-entry, if applicable and appropriate.

#### b. Involuntary Withdrawal

(1) If the student does not agree to the request for voluntary withdrawal or to the specified conditions, the Chief Student Affairs Officer shall determine, in consultation with the University's Office of the General Counsel, whether to take further action against the student, including whether to initiate involuntary withdrawal proceedings or disciplinary proceedings under Article XV of the CUNY Bylaws.

(2) Before initiating involuntary withdrawal proceedings under this procedure, the Chief Student Affairs Officer shall follow the assessment procedures outlined above in B.2.

### 2. Students Who Present a Direct Threat of Harm Solely to Themselves

a. The College shall follow the assessment and other procedures outlined above in B.2 a.-d. in order to determine the appropriate course of action.

#### D. Involuntary Withdrawal Procedures

1. The following shall be the procedures for involuntary withdrawal:

a. Notice of the involuntary withdrawal hearing and the time and place of the hearing shall be personally delivered or sent by the Chief Student Affairs Officer or designee of the student's home college to the student at the address appearing on the records of the College, by overnight or certified mail, by regular mail, and, for students who have a college e-mail address, to that e-mail address. Notice of at least five (5) business days shall be given to the student in advance of the hearing, unless the student consents to an earlier hearing.

b. The notice shall contain (i) a statement of the reasons involuntary withdrawal is sought; (ii) the type of withdrawal sought (from the University, the college, and/or from the college residence hall); and (iii) a statement that the student has a right to present his or her side of the story, to present witnesses and evidence on his or her behalf, to cross-examine witnesses presenting evidence against the student, to remain silent without assumption of guilt, and to be represented by legal counsel or an advisor at the student's expense.

c. CUNY shall constitute a Health Review Panel, comprised of qualified, licensed mental health professionals employed by a college of CUNY or by CUNY, or on retainer to a college of CUNY or CUNY. CUNY's Vice Chancellor for Student Development shall appoint the members of the Health Review Panel. Members of the Health Review Panel, in committees constituted separately for each hearing ("Health Review Committee"), shall be responsible for adjudicating all involuntary withdrawal hearings held according to these procedures. For each involuntary withdrawal hearing, the Vice Chancellor for Student Development or his designee shall constitute a three-person Health Review Committee from the Health Review Panel to adjudicate at that hearing. No member of the Health Review Committee shall have had prior contact with the student. All decisions of the Health Review Committee shall be made by majority vote.

d. The hearing shall be closed, unless the student requests an open hearing. However, the Health Review Committee may overrule a request for an open hearing, if it determines that an open hearing would be inappropriate or disruptive, in light of the nature of the evidence to be presented.

e. After the evidence is presented at the hearing, the Health Review Committee shall determine whether the College has proved, by a preponderance of the evidence, that the student's behavior presents a direct threat of harm to him or herself or others, or has substantially disrupted the learning or working environment of others and presents a significant risk of threatening further substantial disruption of the learning or working environment of others, and, if so, what the appropriate remedy should be. The Health Review Committee may also set reasonable and appropriate conditions on re-entry. The decision of the Health Review Committee shall be made within five business days from the close of the hearing.

#### E. Appeals

An appeal from the decision of the Health Review Committee may be made to the President of the student's home college or the President's designee within thirty (30) calendar days after the delivery of the decision appealed from. The President or designee shall make his or her determination on the appeal within fifteen (15) business days from receipt of the appeal. The President's decision may be appealed to the Chancellor of the University or his or her designee within thirty (30) calendar days after the delivery of the President's decision on appeal. The Chancellor or designee's decision shall be made within fifteen (15) business days from receipt of the appeal. The Chancellor (or designee's) decision shall be final. The bases overturning a decision of the Health Review Committee at both levels of review are limited to the following: (i) clearly erroneous factual findings; (ii) procedural irregularities; (iii) newly available evidence that would have affected the outcome; or (iv) the remedy and/or conditions on re-entry were unreasonable or inappropriate.

#### F. Re-entry

1. A student who is withdrawn from the University, a student's home college, and/or a college residence hall under this policy may be considered for re-entry.

2. A student wishing to be considered for re-entry should contact his or her home college's Chief Student Affairs Officer and provide appropriate documentation of behavioral change and resolution of the initial behavioral problem, including compliance with any conditions that may have been set for re-entry.

3. A student may apply for re-entry to the University, a college, and/or a college residence hall no more than one time per term.

4. In assessing an application for re-entry, the Chief Student Affairs Officer or designee shall: (i) in cases in which he or she determines that an additional mental health assessment is necessary, refer the student for assessment to a qualified, licensed mental health professional, at the College's expense; (ii) receive, investigate, and examine appropriate relevant documentation, including assessments made by college-referred mental health professionals, and, if applicable, licensed treating mental health professionals; (iii) consult with the Health Review Committee, in cases in which the student's withdrawal was adjudicated by such a Committee; (iv) contact the student's parents or legal guardians, as permissible by law, if appropriate; and (v) provide an opportunity for the student to meet with the Chief Student Affairs Officer or designee to discuss re-entry.

5. If the Chief Student Affairs Officer or designee determines, based on the evidence presented, that there is not a significant risk that the behavior that required withdrawal will be repeated, he or she shall approve the student's application for re-entry. In such cases, the Chief Student Affairs Officer or designee shall initiate the re-entry process, provide the student with written conditions for continued attendance, and inform any relevant administrators of the student's re-entry.

6. If the Chief Student Affairs Officer or designee determines that the application for re-entry should be denied, he or she shall provide the student with a written explanation of the reasons for the denial and specify when the next request for re-entry may be considered.

7. A student may appeal the Chief Student Affairs Officer or designee's denial of re-entry to the college President or designee within thirty (30) calendar days after the delivery of the decision denying re-entry. The President or designee shall make his or her determination on the appeal within thirty (30) calendar days from receipt of the appeal. The President's decision may be appealed to the Chancellor of the University or his or her designee within thirty (30) calendar days after the delivery of the President's decision on appeal. The Chancellor or designee's

decision shall be made within thirty (30) calendar days from receipt of the appeal. The Chancellor or designee's decision shall be final. The basis for overturning a decision on appeal at either level shall be limited to a determination that the decision on re-entry was clearly erroneous.

#### G. Effect on Academic Status

In the event of a withdrawal pursuant to this policy, a notation of withdrawal shall appear on the student's transcript for all classes taken during that semester. The Chief Student Affairs Officer at a student's home college may grant a student request that, in lieu of withdrawal, a notation of incomplete shall appear on his or her transcript for classes taken during that semester, if, and only if, there is a reasonable prospect that the student will eventually complete such classes, subject to faculty approval for each such class. Regardless of the notation that appears on a student's transcript, the Chief Student Affairs Officer of the student's home college shall inform the Vice Chancellor for Student Development of the student's withdrawal, in order to effectuate a hold by the University Application Processing Center on the student's ability to transfer or otherwise seek admission to another college of CUNY.

#### H. Effect on Housing Status

If the student has been living in a college residence hall and will not be permitted to continue to do so, the student's contract will be canceled and fees refunded on a prorated basis.

#### I. Confidentiality

The results of examinations by mental health professionals to whom students are referred for assessment at any stage in the withdrawal or readmission process shall be confidential student records, except that, if the results indicate that the student presents an imminent, severe, and direct threat of harm to him or herself or others, those results may be shared with the appropriate individuals, in order to attempt to prevent the occurrence of such harm. The results of these examinations shall be admissible in involuntary withdrawal hearings but shall not be admissible in disciplinary hearings, unless the student places his or her health, including mental health, at issue in a disciplinary hearing.

#### J. Board Review

During the fall 2009 semester, the Chancellery shall conduct a review of the experience of the colleges with these procedures and shall report the results of that review to the Board of Trustees, along with any recommended changes.

## **Section II Academic Support**

### **2.1 ACADEMIC ADVISING**

Individual academic advising at CUNY School of Law is done by our faculty members. Students will select an academic advisor during their second semester. Academic advisors are available to speak to students about course selection, the registration process, career goals, and anything else that is on your mind regarding your legal education. Students are also welcome to speak to the Academic Dean, Assistant Academic Dean, or Director of the Part-Time Evening Program about course selection, scheduling, and other questions or concerns.

### **2.2 THE PROFESSIONAL SKILLS CENTER**

The Professional Skills Center provides the academic support services at the Law School. Our goal is to ensure that each student has the opportunity to learn the doctrine and skills necessary to become a lawyer in an environment that is appropriate to her/his learning style and needs. Staff is available to work with students primarily in the first and second years.

Because students' needs change as they progress through law school, the Center's services are allocated differently over the course of the academic program. There is a focus on the first three semesters, when it is critical that students hone fundamental analytical, writing, and academic and study skills. Students can come to the Center to work on developing effective study skills and strategies, improving essay exam-writing, reviewing doctrinal material from classes and simulations, and re-drafting written work such as memos and writing samples. Following are some of the major support services available to students in the first and second years.

#### **Summer Law Institute**

Entering students are invited to apply to participate in the Summer Law Institute (SLI), an intensive, two-week introduction to the doctrine, skills, and methods of law school study. Using materials derived from their fall semester classes, students prepare for and attend class (taught by Law School faculty), take notes, outline doctrine, and take practice exams. Students receive extensive individual feedback on a variety of written and oral exercises. Sections of SLI are limited to approximately 20 students each.

#### **First-Year Orientation**

The Orientation program is required for all incoming students. The academic component of the program focuses on an introduction to the legal system, case reading and briefing, and legal analysis, in order to give students grounding in the skills that they will need for success during the year.

#### **First-Semester Services**

The Skills Center provides extensive services to students in the first year. During the first semester, there is a weekly "Skills Session" in each section (noted on the block schedule), focusing on both the skills and doctrine from Criminal Law, Constitutional Law (LEDP), and Contracts (LME) classes. Specific topics, such as class preparation (case reading and briefing), in-class note taking, outlining, and study strategies and exam preparation, are covered in the context of material drawn from the required classes. The Skills Sessions are entirely voluntary.

In addition, individual and small-group conferences are available, via an online sign-up sheet. Students are invited to bring any questions or concerns regarding law school, such as doctrine, writing, skills, organization, study strategies, etc. The Skills Center also conducts two additional series of workshops: one focusing specifically on practicing the art and science of writing essay exams; and the other on close-case reading. Information on both those series is distributed early in the first semester.

In conjunction with the faculty, the Skills Center conducts review sessions for all midterm and final exams, and staff is available to review exams with students for revision.

**Second-Semester Services**

In the spring semester, Skills Center services for full-time students are more targeted. The optional weekly Skills Sessions and exam reviews continue, but there are no longer individual appointments available on a sign-up basis. Instead, the Skills Center offers Legal Methods, a focused, semester-long, three-hour-a-week, non-credit workshop. Participation in Legal Methods is either by referral or permission of the instructor and requires a commitment to attend throughout the semester. Again, the work of Legal Methods is drawn from the required classes, but it is more focused in terms of individual written feedback.

Part-time, second semester students continue to receive the same Skills Center services as they receive in the first semester.

**Second-Year Services**

In the fall semester of the full-time, second-year program, the Skills Center offers Individual Skills Development (a course similar to Legal Methods) to students referred, based on first-year GPA and student self-referrals. In addition, there will be exam reviews for selected required courses for the second-year class, as a whole. Skills Center staff will also offer office hours for individual or study group meetings.

By the second semester of the second year, most students are well acquainted with the rigors of the Law School curriculum, and are successful in meeting its challenges. Consequently, the need for support services is designed on an individual basis to assist those who are most in need.

## **Section III Bar Examination Procedures and Requirements**

### **3.1 APPLYING TO SIT FOR A BAR EXAMINATION**

The Office of Registration and Student Records Management is responsible for the completion of bar certification forms and character and fitness forms. Students must apply directly to the jurisdiction(s) for which they intend to sit for the bar examination.

#### **Ongoing Duty to Report Character and Fitness Issues**

You are reminded that, as noted in your application for admission to CUNY School of Law, you have an ongoing responsibility to notify the Law School of any and all subsequent changes in the information contained in the application and/or during the period of enrollment. This means that, if there are any facts or incidents requiring disclosure (such as arrests, changes in academic credentialing from institutions outside the law school, professional licensing events, etc.), you must notify the Law School to ensure compliance with the continuing disclosure requirement. You are also responsible for determining the possible impact of any such information on your character and fitness application.

#### **New York State Bar**

Information on applying to take the New York State bar examination is available on the New York State Board of Law Examiners website: [www.nybarexam.org](http://www.nybarexam.org)

Applications to take the bar examination must be filed from November 1st to November 30th for the February examination and from April 1st to April 30th for the July examination.

#### **New York Bar Exam Certification**

As part of your application to sit for the bar, the New York Board of Law Examiners requires that a Certificate of Attendance form be completed by the Law School. This form is completed by the Office of Registration and Student Records Management.

The certification deadline is February 1st for the February exam and June 15th for the July exam.

#### **Specimen of Applicant's Handwriting**

The New York Board of Law Examiners requires that applicants supply a handwriting specimen in order to sit for the bar exam. The "Specimen of Applicant's Handwriting" form must be completed in the presence of a staff member of the Office of Registration and Student Records Management. The last day to submit the handwriting specimen is the last day of classes.

Completion of the handwriting specimen will be your authorization to the Law School to certify you for the bar exam. After you have been certified for graduation, your Certificate of Attendance form and your handwriting specimen will be forwarded to the New York State Board of Law Examiners.

#### **Bar Examinations for States Other than New York**

It is the responsibility of the applicant to submit the necessary certification forms to the Office of Registration and Student Records Management.

Students applying to take a bar examination in a jurisdiction other than New York can obtain information on the National Conference of Bar Examiners website:

[www.ncbex.org/bar-admissions/offices/](http://www.ncbex.org/bar-admissions/offices/)

#### **Character and Fitness Application**

The Office of Registration and Student Records Management is responsible for completing character and fitness forms. Please complete the portion of the form that needs to be completed by the applicant and submit to that office.

## Section IV Exams

### 4.1 EXAMINATION ABSENCES, CONFLICTS, AND ACCOMMODATIONS

It is the responsibility of each student to be present at the appointed time for classes and examinations and to meet deadlines for the submission of assignments. There may be times when, through no fault of their own, due to a personal crisis or conflict with a court or tribunal appearance for a clinic, some students will miss scheduled examinations or deadlines. The regulations and procedures for requesting make-up examinations or postponing examination deadlines are outlined below. Any student who, without permission and in the absence of an approved petition, fails to take a regularly scheduled course exam, is considered to have an unexcused examination absence and will receive a grade of “Fail” (F) for the examination.

#### Midterm and Final Exams

If you are ill or an emergency arises before your midterm or final exam (including take-home exams) or you have an exam conflict as defined below, you must contact the Office of Student Affairs immediately. Do not contact your professor. Doing so will breach anonymity, and the professors have no authority to defer or otherwise alter a scheduled midterm or final exam. Permission to re-schedule a midterm or final exam is in the sole discretion of the Office of Student Affairs. The Office of Student Affairs reserves the right to grant or deny a student’s petition to reschedule an exam. Student Affairs also reserves the right to set the date for make-up exams. All other quizzes and other assignments will be re-scheduled at the discretion of the instructor of the course.

#### Procedure

Students may request to re-schedule an exam by filing a Special Accommodations and Make-up Examination Petition. The petition forms are available in the Office of Student Affairs and online on the Student Affairs page of the CUNY Law website. Requests will not be entertained until all documentation is complete and submitted. Failure to respond to questions and requests for information from the Office of Student Affairs in a timely manner, as determined by the Office of Student Affairs, may result in a denial of the student’s request and/or a grade reduction on the exam.

#### Grounds

The decision to approve a petition is based on submission of documentation verifying extenuating circumstances that are (1) unforeseen, (2) unavoidable, (3) clearly beyond the student’s ability to control, and (4) of such severity to warrant special consideration or where there is a real or effective conflict between scheduled final exams.

The Dean of Students may schedule students to take a make-up final examination because of 1) direct conflict, 2) effective conflict, or 3) religious conflict. The conflict rule only applies to midterm exams where there is a direct conflict between 2 or more exams or where the conflict arises because of religious observance.

Examination conflicts are defined as: Direct Conflicts—Two final examinations scheduled at the same time. Effective Conflicts—Three final examinations scheduled within any 48-hour period, or two final examinations scheduled in consecutive periods (same day).

Petitions will also be approved based on documentation indicating that a student in a clinic has an appearance before a tribunal or in a clinic matter within 24 hours of the scheduled exam, which the student’s supervising attorney indicates is unforeseeable, substantial, non- negotiable, and cannot be rescheduled. Where the petition is based on a clinic matter, the student shall have the supervising attorney contact the Office of Student Affairs as soon as the scheduling conflict is identified to provide the information necessary to allow the Dean of Students to verify the need to reschedule the exam.

**Requests for rescheduling of examination times due to conflicts must be made by filing a petition with the Dean of Students at least one week before the examination. Failure to give sufficient notice may result in a grade reduction or refusal of an accommodation.**



Examples of grounds for re-scheduling an exam include, but are not limited to: serious illness, accidents, and family emergencies. Examples of insufficient grounds for re-scheduling an exam include, but are not limited to: stress, participation in a wedding, non-emergency travel, vacations, social activities, or employment.

Exams will be scheduled as soon as possible after the original exam date within the exam period. Exams will not be scheduled beyond one day after the end of exam period, except under extraordinary circumstances. Please refer to Incomplete Policy for further information.

#### Make-up Exam Fee

All make-up final examinations are subject to the CUNY examination fee. The fee for the first make-up examination is \$25, with each additional make-up examination during that semester costing \$5. Fees are payable by cash or money order (no personal checks) to the Business Office before the start of the exam. You must present your paid receipt to the Office of Student Affairs, in order to take the examination. This fee applies only to final examinations.

#### **4.2 EXAM NUMBERS ON MIDTERM AND FINAL EXAMINATIONS**

Through the use of student examination numbers, most midterm and final examinations are reviewed by faculty members without knowing whose examination is being reviewed. In certain cases, the nature of the class and the quantity and characteristics of the feedback process provide an educational justification sufficient to justify the use of another system for that class. Students will be notified by the teacher if exams will be identified by name rather than exam number in advance of the exam. Unless otherwise notified, however, students will use examination numbers for identification purposes on midterm and final examinations and may be asked to use examination numbers on other work products during the course of the semester. Students are assigned private exam numbers that they access through the CUNYFirst Student Self-Service Center. Each student will have an entirely new exam number each semester. If you need assistance, please contact the Office of Registration and Student Records Management.

#### **4.3 EXAM PROCEDURES**

For all closed-book exams, students will be allowed to have only the exam booklet and their writing instruments on the desk. No student cell phones are allowed in exam rooms, unless there are extraordinary circumstances, and the phone is left with the proctor. Students may not keep books, bags, briefcases, or other personal belongings at or near their desks, and it is expected that they will leave these items either at home or in their lockers. Handbags containing personal valuables may be under one's seat. No one may leave the room with an exam or exam booklet. Students also will be advised to sit in every other seat during exams. Upon completion of an exam, each student is required to sign out before exiting the room.

At the conclusion of an exam, students must stop writing or typing promptly when told by the proctor that time is up. Failure to promptly stop and/or promptly submit completed exams, may result in penalties, including grade reductions or exam disqualification.

#### **4.4 LAPTOP EXAMINATION POLICY**

**Every student who takes an exam on a laptop agrees to and is subject to this policy.**

Students need to have the appropriate Examplify software installed.

If a student has any doubts about his/her laptop's reliability, he/she should plan to write the exam. You must be aware that, any time you use a computer, you take some risk of an error occurring that cannot be corrected, regardless of the best efforts made. If your laptop fails during the exam, you will have to finish the exam by writing it. No extra time will be allowed for attempting to resolve computer problems during the exam. CUNY School of Law will not provide any technical support for any computer problems encountered on the day of the exam. Students must understand that, should your laptop fail during the exam, you will immediately request a Bluebook/Scantron and complete the exam by writing in a Bluebook/Scantron. In that situation, an attempt may be made to retrieve any portion of the exam completed on your computer from the hard drive after the exam. If the

portion of an exam completed on your computer cannot be retrieved within 24 hours, the Academic Dean, in consultation with the instructor, will determine remedial options, if any.

Students are allowed to use computers to take certain exams, subject to the rules and regulations set forth in the *Handbook*. Individual faculty members may add further restrictions on the use of computers for examinations, or may amend the restrictions listed here. In that case, the faculty member will communicate his/her policy to the students and will provide specific, written exam instructions. Make sure you read and familiarize yourself with all the information set forth here and or applicable School rules.

## **I. Exam Software and Hardware**

If you would like to take your final exams on a laptop, you **MUST** have the software (Examplify) installed on your computer. You will be notified via email of the date by which you must have the software installed. However, even if you have the software installed, you may elect to take your exam by Bluebook/Scantron.

In order to take a final exam on a laptop, the laptop where Examplify is to be installed **MUST** meet the following minimum requirements (Examplify software will not run properly on non-compliant computers):

### **PC:**

1. Internet access for downloading software and exam licenses, as well as uploading completed exam files.
2. Windows 10, 64-bit, Professional or Enterprise Edition. Home edition of any version is **NOT** supported. ExamSoft does not support non-North American versions. In addition, Windows XP, Windows 7, Windows 8, and Vista are **NOT** supported.
3. Wireless networking capability (“Wi-Fi”) needed to download your exam licenses and to upload your exam to the ExamSoft server.

### **MAC:**

1. Internet access for downloading software and exam licenses, as well as uploading completed exam files.
2. Mac OS X 10.9 or higher.
3. Wireless networking capability (“Wi-Fi”) needed to download your exam licenses and to upload your exam to the ExamSoft server.

### How Examplify Works

Examplify is a software program that enables students to take examinations in a secure environment using a simplified word processor for essay and multiple-choice responses. Examplify locks out access to all other files and programs on the laptop while it is running.

Any attempt to disable or tamper with Examplify security features will be considered a violation of the student honor code.

### Features Available on Examplify

Basic editing functions are included, such as cut, copy, paste, and spell-check, as well as the ability to undo the user's last actions.

Importantly, there is an AutoSave feature that saves encrypted files every 60 seconds, so that answers typed into Examplify are unlikely to be lost in case of a computer error.

## **II. Prior to Exam Day**

Ensure that your computer is in optimal condition:

1. There is plenty of free disk space: your hard drive should be less than 75% full.
2. Your laptop is virus-free: you should have the most recent virus definitions and run a scan very recently.

It is your responsibility to familiarize yourself with your equipment and the Exemplify software and features prior to the start of your exam. Please allow yourself ample time to become familiar with your computer and the Exemplify program and take a practice exam.

Students who do not take the time to become familiar with their computer or with word processing functions, should handwrite their exams. In no case will you receive any extra time or other consideration because of a computer problem or problem with Exemplify.

Use Exemplify to run a practice exam on your laptop before the day of exam(s). Run the exam for an extended period of time (30+ minutes) to ensure that there are no issues running the software on your laptop.

Make sure your laptop battery is fully charged, installed in your laptop, and operational. You must use the wall outlet power during the exam. There is always the possibility of a power outage or other incident that could cause a power interruption. This is why you need to have a functional battery.

### III. Start of the Exam

- A. Students MUST report to the laptop exam room 20 minutes prior to the start of the exam to set up their laptop.
- **Restart your laptop before you begin.** Restart is not the same as logon, logoff, restoring from sleep, hibernate, etc.
  - If possible, sit in every other seat, but not directly behind another student.
  - Plug into a power outlet and verify it is working.
  - Disable sleep, standby, or hibernate modes.
  - Mute your speaker volume before the start of an exam.
  - Disable anti-virus software.
  - Close down ALL software applications, including Microsoft Word, leaving only your desktop. All applications will be closed when Exemplify begins. You should launch Exemplify and make sure your exam license is available. Notify an IT member in the room, if you are unable to download/find your exam license.

At least one IT personnel member and one proctor will be in the laptop exam room 20 minutes prior to the exam. If there are any IT-related problems during the exam, the proctor should call the help-desk line at (718) 340-4456 or x-84456 from internal phones.

B. Make sure that you bring to the Law School your computer and all necessary components, including a power cord and battery.

C. Bring a pen and pencil, just in case.

D. You will be given the exam password when the proctor tells you to start the exam. You will not be able to start the exam until you type in the exam password.

E. Remember that Exemplify will prevent you from accessing ANY information that you have stored on your hard drive. If the exam is open book, you must bring hard copy print-outs of any permissible information. If you have any questions about permissible information, you must ask your professor, prior to exam day.

F. Exams will not be delayed or suspended due to computer problems, nor will you receive extra time to complete your exam. You will have to continue to write the exam in a Bluebook/Scantron. Bluebooks/Scantrons will be available in the exam room.

G. If you experience a computer problem, DO NOT attempt to resolve the problem, no matter how knowledgeable you are about computers. Immediately notify the exam room proctor and request a Bluebook/Scantron. The proctor will then give you materials to begin handwriting. Handwrite the rest of your exam, until you finish or until time is called.

No extra time will be allowed for attempting to resolve computer problems. IT will not diagnose computer problems or provide any technical support for any computer problems encountered on the day of the exam. You will have to write the remainder of the exam in a Bluebook/Scantron.

After the exam is concluded, computer support staff will attempt to recover the Exemplify portion of your exam. The safety features of Exemplify will, in all likelihood, allow computer support staff to recover the contents of your exam, up to the last auto-save before the problem occurred.

NOTE: there is no guarantee that your exam answers will always be recoverable in every situation. This is true no matter what electronic exam software you use.

#### **IV. Conclusion of the Exam**

When the “STOP TYPING” command is given by the proctor, you must stop typing or writing immediately. **Failure to stop upon the final command will result in charges of exam procedure violation.**

When you are finished with the exam (either when time is called or beforehand), exit the exam by clicking on the exam controls on the upper left-hand corner and selecting “Submit Exam.” If you are positively sure you want to exit the exam, follow the prompts to save and exit the exam. Once you exit the exam, you will not be allowed to re-enter the completed exam.

If you have wireless capability, your exam will be uploaded to the ExamSoft server automatically. If you do not have wireless capability, your exam will be saved on your laptop internally. You are responsible for uploading your exam via a networked computer as soon as possible to ensure timely grading by your instructor. Once you connect to a network, restart the Exemplify software, and your exam will automatically be uploaded to the ExamSoft server.

You will receive an email confirmation from ExamSoft within a few hours of the exam upload. You can also check ExamSoft for verification that your exam uploaded successfully.

Sign out and return all exam materials.

Return to your seat, quietly collect your belongings, and leave the exam room. Please take care when unplugging your computer from the outlet or power strip.

#### **V. After Exam Day**

Exams will be provided to the faculty member by his/her assistant. Electronic files will be retained by the Law School. Do not uninstall Exemplify or delete your exam(s) until you are absolutely sure that any Exemplify backups will never be needed. Please leave Exemplify installed on your computer along with your exam(s), until you have received all of your final grades for the entire academic year. However, you will not be able to view these files on your laptop, since the exam is saved in an encrypted format for security reasons.

If there is a problem printing your exam, the faculty support staff will notify you by email to bring in your laptop for exam recovery.

#### FAQ's

1. What do I need to do to take an exam on a laptop?

If you would like to take your final exams on a laptop, you must have Exemplify Software installed on your exam computer.

2. How does Exemplify work?

Exemplify enables you to take exams in a secure environment using a simplified word processor. Exemplify locks out access to all other files and programs.

3. What features are available on Exemplify?

Basic editing functions are included, such as cut, copy, paste, and spell-check, as well as the ability to undo the user's last actions. There is also an AutoSave feature that saves encrypted files every 60 seconds, so that answers typed into Exemplify are unlikely to be lost in case of a computer error.

4. What should I do before exam day?

Ensure that your computer is in optimal condition. If you have any doubts about your laptop's reliability, please take your exam by Bluebook/Scantron. Familiarize yourself with the software and its features prior to the start of your exam. Run a practice exam before the day of exam(s) for an extended period of time (30+ minutes) to ensure that there are no issues concerning running the software on your laptop.

5. What time should I report to the laptop exam room?

You MUST report to the laptop exam room 20 MINUTES PRIOR to the start of the exam to set up your laptop.

6. What should I bring to the exam?

Make sure that you bring your computer and all necessary components, including a power cord, fully charged battery, and wireless card. Also, bring a pen and pencil.

7. When do I start the exam?

The proctor will tell you when to start the exam, and the exam password will be given out at this time.

8. What happens if I experience computer problems during the exam?

If you experience a computer problem, immediately notify the proctor in the exam room. He/she will notify IT of the issue. You should immediately continue writing your exam in a Bluebook/Scantron. If the problem cannot be resolved, you will have to finish the exam by Bluebook/Scantron.

9. How will exams be submitted at the end of the exam period?

You will submit your exam to the ExamSoft server which will start automatically after you exit your exam via the wireless network. If you do NOT have wireless capability, you are responsible for uploading your exam via a networked computer as soon as possible to ensure timely grading by your instructor. Once you connect to a network, restart the Exemplify software, and your exam will automatically be uploaded to the ExamSoft server.

10. What do I do when I'm finished with the exam?

1st: Upload your exam to the ExamSoft server.

2nd: Turn in all your exam materials and sign out.

If you fail to sign out and return all materials, you will have no record of having taken the exam

11. What should I do after the exam?

Do not uninstall Exemplify or delete your exam files. Please monitor your email after the exam, in case there are problems with printing your exam.

#### **4.5 RETAKES OF FINAL EXAMS**

No retakes of final examinations are permitted. However, where a professor judges that the offering of a second and new final examination constitutes a valuable pedagogical tool in her/his class, such a second examination may be offered, provided that:

1. The availability of the subsequent, new examination and its conditions are announced in the course syllabus or course requirements distributed at the beginning of the semester;
2. The new examination is available only to students who, based on their score on the original final examination, will have failed the course and with the understanding that the highest course grade available to a person taking the new examination will be a "D" for the course; and
3. The date and conditions of the new examination are approved by the Academic Dean.

#### **4.6 REVIEW OF GRADED EXAMS BY STUDENTS**

Each student is encouraged and expected to review her/his graded exams. Faculty members are responsible for determining the procedure for viewing graded exams. Students should check with the faculty support person assigned to his/her faculty member regarding their faculty policies. All original exams must be returned immediately. Unreturned exams will hinder the student's ability to appeal a grade or conduct any other transaction in the Office of Academic Affairs.

## **Section V Grading and Evaluations**

### **5.1 GRADING SYSTEM FOR ALL COURSES**

Courses at CUNY School of Law (except Individual Skills Development, Moot Court, Academic Legal Writing, Law Review Editing, and other specifically designated courses) use the following grading scale: A, A-, B+, B, B-, C+, C, C-, D, and F. These grades will be used to determine a student's academic status as set forth in the Academic Standing Policy below.

All courses (including Lawyering Seminars) are credit-bearing, and the grades for all courses will appear on the student's official transcript, except: Individual Skills Development, Moot Court, Academic Legal Writing, and Law Review Editing, which are graded on a Credit/No Credit basis.

All first-year, first-semester grades are recorded on the transcript as "CR" (Credit) or "NC" (No Credit). Where a student has timely elected the Credit/No Credit option (described below) all letter grades of A through C+ will be recorded as "CR" (Credit), and grades of C or lower will be recorded as "NCL" (No Credit).

In addition to the grades of A, A-, B+, B, B-, C+, C, C-, D, and F, the faculty member may, in certain circumstances as described below, use the grade "INC" (Incomplete). Other official transcript grade notations include "W" (Withdrawal), "WN" (Withdrawal, never attended), "WU" (Unofficial Withdrawal), "FIN" (an Incomplete which has converted to a Fail by lapse of time), and "Z" (no grade submitted by the faculty member).

Academic standing and referrals to academic support will be based on the grades assigned using this grading system. The Office of Academic Affairs will do the calculations necessary for academic standing determinations, academic counseling, and program.

Teachers in all courses (whether a large or small number of students are enrolled in the course) should give as much feedback to students as possible, and should do so as promptly as possible, so that students understand the basis for their grades and what they can do to improve their performance.

Grades should be based on the student's total course performance. This performance must be measured by at least two evaluative devices, which may include a midterm examination, a written final examination, a paper or other written or oral assignment, attendance, participation, a simulation component, or any combination of those or other performance measures.

#### **Provision of syllabus, course-specific learning outcomes, and written explanation of how course grades will be determined.**

Each faculty member will provide a written syllabus for each class taught at the Law School. The syllabus should include course-specific learning outcomes indicating what students should be able to do after successfully completing the course. These outcomes may include knowledge, analytic, and problem-solving based, as well as lawyering or experiential based learning outcomes. In addition, each faculty member must provide a written explanation of how course grades will be determined. Any change to this grading process must also be provided to students in the class in writing.

## 5.2 ACADEMIC STANDING POLICIES AND PROCEDURES

The following grades and scale (quality points) will be used to determine a student's academic status:

A	=	4.00
A -	=	3.70
B+	=	3.30
B	=	3.00
B-	=	2.70
C+	=	2.30
C	=	2.00
C-	=	1.70
D	=	1.00
F	=	0

1) A student's grade point average ("GPA") will be determined by multiplying the number of points awarded for the letter grade assigned to each course by the number of credits designated for each course and then dividing by the total number of credits for all the courses in which a student was awarded a letter grade. Letter grades earned in all courses (including first-year, first-semester courses) will be included in the computation, unless the student has timely elected the Credit/No Credit option. For courses graded Credit/No Credit, neither the grade of "CR" nor the credit hours will be included in the calculation of the GPA. However, if the student receives a grade of "C" or lower in a course taken Credit/No Credit, the grade of "NCL" and the scale (quality points) of 1.00 will be included in the calculation of the student's GPA.

For purposes of academic standing, a student's semester average, not cumulative average, will be employed. All references in these rules to GPA refer to semester grade point average. (Thus, a 2.499 semester GPA places a student on probation, and a 2.299 first-semester GPA leads to a required restart.)

2) No cumulative GPA will appear on the transcript.

3) Transcript grades for the first semester will be entered as "CR" (Credit) for all courses in which a student earns a "D" or better and "NC" (No Credit) for courses which a student does not pass. Unless otherwise indicated in this policy, the calculation of GPAs for academic standing purposes will include first-semester grades.

4) Any student who fails to achieve a GPA of 2.3 at the end of the first semester and wishes to continue in the program will be required to restart the program. Any student whose first-semester average is between 2.3 and 2.5 will be on probation but may choose to take a leave of absence for the semester and restart the following fall. Any student who still has an outstanding incomplete on the first day of that student's second semester will be deemed to have failed the course for purposes of calculation of the GPA. A restarting student returns on probation and is subject to conditions set by the Academic Standing Committee which will ordinarily include the requirement that the student re-take all courses (including those passed the first time). Any credits earned prior to the student's restart will not be counted toward graduation and will not be used in calculations of the student's future GPA. Transcript entry for all courses taken prior to the restart will show "NC" (No Credit). No student will be permitted to restart the program more than once. A student who is required to restart the program because he or she achieved a GPA of less than 2.3 in the first semester, and after restarting the program is later dismissed under the academic standing policies, will not be allowed to re-enter.

5) A student must achieve a 2.5 GPA in each semester to be in good standing. A student who has a GPA below 2.5 for any semester will be on probation for the following semester. Any student on probation must meet with the Academic Dean, who will determine the terms and conditions of probation, which may include registration in an academic support course, requirement of a specific academic program (including a reduced load), and recommended limits on work and extra-curricular activities. Academic support services will be available for all students on probation. A student with an outstanding incomplete on the first day of the semester following the semester in which the student was on probation will be deemed to have failed the course for purposes of calculation of the GPA (see Incomplete Grades on page 30).



6) Unless contradicted by specific terms and conditions of probation set by the Academic Standing Committee or the Academic Dean, a student on probation will be permitted to withdraw from courses taken during the semester on probation during the time permitted for such withdrawals under the regular academic policy in force during that semester. A student who has withdrawn from a course once ordinarily will not be permitted to withdraw from that course again. Permission for a second withdrawal may be granted by the Academic Dean only upon determination that there are exigent circumstances that did not exist at the time the student enrolled in the course. If a student withdraws from all courses during that semester, the student may be granted a leave of absence under such terms and conditions, as prescribed by either the Academic Standing Committee or the Academic Dean.

7) A student who has a GPA of 2.5 or above at the end of a semester on probation will be returned to good standing.

8) A student who has been on probation in any semester will be dismissed at the end of that semester if the student earns a semester GPA below 2.5 for that semester. The rules governing application for re-entry for a student dismissed, pursuant to the provisions of this paragraph, are set forth in paragraphs 13-16 below.

8a) A student who earns a GPA of less than 2.5 for any two non-consecutive semesters will be dismissed at the end of the second such semester, but that student may be granted immediate re-entry by the Academic Standing Committee upon proof of exceptional extenuating circumstances and a determination that the student is likely to successfully complete the program. In addition, the provisions in paragraphs 13(a)-16 apply to immediate re-entry applications. Unless immediate re-entry is sought and granted, the rules governing application for re-entry for a student dismissed, pursuant to the provisions of this paragraph, are set forth in paragraphs 13-16 below.

9) A student who earns a GPA that would cause a third probation or who achieves a GPA of less than 2.5 for any three semesters will be automatically dismissed. The rules governing application for re-entry for a student dismissed, pursuant to the provisions of this paragraph, are set forth in paragraphs 13-16 below.

10) Any student who has not yet taken a Clinic but has reached the required number of credits to enroll in a Clinic will be considered to have completed the fourth semester. A student who has a GPA below 2.5 will not be permitted to enroll in a Clinic, unless and until that student is returned to good standing.

11) A student will not be permitted to graduate, unless the student is in good standing.

12) Any student who has attempted but not earned sufficient credits to graduate will be considered to have completed the sixth semester. If a full-time student has a GPA below 2.5 at the end of the sixth semester or any later semester and has not been on probation before, the student will be required to attend a seventh semester under a program determined by the Academic Dean. If a part-time student has a GPA below 2.5 at the end of the eighth semester or any later semester and has not been on probation before, the student will be required to attend a ninth semester under a program determined by the Academic Dean.

13) A dismissed student (except for a student dismissed after restarting pursuant to paragraph 4 above) may seek re-entry for a semester no sooner than two years following dismissal by filing a written petition for re-entry, pursuant to the requirements in paragraph 14. Although a student must file the petition for re-entry during the two-year period between dismissal and re-entry, even if the petition is granted, four semesters must elapse before the student can be re-enrolled. A dismissed student may seek, and the Academic Standing Committee may grant, re-entry one year following dismissal, upon a showing by the student that the dismissal was caused by exceptional, non-recurring, extenuating circumstances that no longer exist. If re-entry is granted, the Academic Standing Committee will fashion such terms and conditions as it deems appropriate.

13a) A re-entered student will be on probation and will be, at a minimum, required to attain a GPA of 2.5 or above to continue in the program. The terms and conditions of re-entry will be detailed in writing in a re-entry contract. No student will be re-entered until that student agrees in writing to the terms of the re-entry prescribed by the Academic Standing Committee. A student is permitted to re-enter only once.

14) Petitions for re-entry must be submitted in writing to the Academic Dean. A petition for re-entry for a fall semester must be filed no later than May 1st. A petition for re-entry for a spring semester must be filed no later than October 1st. The Academic Standing Committee ordinarily will take action on the petition and notify the petitioner

of its decision in sufficient time to permit the student to register in the appropriate semester, if the petition is granted. Except in extreme circumstances, re-entry during the summer session will not be permitted. The Academic Standing Committee will make determination for re-entry based on written petitions; a petitioning student will be notified if the Committee determines that a personal appearance by the student is necessary. The Committee's decision on a petition for re-entry is final, unless, upon appeal to the Dean, it is determined that the Committee's action was arbitrary and capricious or that the Committee exceeded its authority.

15) No student will be re-entered unless the student demonstrates to the satisfaction of the Academic Standing Committee that the student is likely to successfully complete the program and the requirements for graduation. To aid in the Committee's determination, petitions should include an explanation of what led to the student's prior difficulties and the changed circumstances that would now lead to successful completion of the program (including a description of what the student has done during the waiting period that will enable academic success). The petitioning student has the burden of providing a concrete proposal that will lead to academic success.

It is strongly recommended that the petition contain: (a) details concerning whether and how the student used the academic support resources available during the student's prior enrollment, and (b) a detailed plan for continuation in the program, including courses to be taken and the identification of available resources to enable successful completion of those courses.

16) The Academic Standing Committee may, in the course of its consideration of a petition for re-entry, review any information available in records existing at the Law School, including the records existing in the Admissions Office, the Office of Registration and Student Records Management, the Dean of Students Office, and the Academic Affairs Office, as well as the student's lawyering seminar work file and examination file. The Committee may also consult with faculty members familiar with the student's academic performance.

17) The requirements for graduation are separate from the criteria for return to good academic standing. Students must also fulfill all graduation requirements before they may receive a diploma. Students who are placed on probation at the end of the sixth or eighth semester may not graduate until they have been returned to good academic standing.

**Example:** A full-time student successfully completes five semesters without being on probation. In her sixth semester, she earns a GPA below 2.5 and is on probation. The student cannot graduate; instead, she must attend a seventh semester under a program determined by the Academic Dean. Courses taken during a summer semester do not affect academic standing (see below).

**Example:** A full-time student is on probation during his first semester, but returns to good standing the following semester. He successfully completes the next three semesters without being on probation. In his sixth semester, he earns a GPA below 2.5. The student is dismissed and cannot graduate; instead, he must petition the Academic Standing Committee for immediate re-entry and permission to continue in the program. If his petition is granted, he must take at least one course to return to good standing. Courses taken during a summer semester do not affect academic standing (see below).

#### 18) Effects of Probation

During the semester a student is on probation, in addition to the foregoing paragraphs, the following also applies:

1. the student must enroll in Legal Methods while on probation (full-time, first-year students only);
2. the student may not take courses under the Credit/No Credit Option;
3. the student may not serve as officer of a student group during the semester while on probation;
4. the student will be prohibited from applying for or serving in school-approved internships or placements, except under extraordinary circumstances;
5. the student will be prohibited from serving on the Academic Standing Committee; and
6. the student may not take more than 16 credits a semester or more than 6 credits in the summer session and may be required to take a reduced credit load.

19) Nothing in these rules waives or grants any rights, obligations, or requirements related to University regulations or fees, New York State Court of Appeals rules for certification to take the bar examination or for admission to the

bar, financial aid qualifications or rules, or any other rule or obligation prescribed by an authority other than the CUNY School of Law to which the Law School or the student has obligations or responsibilities.

*(Adopted by the CUNY School of Law Faculty on May 20, 1999; amended on January 29, 2003, effective for all students beginning in Fall 2003; amended on November 30, 2011, effective beginning in spring 2012.)*

*[Clarifications consistent with the policies adopted by the Faculty and the CUNY Board of Trustees have been added to this statement of the policy.]*

### **5.3 SPECIAL ACADEMIC STANDING RULES FOR GRADES EARNED DURING THE CUNY SCHOOL OF LAW SUMMER SESSION**

1) A student's performance during summer session will not affect academic standing for purposes of probation and dismissal.

2) Notwithstanding the operation of the academic standing policy as applied to a student's GPA at the end of a fall or spring semester, no student will be dismissed as a result of the computation of the GPA at the end of a summer session, nor shall the GPA achieved in a summer session affect academic standing for purposes of probation and dismissal.

3) Any student who enrolls in a summer session, while subject to a written agreement upon re-start or re-entry or to written terms and conditions of probation from either the Academic Dean or the Academic Standing Committee, shall be subject to those terms and conditions.

### **5.4 COURSE WITHDRAWALS**

The official withdrawal period for the fall and spring semesters begins the day following the third week of the semester (the 22<sup>nd</sup> day). A student may withdraw from a class(es) on or before the published withdrawal deadline. The last day to officially withdraw from the semester is noted on the academic calendar. (The summer session withdrawal deadline is proportionate to the regular semester calendar. See the summer calendar for the deadline date.) When a student officially withdraws from a course, the course is reflected on the student's transcript, and the student is eligible only for the grade of "W" (Withdrawal).

Withdrawals require the approval of the Associate Dean for Academic Affairs. Withdrawals ordinarily are not permitted during the first year of study.

If a student withdraws from a required course, that course must be repeated the next time it is offered. In many cases, because of schedule conflicts and the sequencing of courses, this will result in a delay in graduation.

### **5.5 THE CREDIT/NO CREDIT OPTION**

After completing the first year, a student may elect to take up to four elective courses including ISD, Moot Court, Academic Legal Writing, and Law Review Editing for Credit/No Credit. Courses transferred from other law schools are not counted in the limit of four. To elect the Credit/No Credit option, the student must submit the form to the Office of Registration and Student Records Management no later than the date designated by the academic calendar for each semester. Students in their final semester are required to receive approval from the Associate or Assistant Academic Dean to take a course(s) on a Credit/No Credit basis.

Faculty will grade all students using the regular grading system. The Office of Registration and Student Records Management will enter the grade of "Credit" for all students who receive the grade of "C+" or better and the grade of "NCL" for students who receive the grade of "C" or lower.

Credits earned in a Credit/No Credit course count toward the 86 credits required for graduation. The Credit/NCL policy will require a "C+" to secure a Credit, and students will not be allowed to take courses Credit/NCL if they are on probation. A student taking a course for Credit/NCL who receives a "C+" and above will receive a Credit for the class, and no grade from that class will affect the student's GPA. A student taking a course for Credit/NCL who receives a grade below "C+" will receive 1.00 point, which will be computed as a component of the student's GPA.

Once a student has elected the Credit/NCL option, that election cannot be undone for any purpose. After the deadline to elect Credit/NCL option has passed, the student is deemed to have elected to take the course for a letter grade.

Second, third, and fourth-year students will receive notification and explanation of this option in each semester, as well as a form to be used to exercise this option.

## **5.6 EVALUATION SYSTEM FOR PERFORMANCE IN LAWYERING SEMINARS AND CLINICS**

Lawyering seminars teach practical lawyering skills using a variety of teaching mechanisms, such as simulations, individual and group work, and presentations. Teachers provide extensive feedback to enable students to determine their level of competency and learning needs in legal reasoning, legal writing, communication and counseling, professional responsibility, organization, and time management, as well as other lawyering skills.

Students in Clinics also receive written evaluations covering the six competency areas—Professional Responsibility, Clinical Judgment, Legal Reasoning, Theoretical Perspective, Communication, and Management of Effort. The evaluations are informal communications between teacher and student and do not appear on the official transcript. The evaluations enable the teacher to communicate to each student an assessment of that student's demonstrated level of competence in the major components of a lawyer's skills and tasks, as well as the student's continuing learning needs in these skill areas.

### **Submission of Coursework**

Students are required to submit coursework in a format that the professor can read without conversion. If you plan to submit your work in anything other than MS Office (v. 2002 or higher) or rich text format, please consult with your professor.

## **5.7 GRADE APPEALS AND GRADE CHANGES**

### **a. Grounds for Grade Changes and Grade Appeals**

Final grades may be changed in the following circumstances:

- (i) by the Academic Dean, based on a finding of clerical error, including transposition of grades upon entry on the grade sheet, mathematical errors in the calculation of the grade, the exclusion of a portion of the exam in grading or other work that was timely submitted for the course; or
- (ii) by the Academic Standing Committee, based on a finding that the grade resulted from factors extraneous to the grading basis announced by the faculty, including bias.

### **b. Procedures for Initiating a Request for a Grade Change or Grade Appeal**

All grade appeals must be made in writing and filed with the Office of Academic Affairs within 30 days of the start of the semester following the semester for which the grade was entered. For example, grade appeals for spring semester grades are due within 30 days of the start of the following fall semester. **Grade appeals made directly to a faculty member at any stage of the appeals process will not be considered.** Grade appeals must be initiated in writing, using the student's CUNYFirst ID number. The Academic Dean or the Committee will notify the student if the Committee finds it necessary for the student to appear before the Committee in connection with the grade appeal. Otherwise the Committee will base its decision on the written petition and any other facts before the Committee. The fact that an appeal is pending shall not stay any other determinations or actions by the Dean or Academic Standing Committee.

### **c. Process for the Determination of Grade Appeals**

Grade appeals made after the time period set forth above will not be considered. Grade appeals should be addressed to the Academic Standing Committee and submitted to the Office of Academic Affairs. The Associate Dean for Academic Affairs will review all petitions to determine whether the Academic Standing Committee has jurisdiction to hear the petition. Students should use their CUNYFirst ID numbers for identification on their grade appeals. Ordinarily, the Academic Standing Committee will review an appeal, based on paragraph (b), above, at its next regularly scheduled meeting. The Committee may make a decision, based on the student's appeal at that meeting or may seek additional information from the student or the faculty member. If the Committee seeks further information from a faculty member, the faculty member will be notified that the information should be provided within 30 days.

If the faculty member fails to respond within 30 days, the Academic Standing Committee will consider the appeal at its next scheduled meeting and make a determination as to how to proceed. The student will ordinarily be notified in writing of the Committee's determination either granting or denying the appeal or adjourning consideration pending further information within one week following the meeting at which the petition was considered.

## **5.8 GRADUATION REQUIREMENTS**

To earn the Juris Doctor degree from the CUNY School of Law a student must pass all required courses, earn 86 credits, be in good academic standing, and comply with the attendance, residency, and other requirements described below.

### **Non-academic work and attendance**

The Law School program requires students to devote substantially all of their time to their studies during the school year.

a. In compliance with ABA Standard 311(a), the Law School requires regular and punctual class attendance. Interpretation and implementation of this policy rests, in the first instance, with the faculty member teaching each course. Absences may lead to failure in a course even where a student has satisfactorily completed other requirements. Absences of more than two consecutive class days due to illness or other extraordinary circumstances should be reported by the faculty to the Office of Academic Affairs. Even excused absences may lead to failure or mandatory withdrawal from a course.

b. A student should not engage in employment for more than 20 hours per week.

CUNY School of Law's curriculum is designed for full-time students to graduate in six semesters (excluding summer school), and for part-time students to graduate in eight semesters plus one mandatory summer session. Students may elect or, if on academic probation, may be required to stay for an additional semester. The Law School will work closely with students taking an additional semester to ensure that the selected course of study is that which best supports successful completion of law school and preparation for the profession's entrance exam. Students considering an additional semester should speak with their advisors and are required to have the permission of the Academic Dean. Additional semesters have financial aid implications, and students should speak with the Financial Aid Office as soon as they begin to consider an additional semester.

No more than a combined total of 10.5 credits towards graduation may be earned in the following courses: Teaching Assistant, Independent Study, Law Review Editing, Moot Court, and Public Interest/Public Service (counted as 1.5 credits towards this limit).

## **5.9 INCOMPLETE GRADES**

If a student does not finish a course or program, and if there is reasonable expectation that the student can successfully complete the requirements of the course during the subsequent semester, the student will be eligible for an Incomplete ("Inc.") at the discretion of the faculty member of the course or program. If the student does not resolve the Incomplete grade by **the last day of classes** of the next academic semester, the Incomplete will be converted to a failing grade administratively. (The grade is recorded on the transcript as "FIN.") A student on probation with an outstanding Incomplete on the first day of the semester following the semester in which the student was on probation will be deemed to have failed the course for purposes of calculation of the GPA. (See paragraph 4, p. 25.)

If a student has received an accommodation from Student Affairs based on extenuating circumstances or disability that extends the completion of the student's course or program of study beyond the end of the semester, the following policy applies. The student will be given an Incomplete with the expectation that all course work will be completed prior to the end of the second week of classes of the following scheduled semester, including the summer semester, regardless of whether or not the student is enrolled in summer classes. Only in extraordinary circumstances and with documented need would any Incomplete extend past the second week of the following semester. If there arises a situation in which an Incomplete extends beyond this time, it must be completed by the

end of the next semester following the semester in which the Incomplete was received (including the summer semester) or the student will not be allowed to register for any law school classes until the Incomplete is satisfied.

The Academic Standing Committee may, at its discretion, extend the period in which to resolve the Incomplete. Academic Standing Committee consideration of the extension of an Incomplete is initiated by a petition from the student seeking to extend the Incomplete grade. A student seeking an extension on this period must submit, prior to the conversion of the Incomplete to a FIN, a written petition to the Office of Academic Affairs for consideration by the Academic Standing Committee before the end of the semester following the entry of the Incomplete.

Individual faculty members may give a specific period that is less than a full semester in which the Incomplete work must be turned in. In many cases, this is desirable, so that students avoid the burden of trying to complete simultaneously assignments from two different semesters. There will, of course, be exceptions, but this is the preferred arrangement in most cases.

Generally, students who have an outstanding grade of “Incomplete” will not be allowed to register for clinic. Waivers will be granted on a case-by-case basis, by the Academic Dean’s office. Factors taken into consideration for the waiver include the type of class the Incomplete is in, the amount and type of work the student has left to complete, and the likelihood that finishing the Incomplete will negatively impact the clinic experience.

No student who has a grade of Incomplete (“Inc.”) will be allowed to graduate or be certified to take any bar examinations. Thus, students may not be given an (“Inc.”) during their final semester.

#### **5.10 PARTICIPATION IN COMMENCEMENT CEREMONY**

A student may participate as a graduating student at commencement only once. For most students, this will be with the class with which they entered. However, a student who will not graduate with his/her original class may, with the Academic Dean’s permission, participate as a graduating student at commencement if s/he is within 24 credits of graduation. Otherwise, s/he may not participate in a commencement until s/he has completed all the courses necessary for graduation.

#### **5.11 RESIDENCY FOR GRADUATION AND BAR EXAM REQUIREMENTS**

Students seeking to graduate a semester early (after five semesters for full-time students or seven semesters for part-time students) must notify the Office of Registration and Student Records Management prior to the start of the student’s proposed final semester and obtain the permission of the Academic Dean. Courses where credit hours are awarded for intensive, all-day programs and not spread across a summer session or a semester, do not count towards the residency requirement. Students seeking to graduate early must meet the requirements for opting out of the Core Doctrine course. Students seeking to graduate with schedules other than those described above or who seek to interrupt their matriculation with a leave of absence must obtain advance permission from the Associate Dean for Academic Affairs.

**Students are responsible for fulfilling the requirements of each state in which they expect to take the bar examination, including New York. Students who plan to take other states’ bar examinations should check the residency requirements of those jurisdictions.**

The New York Court of Appeals determines eligibility to sit for the New York State bar exam. Current requirements are that the program and course of study leading to a juris doctor be completed no earlier than 24 months and no later than 60 months after a student has commenced law study at the Law School or a law school from which the school has accepted transfer credit.

The New York Court of Appeals also requires that students who commenced their legal education after April 1, 2012 take a two-credit Professional Responsibility course prior to graduation in order to sit for the New York State bar examination.

## **Section VI Public Safety/Security**

The Law School's Public Safety Department is comprised of campus security assistants and uniformed contract officers. The Security Office is open and accessible every day of the year, 24 hours a day. The Public Safety Director is a peace officer, sworn under the New York State CPL.

### **6.1 ANNUAL SECURITY REPORT-NOTICE OF AVAILABILITY**

A copy of the CUNY School of Law's Annual Security Report can be obtained at the Office of the Public Safety Director, room 1-102. The Report is also available on the web at <http://www.law.cuny.edu/about/legal/statistics-report.html>. The Report includes statistics for the previous three years, concerning reported crimes that occurred on campus, in certain off-campus or property owned or controlled by the Law School, and on public property within, or immediately adjacent to, and accessible from the campus. It also includes policy statements involving the reporting of crimes and emergency procedures. Title IX compliance procedures and policies are included in this report as well.

### **6.2 CUNY ALERT SYSTEM**

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

### **6.3 EMERGENCY INFORMATION**

#### **Emergency Phone Numbers**

Police/Fire/EMS	911
Public Safety	(718) 340-4270
Health and Safety Officer	(718) 340-4270
Physical Plant/Engineer	(718) 340-4280
Student Counseling Services	(718) 340-4216
Dean's Office	(718) 340-4201
Student Affairs	(718) 340-4207

#### **Off-Campus Assistance Numbers**

Local Police Precinct (108)	(718) 784-5411
Local Fire Station	(718) 999-2000
Poison Control	(212) 764-7667

When power to the building is down or the internal phone service is lost, the School has three POTS (Plain Old Telephone Service) lines connected directly to lines in the street.

#### **Basic Emergency Procedures**

The Public Safety Department needs you to serve as additional eyes and ears and be proactive in your own safety, as well as the safety of your peers. Let us know of your concerns, inform us of problems and potential problems, heed the advice and directions outlined below, and let us know how we can improve our service to you. When fire alarm bells ring, unless otherwise instructed, treat as a real emergency and proceed to the nearest stairway and exit the building. Move at least 200 feet away from the building until given the all clear to return by Public Safety or administrative staff.

#### **The College Emergency Plan**

The succession of events in an emergency is not predictable, and operational plans will serve only as guidelines and may require on-the-spot modification in order to meet the needs of the emergency. Stay calm, stay focused, follow formal instructions, and exercise common sense.

### **Emergency Communication Response System**

The system will give oral instructions for you to follow and will be repeated several times. Floor Coordinators will assist, if time and situation permit, if we need to vacate the School. Please follow their instructions.

### **Emergency Two-Way Call Stations**

These are located throughout the building. Activating the device will put you in hands-free, direct communication with the main Public Safety Desk.

### **Fire Emergency Plan**

Fire Wardens and Floor Searchers are designated to serve specific areas of the building. Their job is to facilitate evacuations of all kinds and to pass information to the Public Safety Office. Please heed their directions. However, there may exist circumstances when a rapid evacuation is necessary. In this case, Floor Searchers will evacuate with the rest of the staff and students. When fire alarms ring, proceed to the nearest exit and leave the building at once. If a false alarm has occurred, we will make an “all clear” announcement through our emergency communication response system. Treat all fire alarms as real, unless otherwise directed by the Fire Wardens, Floor Searchers, or members of the Public Safety staff. Advance notice will be given when formal fire drills are conducted. Drills should be treated as emergency incidents and require everyone’s quick and full cooperation.

In all cases of fire, the Department of Public Safety must be notified immediately. This can be done via phoning the department at 84440 or 84270 or using one of our two-way emergency call stations. Make note of the location of stairways, fire extinguishers, fire exits, and call stations. If a minor fire appears controllable, immediately contact Public Safety at 84440 or 84270. During a fire event, corridor doors will swing shut to contain smoke and fire. Card access devices will power down to allow unfettered access. Do not attempt to pass through corridor doors that have shut. Go to the nearest stairway and exit the building. Most injuries and fatalities associated with fires are the result of smoke inhalation. Get out of the building quickly.

If time permits, close the door of the room where the fire exists. When the building evacuation alarm is sounded, always assume that an emergency exists. Touch closed doors; do not open them, if they are hot. If the door is cool, brace yourself behind the door and open it slowly. Bracing yourself behind the door prevents the door from being blown open due to the pressure created by the fire. Walk quickly to the nearest exit and alert others to do the same. **DO NOT USE ELEVATORS DURING A FIRE EMERGENCY, UNLESS OTHERWISE DIRECTED BY EMERGENCY RESPONSE STAFF.** Smoke is the greatest danger in a fire, so stay near the floor where the air will be less toxic. If you must pass through smoke, cover your mouth and nose with an article of clothing, preferably wet. **STAY LOW.** Smoke and heat tend to rise, as cooler air is denser. If you have any suspicion that the fire or smoke is related to a gas leak, **DO NOT USE A CELL PHONE.** Electrical energy can ignite fumes.

Once outside, move to a clear area at least 200 feet away from the affected building. Keep streets, fire lanes, hydrants, and walkways clear for emergency vehicles and crews. These essential personnel must be allowed to do their jobs. Do not return to an evacuated building, unless told to do so by a College official.

If you become trapped in a building during a fire and a window is available, place an article of clothing (shirt, coat, etc.) outside the window as a marker for rescue crews. Place a wet cloth at the base of doors to keep smoke from entering. Shout at regular intervals to alert emergency crews of your location. Dampen a cloth with water, place it over your nose, and breathe lightly through it. Should your clothing catch fire, stop, drop, and roll. Rolling on the ground will help smother the fire.

### **Hostile Intruder**

Don’t panic. Keep breathing and keep focused. When an intruder in a campus building is actively causing deadly harm or the threat of imminent deadly harm, you must immediately seek cover and contact 911 and the Public Safety Department, if at all possible. If you are able to make a call, give as many details as possible relative to location, number of assailants, means of aggression, and other pertinent information. **IF POSSIBLE, USE AN EMERGENCY CALL STATION DEVICE.** Be aware of alternate exits, if it becomes necessary to flee. Persons should lock themselves in classrooms, dorm rooms, and offices as a means of protection. Persons should stay low, away from windows, barricade their door(s), if possible, and use furniture or desks as cover. If possible, cover any windows or openings that have a direct line of sight into the hallway. Students and staff should not attempt to leave the building, until told to do so by Public Safety or NYPD. The only exception to this is, if given the specific



circumstances, a person is certain beyond any doubt that s/he is in more danger remaining in the building than in attempting to escape. When a hostile intruder is actively causing deadly harm or the threat of imminent deadly harm to people on the campus grounds, we recommend the following course of action: Run away from the threat if you can, as fast as you can. Do not run in a straight line. Use buildings, trees, shrubs, and cars as cover. If inside, desks, chairs, or bookcases may help. If you can get away from the immediate area of danger, summon help and warn others. If you decide to hide, take into consideration the area in which you are hiding. Will I be found? Is this really a good spot to remain hidden? If the person(s) is causing death or serious physical injury to others and you are unable to run or hide, you may choose to play dead, if other victims are around you. Do not give your position away or stand up, until Public Safety or civil authorities give an all-clear signal.

### **Bomb Incident Plan**

While it is important to note that the overwhelming majority of bomb threats are unfounded, it is the policy of the Law School to treat them as potentially real. Each threat will be thoroughly investigated, until all avenues of investigation have been explored.

A suspicious looking box, package, object, or container in or near your work area may be a bomb or explosive material. Do not handle or touch the object. Move to a safe area (far from the object) and call the Department of Public Safety immediately at 84440 or 84270. Do not operate any electronic devices, radios, or light (power) switches.

If you receive a bomb threat, remain calm and try to obtain as much information as possible from the caller. Specifically try to ascertain the following:

- a) location of the device;
- b) time, if any, the device is scheduled to go off;
- c) appearance or type of container used for the device;
- d) reason for placing the device;
- e) size of the bomb;
- f) type of explosive used in the device;
- g) name of the caller or organization taking responsibility; and
- h) additional information that might be available.

The person receiving the call should note the following:

- a) whether it's a male or female voice;
- b) time of call;
- c) mood of caller (excited, nervous, calm, despondent);
- d) background noises that may be present at the location of the caller;
- e) approximate age of the caller; and
- f) any other peculiarities that may be helpful in identifying the source of the call or its purpose.

The police will be called, if an evacuation is deemed necessary, and an announcement will be made via the public address system. If an evacuation is necessary, only use stairs. Do not use elevators. Move well away from the building and follow the instructions of floor coordinators and emergency personnel at the scene. In lieu of an evacuation, a designated staging area will be used. Please follow the directions broadcast on the public address system.

If there is an explosion:

- a) immediately take cover under sturdy furniture;
- b) stay away from the windows;
- c) do not light matches;
- d) move away from the site of the explosion to a safe location; and
- e) use stairs only, do not use elevators.

### **Medical Emergencies**

All medical emergencies should be reported immediately to Public Safety at 84440 or 84270. If the medical emergency is life threatening, call 911 before dialing Public Safety. When making the call, give your name, describe the nature and severity of the medical problem, and the location of the victim. Try to answer all of the

questions the dispatcher asks you and let him/her hang up the phone first. Do not move the victim. If you are certified in CPR and first aid and able to help, try to assist the victim, until help arrives. Look for emergency medical ID's such as bracelets on injured persons, and try to keep the victim as comfortable as possible until emergency personnel arrive. If a medical problem is non-life threatening, call the Public Safety Office at 84440 or 84270. The School has seven Automatic Electronic Defibrillators. Each floor contains a device located just outside each passenger elevator vestibule. Note that there is an emergency call station near each device.

If the victim can be safely moved, then she/he will be escorted to the Public Safety Office, room 1-102. If campus police personnel believe that a victim should not be moved or that emergency medical care is required immediately, they will call 911. Please remember that the decision to call or not call 911 is not based on financial circumstances or insurance status. The focus is on assisting the ill or injured party.

### **Medical Emergencies that are Emotional in Nature**

The Office of Students Affairs can be most helpful in assisting anyone who feels in need of counseling or mental health services. Linda Penkower, our Law School counselor, is available at 84216. Whenever an individual demonstrates or reports a risk for self-destructive or suicidal behavior, immediate assistance is needed. If the situation poses an imminent physical danger, call 84270 to reach the Public Safety Office. If imminent physical danger is not posed, then call the Office of Students Affairs at 84207 or Linda Penkower at 84216. If they are unavailable, contact Public Safety.

### **Utility Failures**

Report any power failure immediately to Public Safety at 84440 or 84270. In the event of a building-wide power failure, building phones may not function. A large, diesel-powered emergency generator that can power lights and other emergency systems for up to several hours serves the building. Having a flashlight attached to a key chain, belt clip, or in a bag may be helpful even when not in the School. Never use candles. During daylight, add as much natural lighting as possible by raising blinds. Faculty with classes should remain where they are until notified otherwise. During a power failure or possible power failure, never use an elevator. Once power is restored, Public Safety will make an announcement using the School's emergency communication response system.

### **Plumbing Problem/Flooding**

Cease using all electrical equipment. Notify Public Safety immediately. If necessary, vacate the area and prevent anyone else from entering. If a toilet overflows, contact us.

### **Gas Leaks**

Gas leaks are very rare but can be very serious. If you smell gas, contact Security by coming down to the main security desk or utilize a phone away from the smell of gas. Do not use a mobile phone near a gas leak, whether here or at home. Gas vapors can be ignited by static electricity.

### **Evacuation Procedure**

Although it is highly unlikely that there will ever be an emergency in the building that will require you to evacuate immediately, it is prudent to be prepared for such an occasion. The first rule of any emergency is to remain calm and have a plan. Once this is done, you will find that almost any situation has a safe solution. When in the School, familiarize yourself with the floor layout. Know where the emergency exits are. Know where the fire extinguishers are. Take time to learn where the stairways are and where they lead. Emergency exit doors in the building are never chain locked. You can exit the building from any stairway. **WHEN USING A STAIRWAY FOR EMERGENCY EXIT, DO NOT REMAIN IN THE STAIRWAY. EXIT THE BUILDING AND MOVE AT LEAST 200 FEET AWAY FROM THE BUILDING.** Ask questions of the Director, if you have any concerns. Suggestions are welcome as well. If the building needs to be evacuated, our public assembly area is diagonally across the street at the Long Island City County Courthouse.

It is our policy to have the schedules of those persons who are differently-abled on file, so that we may offer special assistance. If there is a large fire or explosion, do not waste time gathering personal effects. Remember to never use the elevator when the building is being evacuated, unless specifically instructed by police, fire, or civil authorities. If you are the first one on the scene at an emergency, call Security at 84440 or 84270 or activate an emergency call station immediately. If this is not possible, yell, scream, and make noise to attract attention. The key to safe building evacuation is to know your surroundings and move quickly.

## **6.4 FACILITIES**

### **CUNY School of Law Building Use Policy 2 Court Square**

#### **I. General Statement**

In accordance with CUNY Policy on Use of Facilities, the following guidelines provide information regarding the appropriate use of the CUNY School of Law facilities at 2 Court Square. Failure to comply with these guidelines, including damage to Law School property or conducting activities that infringe on the rights of others, may result in cancellation of the event, loss of use privileges, additional charges, and/or referral to other University agencies for appropriate action.

CUNY Law reserves the right to cancel any function before or during the activity, if the security and safety of the building and/or its occupants are threatened. For all events, the sponsoring groups will be held responsible for the conduct of those attending the activity. CUNY Law staff on duty will cooperate with the designated person to seek responsible action, but retains the ultimate authority, if the activities are not being controlled according to CUNY Law and University standards. In addition, CUNY Law reserves the right to remove from its premises any person or persons who fail to comply with a lawful directive from a member of the Law School security personnel or administrative staff.

#### **II. Use of Facilities**

##### **1. Categories and Priority of Users**

First priority for use of rooms in the facility shall be given to CUNY Law departments, divisions, programs, and offices for curricular, administrative, and other college purposes. Thereafter, priority shall be in the order set forth below. CUNY Law is not required to make its facilities available to users who fall into the commercial, partisan political, or other users category, but shall permit use under the categories specified.

a) Users affiliated with the college, including:

(i) Recognized student organizations,

(ii) Academic or professional organizations made up of persons on the college staff, provided each such organization is open to all members of the staff of such rank or ranks as are admitted to membership,

(iii) Other recognized organizations drawing membership without restriction from the membership of the college staff, or

(iv) Auxiliary enterprise corporations, college associations, childcare centers, arts centers, foundations, and alumni associations.

b) Sister colleges of the University.

c) Other academic or professional organizations.

d) Government agencies and non-profit organizations of an educational, scientific, cultural, social, civic, religious, or similar nature.

e) Commercial, partisan political, and other users.

Users in each category shall be treated on a uniform basis. Use by union organizations shall be governed by the applicable collective bargaining agreement with the University.

##### **2. Denial of Use**

The Law School shall deny use to:

- a) Users who refuse to employ at their event the security personnel required by the Law School.
- b) Users who previously submitted a false application or that have previously violated the terms of a use agreement.
- c) Users who plan to use the facilities in a manner that obstructs or disrupts operations, interferes with freedom of movement on campus, exposes persons or property to safety hazards or risk of injury, or is unlawful.

Any individual whose presence in the building at any time shall, in the reasonable judgment of the Director of Public Safety, be prejudicial to the safety or security of the building may be denied access to the building or may be removed from the building. Any person who fails to comply with any lawful directive of public safety or administrative personnel may be denied access or removed from the building.

### **3. Fees**

Fees for the use of the facilities shall be established by the School of Law. The School reserves the right to vary the fee for a particular facility based on the category of user. Additional services, such as extra housekeeping, security, catering, technicians, or equipment, shall be charged to the user at cost. The amount charged to affiliated users and sister colleges should not exceed the host college's direct costs for use of the facility. If the affiliated user or sister college is co-sponsoring an event with one or more outside organizations, the amount charged should be limited to that which may be apportioned to the outside organizations and which the host college would charge if it were the co-sponsoring college. The use of CUNY Law facilities may be subject to reasonable time, place, and manner restrictions.

### **4. Procedures**

Applications for use of the facilities shall be on a form provided by the School of Law. Use shall comply with all applicable University and college rules and policies, and applicable local, state, and federal laws. All facility users shall: assume full responsibility for any loss, damage, or claims arising out of their use of the facility; pay the appropriate use fee and other charges for the use of the facility and related services; and indemnify, defend, and hold harmless the University, the Law School, the Dormitory Authority of the State of New York, the State of New York, the City of New York, and the appropriate University-related entity (where applicable), as well as their officers and employees, from any liability arising out of the actions of the user, its agents, employees, and invitees, incidental to the use of the facility by the user. Users may be required to provide evidence of appropriate and adequate insurance protection covering property damage, personal injury, or death arising out of the use of the facility. The chief administrative officer of the college may waive this requirement for government agencies and not-for-profit users, upon a determination that there is minimal risk exposure to the college from the event.

## **III. Supervision of Use**

The use and scheduling of facilities shall be under the control and supervision of the Associate Dean for Administration and Finance or his or her designee(s). All rooms, other than individual offices and workspaces, must be reserved through the reservation process. Rooms will be reserved on a first-come, first-served basis.

### **Hours**

The Law School facility is open 24/7 for academic purposes. Events authorized in the facility must begin and end at specific and defined times, unless authorization and arrangements have been made with the Operations Department to extend the time.

### **Lounges and Common Areas**

Lounges, small-group study areas, and common areas in the facility are spaces designed for relaxation, studying, or visiting and are intended for the use and enjoyment of the Law School community. These areas may not be restricted for individual or private use, unless reserved through the reservations process. Recognized student organizations and University departments may apply for special use of the lounges through the reservations process.

### **Catering**

The Law School reserves the right to require the use of a specific caterer or vendor for food and beverage service at

the facility.

**Distribution and Consumption of Alcohol**

Alcoholic beverages may only be consumed in designated areas.

**Weapons/Firearms**

No one entering the building may carry or possess a firearm or other weapon, unless expressly authorized to do so in writing by the Director of Public Safety.

**Publications and Newspaper Racks**

All magazines and newspapers must be placed in approved distribution stands. Distribution stands may be placed in designated areas only with the written approval of the Associate Dean for Administration and Finance or her/his designee. All distribution stands will be located in specifically designated locations. Outdated materials will be discarded. Materials without proper approval or improperly placed will be discarded.

Nothing in the foregoing procedures shall be construed to permit censorship of material or interference with free communication between employees and their organizations through the college or through other means or to diminish the existing right of employee organizations to distribute literature outside the college.

**Posting Materials**

Materials may only be posted in designated areas approved for the posting of materials. Materials improperly placed will be discarded.

**Fire Code Room Limits**

Reserved space may not exceed occupancy capacity, as determined by applicable fire code requirements. If an event exceeds the occupancy limit, the event coordinator will be asked to help evacuate the necessary number of people to reach the appropriate limits. If necessary, the event will be stopped until enough people leave the venue to reach appropriate levels. If this does not work, the event will be canceled.

**Candles and Open Flames**

Candles, incense, or open flames of any kind are not permitted inside the Law School building.

**Roller Blades, Skateboards, and Bicycles**

Roller blades, skateboards, bicycles, and similar devices are not allowed in the Law School facilities. Bicycles must be stored in authorized bike racks only.

**Obstructing Sidewalks**

Sidewalks, entrances, corridors, and exits shall not be obstructed or encumbered by refuse or otherwise, and sidewalks, entrances, corridors, and exits shall not be used for any purpose other than ingress or egress to and from the building.

**ID Cards**

Identification cards are issued by the Law School and remain its property. ID cards must be carried at all times when in the building. Lost or stolen cards must be reported to the Department of Public Safety immediately and replaced.

**Pets and Animals**

Pets and animals of any kind are not allowed in the facilities, with the exception of service animals.

**Food Deliveries**

All food deliveries must be picked up at the main public safety desk located on the first floor. Restaurant employees will not be permitted to access upper floors.

**Visitors**

All visitors must sign in at the Security Desk in the main lobby. Visitors must be escorted to and from the workspace that they are visiting and sign out.

#### **IV. Workspace Use Guidelines**

Workspaces are to be utilized for legitimate business and academic activities, meetings, gatherings, and functions consistent with the recognized purpose of the departmental unit and the curricular and co-curricular mission of the Law School. It is expected that all staff and guests maintain an attitude of respect and civility and respond in a professional manner to students, staff, faculty, alumni, and guests. Sleeping, overnight stays, or using the workspace as a place of residence, in any way, by any individual, is prohibited.

##### **Keys**

Keys will be allocated to each person assigned a lockable workspace. All keys must be returned at the end of employment or upon separation from the particular department. If moving to a different workspace, the original workspace key(s) must be returned to the Public Safety Office.

##### **Plants**

A reasonable number of live houseplants may be maintained in workspaces. Plants may not be placed in common areas without authorization from the Associate Dean for Administration and Finance.

##### **Workspace Cleanliness**

Good standards of housekeeping are expected at all times. Faculty and staff will help the custodial staff with the task of emptying trash and cleaning floors by putting trash into wastebaskets and keeping floors clear. Food items should not be left out. No occupant shall permit rubbish or garbage to be stored anywhere in or outside of their workspace.

##### **Noise Levels**

Music must be played at reasonable levels and contained in offices or leased areas. No loud or disturbing noises or objectionable odors shall be produced upon or emanate from workspaces.

##### **Smoking**

No smoking or use of any tobacco products or electronic cigarettes are permitted in the building or within 25 feet of any entrance to the building.

##### **Refrigerators/Freezers**

Appliances, including refrigerators, freezers, and microwaves are permitted in authorized areas only. Cooking appliances, such as hot plates and coffee makers, and space heaters are not permitted. No one shall permit or keep any flammable, combustible, or explosive material, chemical, or substance in their workspace.

##### **Loss of Valuables**

Individuals must take every reasonable precaution to protect him or her from loss or damage of valuables. Do not store valuable, personal possessions in your workspace. The Law School shall accept no responsibility for the theft or loss of monies, furnishings, equipment, supplies, valuables, or other effects owned or in the possession of employees or guests thereof.

##### **Green Building**

The Law School building is a “green” building that has achieved Gold LEED certification. Access to natural light and views greatly enhances the building’s environmental friendliness and livability for all members of the Law School community. Because they take natural light and views from staff and students, coverings of any kind on the glass walls of perimeter offices are prohibited. Please conserve energy and use the recycling bins.

##### **Physical Alterations to Your Workspace**

Generally, altering or penetrating the floor, walls, ceilings, and doors is not permitted. Furniture, shelving, equipment, or items may not be attached to the walls, ceilings, floors, doors, or partitions, without written permission of the Associate Dean for Administration and Finance or his/her designee.

##### **Furnishings**

No additional furnishings, including sofas, bookcases, or tables may be put into workspaces.

*Dated: May 29, 2012*

## **6.5 FIREARMS POLICY**

All students, guests, and visitors are prohibited from having in their possession a rifle, shotgun, firearm, or any other dangerous instrument or material that can be used to inflict bodily harm on an individual or damage the building or the grounds of the Law School. There are no exceptions to this policy. Possession on Law School grounds may subject students to disciplinary action by the Law School.

## **6.6 FIRST AID**

The Public Safety Office is equipped to deal with certain minor medical emergencies. Staff are trained and certified in basic first aid, AED, and CPR. If you or a community member requires first aid, please go directly to Security (Room 1-102). If that is not possible, phone the CONSOLE ROOM 84440 or FRONT DESK 84270. Please be advised that there are emergencies/medical conditions for which we are not equipped. In such cases, 911 emergency services will be summoned. If you have an existing medical condition that you think the School should know about, please inform either Security or the Office of Student Affairs. This information will be held in confidence to the best of our ability. We are not permitted to dispense any oral over-the-counter medications. It is advised that you store analgesics, antacids, or antihistamines in your locker for personal use. The School employs a part-time nurse practitioner. The location is room 3-104.

## **6.7 GUESTS**

All visitors to the School are expected to comport themselves in a manner consistent with an academic environment. Guests must sign in at the front Security Desk and show identification to the officer on duty. Upon exiting the School, guests must sign out. Guests must generally be in the same area as the host student and may not use School facilities such as copy machines or computers in furtherance of their own work without express permission of the Office of Student Affairs. Guests are subject to the lawful instructions of all members of the Security, as well as the Administrative staff. Guests may not remain in the building after midnight on weekdays, or all day on weekends and holidays. If someone is waiting for you after this time to facilitate transportation or other issues of importance, they must remain on the first floor by the front Security Desk. If a guest seems to be intoxicated, refuses to follow procedures of identification or sign in and sign out procedures, entry to the building will be denied.

## **6.8 LAW SCHOOL BUILDING-LATE NIGHT POLICY**

The Law School building is available to current Law School students, faculty, and staff for school-related purposes after regular hours during the hours of 12 midnight to 7 am. Those wishing to remain in the building must sign in at the Security Desk at midnight. Anyone entering or leaving the building during this time period must sign in or out at the Security Desk. Late-night usage of the building is limited to current Law School students, faculty, and staff personally. No guests are permitted during these hours or all day weekends and holidays. Late-night usage of the building is expressly limited to school-related purposes. Such permitted usage does not include sleeping, socializing, or other recreational activities, except as tangential to study or research. Violators of this usage limitation will be asked to leave the building, and repeat violators may have their late-night privileges suspended or revoked.

## **6.9 LOCKERS**

The School provides lockers (located throughout the building) with built-in combination locks. The following protocol pertains to the use of the lockers:

1. Lockers are the property of the CUNY School of Law. In an emergency or exigent circumstance, Public Safety reserves the right to enter any locker.
2. Lockers are secured with built-in combination locks. These locks are the only locks permitted to be used on the lockers.
3. Use of lockers is voluntary and at your own risk.
4. A small block of lockers reserved for Student Government is for the exclusive use of student government organizations.
5. Perishable items are not to be stored in lockers.

6. Defacing lockers, including markings and stickers inside or outside of lockers of any kind, is prohibited. Any markings, stickers, or taped messages will be removed and thrown out.
7. No locker may be used, unless it is first registered with and approved by the Security Office.
8. As a general rule, lockers must be emptied of all contents on the Friday of the week after the summer bar exam. After this time, lockers will be opened and contents removed as refuse.
9. The School reserves the right to amend these rules as needed.

#### **6.10 LOST AND FOUND**

The Lost and Found is located in the Public Safety Office, room 1-102. If something of substantial value is returned to Public Safety, it is locked in a file cabinet, not accessible to the officers. The Director or designee will release such valuables to the owner upon presentation of identification and a satisfactory description of the lost item. Keep valuables on your person or utilize the School's lockers for safekeeping. Do not leave laptops, cell phones, wallets, or other items of personal import unattended for extended periods of time.

#### **6.11 PARKING POLICY**

There are no parking facilities owned or controlled by the CUNY School of Law.

#### **6.12 SNOW EMERGENCY PLAN**

The purpose of the plan is to inform the Law School community about the status of operations during or following a snowstorm. The plan consists of two parts. The first and primary part of the plan uses the Law School telephone message system. The second part of the plan consists of giving a local radio station the School's closing information for broadcast. Each part of the plan is outlined below.

**(1) Telephone Call-In:** In the event of a serious snowstorm, the Law School may be closed. An example of a serious snowstorm is one that has caused the closing of New York City Public Schools. In the event of a serious snowstorm, an alert message will be placed on the automatic answering system that can be accessed by dialing 718-340-4399. If there is no message on the telephone system, assume the School is open.

**(2) Radio Announcement:** The Law School will announce its closing on radio station WCBS (880 AM, 101.1 FM).

The City University Central Administration will have snow-closing information regarding all of the CUNY colleges, including the Law School, on:

WADO	1280 AM	
WBLS	107.5 FM	
WFAS	1230 AM	104 FM
WINS	1010 AM	
WLIB	1190 AM	

#### **6.13 THE CITY UNIVERSITY OF NEW YORK POLICY ON ADMISSION OF SEX OFFENDERS**

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

#### **6.14 THE CITY UNIVERSITY OF NEW YORK CAMPUS AND WORKPLACE VIOLENCE PREVENTION POLICY**

##### **Policy Statement**

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



- (i) An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- (ii) Any intentional display of force that would give an employee reason to fear or expect bodily harm;
- (iii) Intentional and wrongful physical contact with an employee without his or her consent that entails some injury; and/or
- (iv) Stalking an employee in a manner that may cause the employee to fear for his or her physical safety and health when such stalking has arisen through and in the course of employment.

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

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

The University, at the request of an employee, or student, or at its own discretion, may prohibit members of the public, including family members, from seeing an employee or student on University property, unless necessary to transact University-related business. This policy particularly applies when an employee or student anticipates that an act of violence may result from an encounter with said individual(s).

Employee participation in the implementation of this Policy will be provided through their authorized employee representatives, who will be invited to participate in: (1) Scheduled physical risk assessment site evaluation(s) to determine the presence of risk factors which may place employees at risk of workplace violence; (2) the development and annual review of a Workplace Violence Prevention Program promulgated by each College for the implementation of the Policy; (3) the annual review of the *Campus Workplace Violence Incidents Report* prepared annually by each College; and (4) as appropriate, following a serious incident of Workplace Violence.

## **6.15 DOMESTIC VIOLENCE AND THE WORKPLACE**

### **Policy Statement**

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

### **Definitions**

For purposes of this policy, the terms listed below will be defined as follow:

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

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

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

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

## **Policy**

### **I. Employee Awareness**

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

### **II. Non-Discriminatory and Responsive Personnel Policies for Victimized Employees**

1. CUNY will not discriminate against victims of domestic violence or persons perceived as domestic violence victims in employment determinations and will be responsive to the needs of victims of domestic violence.
2. CUNY will not make inquiries about a job applicant's current or past domestic violence victimization, and employment decisions will not be based on any assumptions about or knowledge of such exposure.
3. CUNY will abide by all relevant New York State laws making it a crime for employers to penalize an employee who, as a victim or witness of a criminal offense, is appearing as a witness, consulting with a district attorney, or exercising his/her rights. CUNY, with at least one prior day notification, will allow time off for victims or subpoenaed witnesses to exercise their rights as provided in the Criminal Procedure law, the Family Court Act, and the Executive law [Penal law §215.14]. If there are any questions or concerns regarding the leave that must be granted to victims or subpoenaed witnesses, employees should contact their human resources director for assistance and clarification.
4. CUNY, upon request of the employee, will assist the employee in determining the best use of his/her attendance and leave benefits when an employee needs to be absent as a result of being a victim of domestic violence. If an employee requests time off to care for and/or assist a family member who has been a victim of

domestic violence, CUNY will evaluate the employee's request for leave for eligibility under existing law and collective bargaining agreements applicable to the employee.

5. In instances when an employee, who is a victim of domestic violence, has difficulty producing the documentation necessary to justify absences due to his/her status as such victim, CUNY will make all reasonable efforts, in consultation with employee victims of domestic violence, to identify the documentation necessary to justify absences from work and assist the employee with his/her safety-related needs to satisfactorily meet the identified documentation requirement, without compromising the employee's safety.

6. When appropriate, available, and permissible, employees who are victims of domestic violence and who separate from a spouse (or terminate a relationship with a domestic partner, if covered), will be allowed to make reasonable changes in benefits at any time during the calendar year, where possible, in accordance with statute, regulation, contract, and policy.

7. CUNY encourages victims of domestic violence who are subject to discipline due to job performance or conduct problems, to notify appropriate supervisory, managerial, or human resources staff of their situation. Said employees will be afforded all of the proactive measures outlined in this policy, and will be provided clear information about performance expectations, priorities, and performance evaluation. If a disciplinary process is initiated, special care will be taken to consider all aspects of the victimized employee's situation, and all available options in trying to resolve the performance problems will be exhausted, including making a referral to any Employee Assistance Program, consistent with existing collective bargaining agreements, statutes, regulations, and policy.

8. CUNY encourages any employee who is terminated or voluntarily separates from employment due to domestic violence-related performance problems to notify appropriate human resources staff, in order to investigate the employee's potential eligibility for unemployment insurance. CUNY will respond quickly to any requests for information that may be needed in the claims process. New York State law provides that a victim of domestic violence who voluntarily separates from employment may, under certain circumstances, be eligible for unemployment insurance benefits [§593 of NYS labor law].

### **III. Workplace Safety Plans**

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

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

2. CUNY has designated campus-level liaisons on each campus to further ensure campus-level implementation of the Domestic Violence and the Workplace Policy, to serve as the campus-level liaison within CUNY regarding the Domestic Violence and the Workplace Policy, and to be available to employees in need of support.

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

4. CUNY is committed to compliance and assistance with enforcement of all known court orders of protection, particularly orders in which abusers have been ordered to stay away from the work site of the victim. If requested by the victim of domestic violence or law enforcement, CUNY will cooperate in situations concerning an alleged violation of an order of protection. Employees are encouraged to bring their Orders of Protection (OP) to the attention of the Director of Campus Security/Public Safety or the Deputy Director of Campus Security/Public Safety. Once the OP has been brought forward, the document will be kept in a secure location accessible only to the Director of Campus Security/Public Safety or the Deputy Director of Campus Security/Public Safety. In the case of a workplace emergency requiring the presentation of the OP to law enforcement, if the Director of Campus Security/Public Safety or the Deputy Director of Campus Security/Public Safety is unavailable to obtain the document, a designated member in the Office of Campus Security/Public Safety will have access to the secure location. The Director of Campus

Security/Public Safety or the Deputy Director of Campus Security/Public Safety will discuss with the employee a plan on how to best proceed to ensure the safest possible work environment for the employee and the rest of the staff. With the permission of the employee, this may include: providing a copy of the OP and/or photo of perpetrator to security or front desk personnel; a discussion of who should be told if there is no security or front-desk staff, including identifying a supervisor or colleagues who would be able to assist with the identification of the perpetrator; blocking the subject/perpetrator of the OP form from the workplace; and creating a personal workplace safety plan. The employee is responsible to notify the Director of Campus Security/Public Safety or the Deputy Director of Campus Security/Public Safety, if there are any changes to the OP.

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

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

#### **IV. Accountability for Employees Who Are Offenders**

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

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

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

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

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

## **V. Firearms**

1. Pursuant to New York State and federal law, a person convicted of a domestic violence-related crime or subject to an order of protection, under certain circumstances, forfeits the right to legally possess a firearm or long gun. Additionally, federal law contains prohibitions relating to shipping, transportation, or receiving firearms or ammunition.
2. In addition to complying with the law, employees who are authorized to carry a firearm as part of their job responsibilities are required to notify CUNY if they are arrested on a domestic violence-related offense and/or served with an order of protection. Under certain circumstances, such employees are responsible for surrendering their firearms to the issuing agency or to the appropriate police agency.
3. Should an employee fail to comply with the requirements set forth above, said employee will be subject to corrective or disciplinary action, in accordance with existing collective bargaining unit agreements, statutes, or regulations. In addition, the appropriate law enforcement agency will be notified for possible criminal action.

## **VI. Training**

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

1. All persons designated as liaisons, whether the University-level liaison or college-level liaison, and all liaison-identified support personnel will complete OPDV's one-day training on Domestic Violence and the Workplace as soon as practicable after the appointment is made. Training will prepare support personnel to identify possible signs and indicators of victimization, make appropriate referrals to domestic violence service providers, work with professionals to assist identified victims with safety planning, and develop individualized responses. Training will also include information on the physical, social, and cultural realities that may affect victims of domestic violence, the ways in which domestic violence impacts the workplace, including the potential impact on worker productivity and the safety risks to on-site personnel and visitors.
2. Campus-level liaisons will designate, as appropriate, managers, supervisors, employee assistance professionals, human resources personnel, union and labor representatives, or security staff for additional training on domestic violence issues which may include the one-day OPDV training.
3. CUNY will also make training in the prevention and awareness of domestic violence and its impact on the workplace available for all staff. Training will include information on the physical, social, and cultural realities that may affect victims of domestic violence, the ways in which domestic violence impacts the workplace, including the potential impact on worker productivity, and safety risks.

## **VII. Reporting Requirements**

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

## **VIII. Confidentiality**

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

personnel), as deemed necessary by CUNY to protect the safety of the victim and/or other employees or to enforce an order of protection, will be given information concerning incidents of domestic violence.

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

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

## **IX. Law Enforcement and Legislation**

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

### **6.16 THE CITY UNIVERSITY OF NEW YORK POLICY ON EQUAL OPPORTUNITY AND NON-DISCRIMINATION**

#### **I. Policy on Equal Opportunity and Non-Discrimination**

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

It is the policy of the University—applicable to all colleges and units— to recruit, employ, retain, promote, and provide benefits to employees (including paid and unpaid interns) and to admit and provide services for students without regard to race, color, creed, national origin, ethnicity, ancestry, religion, age, sex (including pregnancy, childbirth, and related conditions), sexual orientation, gender, gender identity, marital status, partnership status, disability, genetic information, alienage, citizenship, military or veteran status, status as a victim of domestic violence/stalking/sex offenses, unemployment status, or any other legally prohibited basis in accordance with federal, state, and city laws.<sup>1</sup>

It is also the University's policy to provide reasonable accommodations, when appropriate, to individuals with disabilities, individuals observing religious practices, employees who have pregnancy or childbirth-related medical conditions, or employees who are victims of domestic violence/stalking/sex offenses.

This Policy also prohibits retaliation for reporting or opposing discrimination, or cooperating with an investigation of a discrimination complaint.

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<sup>1</sup> As a public university system, CUNY adheres to federal, state, and city laws and regulations regarding non-discrimination and affirmative action. Should any federal, state, or city law or regulation be adopted that prohibits discrimination based on grounds or characteristics not included in this Policy, discrimination on those additional bases will also be prohibited by this Policy.

## **Prohibited Conduct Defined**

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

**Harassment** is a form of discrimination that consists of unwelcome conduct, based on a protected characteristic that has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or abusive work or academic environment. Such conduct can be spoken, written, visual, and/or physical. This policy covers prohibited harassment, based on all protected characteristics other than sex. Sex-based harassment and sexual violence are covered by CUNY's Policy on Sexual Misconduct.

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

## **II. Discrimination and Retaliation Complaints**

The City University of New York is committed to addressing discrimination and retaliation complaints promptly, consistently, and fairly. There shall be a Chief Diversity Officer at every college or unit of the University, who shall be responsible for, among other things, addressing discrimination and retaliation complaints under this Policy. There shall be procedures for making and investigating such complaints, which shall be applicable at each unit of the University.

## **III. Academic Freedom**

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

## **IV. Responsibility for Compliance**

The President of each college of the University, the CUNY Executive Vice Chancellor and Chief Operating Officer, and the Deans of the Law School, Graduate School of Journalism, School of Public Health, School of Professional Studies, and Macauley Honors College, have ultimate responsibility for overseeing compliance with these policies at their respective units of the University. In addition, each vice president, dean, director, or other person with managerial responsibility, including department chairpersons and executive officers, must promptly consult with the Chief Diversity Officer at his or her college or unit, if he or she becomes aware of conduct or allegations of conduct that may violate this policy. All members of the University community are required to cooperate in any investigation of a discrimination or retaliation complaint.

*Part of Policies and Procedures adopted and approved effective November 27, 2012, Cal.No.4; and revised policy amended and adopted December 1, 2014, Cal. No. C., with effective date of January 1, 2015; Cal. Item C.*

## **6.17 COMPLAINT PROCEDURES UNDER THE CITY UNIVERSITY OF NEW YORK'S POLICY ON EQUAL OPPORTUNITY AND NON-DISCRIMINATION<sup>2</sup>**

### **1. Reporting Discrimination and/or Retaliation**

The University is committed to addressing discrimination and/or retaliation complaints promptly, consistently, and fairly.

Members of the University community, as well as visitors, may promptly report any allegations of discrimination or retaliation to the individuals set forth below:

A. Applicants, employees, visitors, and students with discrimination complaints should raise their concerns with the Chief Diversity Officer at their location.

B. Applicants, employees, visitors and students with complaints of sexual harassment or sexual violence, including sexual assault, stalking, and domestic and intimate violence, should follow the process outlined in CUNY's Policy on Sexual Misconduct.

C. There are separate procedures under which applicants, employees, visitors and students may request and seek review of a decision concerning reasonable accommodations for a disability, which are set forth in CUNY's Procedures on Reasonable Accommodation. (<http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/CUNY-Procedures-for-Implementing-Reasonable-Accommodations-and-Academic-Adjustments-9.21.2016.pdf>)

### **2. Preliminary Review of Employee, Student, or Visitor Concerns**

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

### **3. Filing a Complaint**

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

### **4. Informal Resolution**

Individuals who believe they have been discriminated or retaliated against may choose to resolve their complaints informally. Informal resolution is a process whereby parties can participate in a search for fair and workable solutions. The parties may agree upon a variety of resolutions, including, but not limited to, modification of work assignment, training for a department, or an apology. The Chief Diversity Officer will

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<sup>2</sup> These Procedures govern any complaint of discrimination and/or retaliation, except complaints of sexual harassment and sexual violence, which are covered by CUNY's Sexual Misconduct Policy. These procedures are applicable to all of the units and colleges of the University. The Hunter College Campus Schools may make modifications to these procedures, subject to approval by the University, as appropriate, to address the special needs of their elementary and high school students.

These Procedures are intended to provide guidance for implementing the University Policy on Equal Opportunity and Non-Discrimination. These Procedures do not create any rights or privileges on the part of any others.

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



determine if informal resolution is appropriate, in light of the nature of the complaint. Informal resolution requires the consent of both the complainant and the respondent and suspends the complaint process for up to thirty (30) calendar days, which can be extended upon consent of both parties, at the discretion of the Chief Diversity Officer.

Resolutions should be agreed upon, signed by, and provided to both parties. Once both parties reach an informal agreement, it is final. Because informal resolution is voluntary, sanctions may be imposed against the parties only for a breach of the executed voluntary agreement.

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

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

## **5. Investigation**

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

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

- a. Interviewing the complainant. In addition to obtaining information from the complainant (including the names of any possible witnesses), the complainant should be informed that an investigation is being commenced, that interviews of the respondent and possibly other people will be conducted, and that the President<sup>3</sup> will determine what action, if any, to take after the investigation is completed.
- b. Interviewing the respondent. In addition to obtaining information from the respondent (including the names of any possible witnesses), the respondent should be informed that a complaint of discrimination has been received and should be provided with a summary of the complaint, unless circumstances warrant otherwise. Additionally, the respondent should be informed that an investigation has begun, which may include interviews with third parties, and that the President will determine what action, if any, to take after the investigation is completed. A respondent employee who is covered by a collective bargaining agreement may consult with, and have, a union representative present during the interview.

The respondent must be informed that retaliation against any person who files a complaint of discrimination, participates in an investigation, or opposes a discriminatory employment or educational practice or policy is prohibited under this policy and federal, state, and city laws. The respondent should be informed that if retaliatory behavior is engaged in by either the respondent or anyone acting on his/her behalf, the respondent may be subject to disciplinary charges, which, if sustained, may result in penalties up to and including termination of employment, or permanent dismissal from the University, if the respondent is a student.

- c. Reviewing other evidence. The Chief Diversity Officer should determine if, in addition to the complainant, the respondent, and those persons named by them, there are others who may have relevant information regarding the events in question, and speak with them. The Chief Diversity Officer should also review documentary evidence that may be relevant to the complaint.

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<sup>3</sup> References to the President in these Procedures refer to the Executive Vice Chancellor and Chief Operating Officer and the Deans of the Law School, Graduate School of Journalism, CUNY School of Public Health, School of Professional Studies, and Macauley Honors College, wherever those units are involved, rather than a college.

## **6. Withdrawing a Complaint**

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

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

## **7. Timeframe**

While some complaints may require extensive investigation, whenever possible, the investigation of a complaint should be completed within sixty (60) calendar days of the receipt of the complaint.

## **8. Action Following Investigation of a Complaint**

- a. Promptly following the completion of the investigation, the Chief Diversity Officer will report his or her findings to the President. In the event that the respondent or complainant is a student, the Chief Diversity Officer will also report his or her findings to the Chief Student Affairs Officer.
- b. Following such report, the President will review the complaint investigation report and, when warranted by the facts, authorize such action as he or she deems necessary to properly correct the effects of or to prevent further harm to an affected party or others similarly situated. This can include commencing action to discipline the respondent under applicable University Bylaws or collective bargaining agreements.
- c. The complainant and the respondent should be apprised in writing of the outcome and action, if any, taken as a result of the complaint.
- d. The President will sign a form that will go into each investigation file, stating what, if any, action will be taken pursuant to the investigation.
- e. If the President is the respondent, the Vice Chancellor of Human Resources Management will appoint an investigator who will report his/her findings to the Chancellor. The Chancellor will determine what action will be taken. The Chancellor's decision will be final.

## **9. Immediate Preventive Action**

The President may take whatever action is appropriate to protect the college community, in accordance with applicable Bylaws and collective bargaining agreements.

## **10. False and Malicious Accusations**

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

## **11. Anonymous Complaints**

All complaints will be taken seriously, including anonymous complaints. In the event that a complaint is anonymous, the complaint should be investigated as thoroughly as possible under the circumstances.

## **12. Responsibilities**

a. Responsibilities of the President:

- Appoint a Chief Diversity Officer responsible for addressing complaints under this Policy.
- Ensure that the Chief Diversity Officer is fully trained and equipped to carry out his/her responsibilities.
- Ensure that managers receive training on the Policy.
- Annually disseminate the Policy and these Procedures to the entire college community and include the names, titles, and contact information of all appropriate resources at the college. Such information should be widely disseminated, including placement on the college website.

b. Responsibilities of Managers:

Managers must take steps to create a workplace free of discrimination, harassment, and retaliation, and must take each and every complaint seriously. Managers must promptly consult with the Chief Diversity Officer, if they become aware of conduct that may violate the Policy.

For purposes of this policy, managers are employees who either (a) have the authority to make tangible employment decisions with regard to other employees, including the authority to hire, fire, promote, compensate, or assign significantly different responsibilities; or (b) have the authority to make recommendations on tangible employment decisions that are given particular weight. Managers include vice presidents, deans, directors, or other persons with managerial responsibility, including, for purposes of this policy, department chairpersons and executive officers.

c. Responsibilities of the University Community-at-Large:

- Members of the University community who become aware of allegations of discrimination or retaliation, should encourage the aggrieved individual to report the alleged behavior.
- All employees and students are required to cooperate in any investigation.

**Some Relevant Laws Concerning Non-Discrimination and Equal Opportunity**

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

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

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

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

*Equal Pay Act of 1963*, as amended, requires that men and women performing substantially equal jobs in the same workplace receive equal pay.

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

*Age Discrimination in Employment Act*, as amended, prohibits discrimination against individuals who are age 40 or older.

*Section 504 of the Rehabilitation Act of 1973* defines and forbids acts of discrimination against qualified individuals with disabilities in employment and in the operation of programs and activities receiving federal financial assistance.

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

*Vietnam Era Veterans' Readjustment Act of 1974*, as amended, requires government contractors and subcontractors to take affirmative action to employ and advance in employment disabled and other protected veterans.

*Uniformed Services Employment and Reemployment Rights Act of 1994*, as amended, prohibits employment discrimination based on military status and requires reemployment following military service in some circumstances.

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

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

*New York City Human Rights Law* prohibits discrimination based on age (18 and older), race, creed, color, national origin, gender (including gender identity and expression), disability, marital status, partnership status, sexual orientation, alienage or citizenship status, arrest or conviction record, unemployment status, or status of an individual as a victim of domestic violence, sex offenses, or stalking.

*New York City Workplace Religious Freedom Act* requires an employer to make accommodation for an employee's religious needs.

*New York State Education Law Section 224-a* requires institutions of higher education to make accommodations for students who are unable to attend classes or take examinations due to their religious beliefs.

*New York State Human Rights Law* prohibits discrimination based on race, creed, color, national origin, sexual orientation, military status, sex, age (18 and older), marital status, domestic violence victim status, disability, predisposing genetic characteristics, or prior arrest or conviction record.

*New York City Pregnant Workers Fairness Act* provides that employers provide pregnant employees with reasonable accommodations for the employee's pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

*Effective as of January 1, 2015 and revised on August 29, 2016.*

## 6.18 THE CITY UNIVERSITY OF NEW YORK POLICY ON SEXUAL MISCONDUCT

### I. POLICY STATEMENT

Every member of The City University of New York (“CUNY”) community, including students, employees and visitors, deserves the opportunity to live, learn and work free from Sexual Misconduct (sexual harassment, gender-based harassment and sexual violence). Accordingly, CUNY is committed to:

- 1) Defining conduct that constitutes prohibited Sexual Misconduct;
- 2) Providing clear guidelines for students, employees and visitors on how to report incidents of Sexual Misconduct and a commitment that any complaints will be handled respectfully;
- 3) Promptly responding to and investigating allegations of Sexual Misconduct, pursuing disciplinary action when appropriate, referring the incident to local law enforcement when appropriate, and taking action to investigate and address any allegations of retaliation;
- 4) Providing ongoing assistance and support to students and employees who make allegations of Sexual Misconduct;
- 5) Providing awareness and prevention information on Sexual Misconduct, including widely disseminating this policy, as well as a “students’ bill of rights” and implementing training and educational programs on Sexual Misconduct to college constituencies; and
- 6) Gathering and analyzing information and data that will be reviewed in order to improve safety, reporting, responsiveness and the resolution of incidents.

This is the sole policy at CUNY addressing Sexual Misconduct and is applicable at all college and units at the University. It will be interpreted in accordance with the principles of academic freedom adopted by CUNY’s Board of Trustees.

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

- [The CUNY Policy on Equal Opportunity and Nondiscrimination](#) prohibits discrimination on the basis of numerous protected characteristics in accordance with federal, state and local law. That policy addresses sex discrimination other than Sexual Misconduct covered by this policy.
- [The CUNY Campus and Workplace Violence Prevention Policy](#) addresses workplace violence.
- [The CUNY Domestic Violence and the Workplace Policy](#) addresses domestic violence in or affecting employees in the workplace.
- [The CUNY Procedures for Implementing Reasonable Accommodations and Academic Adjustments](#) addresses the procedures CUNY will follow when there is a request for a reasonable accommodation and or academic adjustment.

In addition, campus crime statistics, including statistics relating to sexual violence, which CUNY is required to report under the Jeanne Clery Act, are available from the Office of Public Safety at each college and/or on its Public Safety website.

### II. SCOPE OF THIS POLICY

This policy governs the conduct of (i) all the members of CUNY’s community, including employees and students, and (ii) non-members of CUNY’s community who interact with members of the CUNY community (hereinafter “visitors”). Visitors are both protected by and subject to this policy. A non-member may make a complaint of or report a violation of this policy committed by a member of CUNY’s community. A non-member may also be subject to restrictions for failing to comply with this policy. This policy applies to conduct that occurs on and off CUNY property.

### III. DEFINITIONS

- a. **Affirmative Consent** is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity or gender expression.

Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.

In order to give consent, one must be of legal age (17 years or older).

Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by lack of consciousness or being asleep, being involuntarily restrained, or if the individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

Consent may be initially given but withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.

- b. **Complainant** refers to the individual who alleges that she/he has been the subject of Sexual Misconduct, and can be a CUNY student, employee (including all full-time and part-time faculty and staff), or visitor. Under this policy, the alleged incident(s) may have been brought to the college's attention by someone other than the complainant.
- c. **Complaint** is an allegation of Sexual Misconduct made under this policy.
- d. **Confidentiality** is the commitment not to share any identifying information with others, except as required by law in emergency circumstances (such as risk of death or serious bodily harm). Confidentiality may only be offered by individuals who are not legally required to report known incidents of Sexual Misconduct to college officials. Licensed mental health counselors, medical providers & pastoral counselors may offer confidentiality.
- e. **Dating Violence** is violence or sexual assault committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined based on the reporting party's statement and with consideration of the length of the relationship and the frequency of the interaction between the persons involved in the relationship. Dating violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct. A relationship may be romantic or intimate regardless of whether the relationship was sexual in nature. Dating violence includes the threat of sexual or physical abuse.
- f. **Domestic Violence** is any violence or sexual assault committed by (i) a current or former spouse or intimate partner of the victim; (ii) a person with whom the victim shares a child; (iii) a person who cohabits or cohabited with the victim as a spouse or intimate partner; or (iv) anyone else covered by applicable domestic violence laws. Domestic violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct.
- g. **Forcible Touching/Fondling** is intentionally touching the sexual or other intimate parts of another person without the latter's consent for the purpose of degrading or abusing such person, or for the purpose of gratifying the actor's sexual desire.
- h. **Gender-Based Harassment** is unwelcome conduct of a nonsexual nature based on an individual's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is sufficiently serious to adversely affect an individual's participation in employment, education or other CUNY activities. The effect will be evaluated based on the perspective of a reasonable person in the position of the complainant. An example of gender-based harassment would be persistent mocking or disparagement of a person based on a perceived lack of stereotypical masculinity or femininity.
- i. **Intimate Partner Violence ("IPV")** includes both Domestic Violence and Dating Violence.
- j. **Managers** are employees who have authority to make tangible employment decisions with regard to other employees, including the authority to hire, fire, promote, compensate or assign significantly different responsibilities.

- k. **Pastoral counselor.** A person who is associated with a religious order or denomination, recognized by that order or denomination as someone who provides confidential counseling, and functioning within the scope of that recognition.
- l. **Privacy** is the assurance that the college will only reveal information about a report of Sexual Misconduct to those who need to know the information in order to carry out their duties or responsibilities or as otherwise required by law. Individuals who are unable to offer the higher standard of confidentiality under law, but who are still committed to not disclose information more than necessary, may offer privacy.
- m. **Rape and Attempted Rape** is the penetration or attempted penetration, no matter how slight, of any body part by a sex organ of another person, without the consent of that person.
- n. **Respondent** refers to the individual who is alleged to have committed Sexual Misconduct against a CUNY student, employee, or visitor.
- o. **Retaliation** is adverse treatment of an individual as a result of that individual's reporting Sexual Misconduct, assisting someone with a report of Sexual Misconduct, opposing in a reasonable manner an act or policy believed to constitute Sexual Misconduct, or participating in any manner in an investigation or resolution of a Sexual Misconduct report. Adverse treatment includes threats, intimidation and reprisals by either a complainant or respondent or by others such as friends or relatives of either a complainant or respondent
- p. **Sexual Activity** is
  - contact between the penis and the vulva or the penis and the anus;
  - contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
  - penetration, however slight, of the of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
- q. **Sexual Assault** is any form of sexual activity that occurs without consent.
- r. **Sex Discrimination** is treating an individual differently or less favorably because of sex, including sexual orientation, gender or gender identity (including transgender status), as well as pregnancy, childbirth and related medical conditions. Examples of sex discrimination include giving a student a lower grade, or failing to hire or promote an employee, based on their sex.
- s. **Sexual Harassment** is unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic and electronic communications or physical conduct of a sexual nature when:
  - i. submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (quid pro quo); or
  - ii. such conduct is sufficiently serious that it alters the conditions of, or has the effect of substantially interfering with, an individual's educational or work experience by creating an intimidating, hostile, or offensive environment (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of a complainant.

Conduct is considered "unwelcome" if the individual did not request or invite it and considered the conduct to be undesirable or offensive.

While it is not possible to list all circumstances that might constitute sexual harassment, the following are some examples of conduct that might constitute sexual harassment depending on the totality of the circumstances:

- i. Inappropriate or unwelcome physical contact or suggestive body language, such as touching, groping, patting, pinching, hugging, kissing, or brushing against an individual's body;
  - ii. Verbal abuse or offensive comments of a sexual nature, including sexual slurs, persistent or pervasive sexually explicit statements, questions, jokes or anecdotes, degrading words regarding sexuality or gender, suggestive or obscene letters, notes, or invitations;
  - iii. Visual displays or distribution of sexually explicit drawings, pictures, or written materials; or
  - iv. Undue and unwanted attention, such as repeated inappropriate flirting, staring, or making sexually suggestive gestures.
- t. **Sexual Misconduct** is sexual harassment, gender-based harassment or sexual violence, as defined in this policy.
- u. **Sexual Violence** includes: (1) sexual activity without affirmative consent, such as sexual assault rape/attempted rape, and forcible touching/fondling; (2) dating, domestic and intimate partner violence; (3) stalking as defined below; and (4) voyeurism, as defined below.
- v. **Stalking** is intentionally engaging in a course of conduct directed at a specific person that:
- 1. is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted; or
  - 2. is likely to cause such person to reasonably fear that her/his employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

Where stalking is directed at an individual with whom the perpetrator has, had, or sought some form of sexual or romantic relationship, it will be addressed under this Policy. Stalking that lacks a sexual or gender-based nexus may be addressed under the Code of Conduct.

- w. **Supervisors** are employees who are not managers, but have a sufficient degree of control over the working conditions of one or more employees, which might include evaluating their performance and making recommendations for changes in employment status that are given particular weight.
- x. **Visitor** is an individual who is present at a CUNY campus or unit but is not a student or an employee.
- y. **Voyeurism** is unlawful surveillance and includes acts that violate an individual's right to privacy in connection with her/his body and/or sexual activity such as:
- i. Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent.
  - ii. Recording images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
  - iii. Disseminating images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure;
  - iv. Using or installing, or permitting the use or installation of a device for the purpose of recording another person's sexual activity, intimate body parts or nakedness in a place where the person would have a reasonable expectation of privacy without that person's consent.
- z. **Writing**. Whenever this policy requires in "writing," electronic mail satisfies the writing requirement.

## **IV. PROHIBITED CONDUCT**

### **A. Sexual Harassment, Gender-Based Harassment and Sexual Violence**



This policy prohibits sexual harassment, gender-based harassment and sexual violence (together “Sexual Misconduct”) against any CUNY student, employee or visitor.

Sexual harassment includes unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic and electronic communications or physical conduct that is sufficiently serious to adversely affect an individual’s participation in employment, education or other CUNY activities.

Sexual harassment is considered a form of employee misconduct and an employee who engages in such conduct, or, managerial and supervisory personnel who knowingly allow such behavior to continue, shall be subject to discipline in accordance with applicable rules, policies and collective bargaining agreements.

Gender-based harassment is unwelcome conduct of a nonsexual nature based on an individual’s actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is sufficiently serious to adversely affect an individual’s participation in employment, education or other CUNY activities.

Sexual violence is an umbrella term that includes: (1) sexual activity without affirmative consent, sexual assault, rape/attempted rape, and forcible touching/fondling; (2) dating, domestic and intimate partner violence; (3) stalking/cyberstalking (“stalking”), and (4) voyeurism.

The complete definitions of these terms, as well as other key terms used in this policy, are in Section III above.

## **B. Retaliation**

This policy prohibits retaliation against any person who reports Sexual Misconduct, assists someone making such a report, participates in any manner in an investigation or resolution of a Sexual Misconduct complaint, including testifying or assisting in a legal proceeding, or opposes in a reasonable manner an act or policy believed to constitute Sexual Misconduct. Federal, state, and local laws also prohibit retaliation.

## **C. Certain Intimate Relationships**

This policy also prohibits certain intimate relationships when they occur between a faculty member or employee and any student for whom he or she has a professional responsibility as set forth in Section XII below.

# **V. TITLE IX COORDINATOR**

Each college or unit of CUNY has an employee who has been designated as the Title IX Coordinator. This employee is responsible for compliance with Title IX of the Education Amendments of 1972, which prohibits sex discrimination, including Sexual Misconduct, in education programs, and with New York State Law Article 129B, commonly referred to as the Enough is Enough, Combating Sexual Assault and Domestic Violence on College Campuses (hereafter “Enough is Enough”). The Title IX Coordinator has overall responsibility for implementing this policy, including overseeing the investigation of complaints at her/his college or unit and carrying out the other functions of that position set forth in this policy. All Title IX Coordinators shall receive annual training on Sexual Misconduct as required by Title IX, the Clery Act, Enough is Enough, and other civil rights law. The name and contact information for all Title IX Coordinators at CUNY can be found on the university’s dedicated [Title IX website](#).

# **VI. ASSISTANCE IN CASES OF SEXUAL VIOLENCE**

## **A. Reporting to Law Enforcement**

Students, employees and other community members who experience any form of sexual violence on or off-campus (including CUNY-sponsored trips and events) and visitors who experience sexual violence on a CUNY campus may, but are not required to, report to local law enforcement, and/or state police. CUNY does not require a complainant to report sexual misconduct to law enforcement; however, if a student, employee, or other community member does wish to report to law enforcement, CUNY will provide assistance. Each college public safety office shall have an appropriately trained employee available at all times to provide the complainant with information regarding options to proceed, including information regarding the criminal justice process and the preservation of

evidence. Campus public safety officers can also assist the complainant with filing a complaint both on and off-campus, and in obtaining immediate medical attention and other services.

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

#### B. Relationship of CUNY's Investigation to the Action of Outside Law Enforcement

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

Students, employees and other community members should be aware that CUNY procedures and standards differ from those of criminal procedures. When CUNY investigates allegations of sexual misconduct or brings disciplinary proceedings for violations of this policy, the issue is whether the respondent violated CUNY policy. The standard applied in making this determination is whether the preponderance of the evidence substantiates the complaint, or, stated another way, whether it is more likely than not that the alleged conduct occurred. An individual found to have violated this policy may be sanctioned by the college and CUNY. In the criminal justice system, on the other hand, the issue is whether the accused violated state criminal law. The standard applied is proof beyond a reasonable doubt and an individual found *guilty* of a crime is subject to *criminal penalties*, such as incarceration, probation and fines. More information about relevant criminal laws is available at \_\_\_\_\_(link to chart)

#### C. Obtaining Immediate Medical Attention and Emotional Support

CUNY encourages anyone who has experienced sexual assault or domestic, dating or intimate partner violence to seek medical attention as soon as possible. Medical resources can provide treatment for injuries, preventative treatment for sexually transmitted diseases, emergency contraception, and other health services. They can also assist in preserving evidence or documenting any injuries. Taking these steps promptly after an incident can be very helpful if an individual later decides to seek criminal proceedings or a protective order.

Individuals who have experienced or witnessed sexual violence are also encouraged to seek emotional support, either on or off-campus.

#### D. On-campus resources

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

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

## **VII. IMPORTANT INFORMATION ABOUT CONFIDENTIALTY, PRIVACY and REQUIRED REFERRALS**

CUNY values the privacy of its students, employees, and visitors. They should be able to seek the assistance they need without fear that the information they provide will be shared more broadly. Some individuals who serve as resources on campus are **confidential** resources and will not share any identifying information with others, except as required by law in emergency circumstances. Other individuals are not permitted to maintain confidentiality but will protect **privacy** to the greatest extent possible and share information with other staff only on a need-to-know basis.

**Confidential resources.** Individuals considered confidential resources include counselors and health care providers at the college counseling centers and health offices, pastoral counselors, and designated staff members at women's or men's centers, if they exist on campus. *Students may use these resources even if they decide not to make a report or participate in University disciplinary proceedings or the criminal justice process.*

**Private but non-confidential resources.** Many college employees are required by federal and state law to provide information about possible sexual misconduct to the Title IX Coordinator. Individuals designated as non-confidential but private resources will protect **privacy** to the greatest extent possible, but must share relevant information about sexual misconduct with the Title IX Coordinator.

More information about confidential and private but non-confidential resources is provided in Section IX, below.

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

## **VIII. REPORTING SEXUAL MISCONDUCT TO THE COLLEGE**

In order for the University to address allegations of sexual misconduct, it has to learn about them. Accordingly, CUNY strongly encourages individuals who have experienced sexual misconduct to file a complaint with a designated campus official, as outlined below. The designated officials are trained to accept complaints, to ensure they are investigated in accordance with this policy, and to help complainants get necessary assistance.

Students, faculty, staff and visitors are encouraged to report incidents of sexual misconduct to campus officials, even if they have reported the incident to outside law enforcement authorities, and regardless of whether the incident took place on or off-campus (including “study abroad” programs.) Such reporting will enable complainants to get the support they need and provide the college with the information it needs to take appropriate action.

### **A. Complainant’s Rights**

Individuals who have experienced sexual misconduct have the right to file a complaint with the college or to decide not to do so. (The decision on whether to bring disciplinary charges, however, rests with the campus.) Students who report sexual misconduct have all of the rights contained in the Students Bill of Rights (copy attached).

Complainants also have these rights:

- To notify campus public safety, local law enforcement, and/or the state police; or to choose not to report.
- To have emergency access to a college official trained to interview victims of sexual assault and able to provide certain information, including reporting options and information about confidentiality and privacy. The official will, where appropriate, advise the reporting individual about the importance of preserving evidence and obtaining a sexual assault forensic examination (“SAFE”) as soon as possible. The official will also explain that the criminal process uses different standards of proof, evidence, and that any questions about whether an incident violated criminal law should be addressed to a law enforcement official or a district attorney’s office.
- To disclose the incident to a college representative who can offer confidentiality or privacy and assist in obtaining services for reporting individuals. See Section IX, below.
- To describe the incident only to those campus officials who need the information in order to properly respond and to repeat the description as few times as practicable.
- To have complaints investigated in accordance with CUNY policy.
- To have privacy preserved to the extent possible.
- To receive assistance and resources on campus, including confidential and free on-campus counseling, and to be notified of other services available on- and off-campus, including the New York State Office of Victim Services.
- To disclose the incident to the college’s Human Resources Director or designee (if the accused is a college employee) or request that a confidential or private resource assist in doing so.
- To disclose the incident confidentially and obtain services from state and local governments.
- To receive assistance from the campus or others in filing a criminal complaint, initiating legal proceedings in family court or civil court, and /or seeking an Order of Protection or the equivalent. In New York City, this assistance is provided by Family Justice Centers located in each borough, [www1.nyc.gov/site/ocdv/programs/family-justice-centers.page](http://www1.nyc.gov/site/ocdv/programs/family-justice-centers.page).
- To receive assistance with effecting an arrest when an individual violates an Order of Protection, which may be provided by assisting local law enforcement in effecting such an arrest.

- To withdraw a complaint or involvement from the process at any time. Students can speak with confidential resources on a strictly confidential basis before determining whether to make a report to college authorities. See Section IX, below. Students also have the right to consult confidentially with state, local and private resources who can provide other assistance.

### **B. Where to File a Complaint on Campus**

Students, employees and visitors who experience sexual misconduct should bring their complaints to one of these campus officials/offices:

- Title IX Coordinator;
- Office of Public Safety;
- Office of Vice President for Student Affairs or Dean of Students (students only)
- Residence Life staff in CUNY owned or operated housing (students and residence visitors only)
- Human Resources Director (employees only)

Contact information for these officials can be found at:

[http://www1.cuny.edu/sites/title-ix/?post\\_type=campus\\_profile&p=159](http://www1.cuny.edu/sites/title-ix/?post_type=campus_profile&p=159)

There is no prescribed method for filing a complaint of sexual misconduct and the college will respond to complaints whether they are oral or written. Complainants may, but are not required to, fill out the CUNY Sexual Misconduct Complaint form. After the form is filled out, it should be brought to one of the offices listed above.

Once any of the officials or offices above is notified of an incident of sexual misconduct, she/he will provide a copy of this Policy to the Complainant and coordinate with appropriate college offices to address the matter in accordance with this policy, including taking appropriate interim and supportive measures. These officials and offices will maintain a complainant's privacy to the greatest extent possible, and all information in connection with the complaint, including the identities of the complainant and the respondent, will be shared only with those who have a legitimate need for the information.

**Visitors:** CUNY strongly encourages visitors to report all incidents of sexual misconduct that they observe or experience while on a CUNY campus or at a CUNY sponsored event to the Office of Public Safety, Residence Life staff, or other appropriate college officials listed above. In certain instances, CUNY may be able to offer those visitors who have experienced sexual misconduct with resources and assistance. For more information on such assistance, please visit <http://www1.cuny.edu/sites/title-ix/cuny-title-ix-coordinator/campus/cuny-school-of-law/>.

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

After a report of an alleged incident of sexual misconduct is made to the Title IX Coordinator, a complainant may request (a) that the matter be investigated only to the extent possible without further revealing her/his identity or any details regarding the incident being divulged further (b) that no investigation into a particular incident be conducted, or (c) that an incident not be reported to outside law enforcement.

In all such cases, the Title IX Coordinator will weigh the complainant's request against the college's obligation to provide a safe, non-discriminatory environment for all students, employees and visitors, including the complainant. Factors used to determine whether to honor such a request include, but are not limited to: (a) whether the respondent has a history of violent behavior or is a repeat offender; (b) whether the incident represents escalation of unlawful conduct by the accused from previously noted behavior; (c) any increased risk that the accused will commit additional acts of violence, (d) whether the accused used a weapon or force; (e) whether the complainant is a minor; (f) whether the college possesses other means to obtain evidence such as security footage; and (g) whether available information reveals pattern of misconduct at a given location or by particular group.

A decision to maintain confidentiality does not mean that confidentiality can be absolutely guaranteed in all circumstances, but that reasonable efforts will be made to keep information confidential consistent with law. Notwithstanding the decision of the Title IX Coordinator regarding the scope of any investigation, the college will provide the complainant with ongoing assistance and support, including, where appropriate, the interim and supportive measures set forth in Section VII of this policy.

If the Title IX Coordinator determines that the college may maintain confidentiality as requested by the complainant, the college will, if possible, take reasonable steps to investigate the incident consistent with the request for confidentiality. However, a college's ability to meaningfully investigate the incident and pursue disciplinary action may be limited by such a request for confidentiality.

#### **D. Filing External Complaints**

Complainants who feel that they have been subjected to unlawful sexual harassment and/or violence have the right to avail themselves of any and all of their rights under law, including but not limited to filing complaints with one or more of the outside agencies listed below.

- U.S. Department of Education, Office for Civil Rights  
<http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>
- U.S. Equal Employment Opportunity Commission  
[https://www.eeoc.gov/federal/fed\\_employees/filing\\_complaint.cfm](https://www.eeoc.gov/federal/fed_employees/filing_complaint.cfm)
- New York State Division of Human Rights  
<http://www.dhr.ny.gov/how-file-complaint>
- New York City Commission on Human Rights  
<http://www1.nyc.gov/site/cchr/about/resources.page>

#### **E. Action by Bystanders and Other Community Members**

While only employees designated as “responsible” employees are required reporters as set forth in Section IX below, CUNY encourages all other community members, including faculty, students and visitors, to take reasonable and prudent actions to prevent or stop an act of sexual misconduct that they may witness. Although these actions will depend on the circumstances, they may include direct intervention, calling law enforcement, or seeking assistance from a person in authority.

In addition, CUNY encourages all community members to report any incident of sexual misconduct that they observe or become aware of to the Title IX Coordinator, or the offices of Public Safety, Vice President of Students Affairs (students), Dean of Students (students) or Human Resources (employees) at their college. Community members who take action in accordance with this paragraph will be supported by the college, and anyone who retaliates against them will be subject to disciplinary charges.

#### **F. Amnesty for Drug and Alcohol Use**

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

This policy does not provide amnesty for drug dealers or those who use drugs or alcohol as a weapon or to facilitate assault. Under CUNY's Amnesty for Drug and Alcohol Policy, personal drug use and possession, whether it is intentional or accidental, will not form the basis of faculty student disciplinary charges.

#### **G. Reporting Suspected Child Abuse**

Certain members of the CUNY community who interact with, supervise, chaperone, or otherwise oversee minors in programs or activities at CUNY or sponsored by CUNY are required to report immediately to the New York State Maltreatment Hotline if they have reasonable cause to suspect abuse or maltreatment of individuals under the age of 18. Information regarding mandated child abuse reporting is available on the [Office of the General Counsel web page](#). If anyone other than New York State mandated reporters has reasonable cause to believe that a minor is being or has been abused or maltreated on campus, she/he should notify either the Title

IX Coordinator or Director of Public Safety. If any CUNY community member witnesses child abuse while it is happening, she/he should immediately call 911.

#### **H. Reporting Retaliation**

An individual may file a complaint with the Title IX Coordinator if the individual has been retaliated against for reporting sexual misconduct, opposing in a reasonable manner an act or policy believed to constitute sexual misconduct, assisting someone making such a report, or participating in any manner in an investigation or resolution of a sexual misconduct complaint. All retaliation complaints will be investigated in accordance with the investigation procedures set forth in Section XI of this policy, and individuals who are found to have engaged in retaliation will be subject to disciplinary action.

### **IX. REPORTING/CONFIDENTIALITY OBLIGATIONS OF COLLEGE AND UNIVERSITY EMPLOYEES**

An individual who speaks to a college or CUNY employee about sexual misconduct should be aware that employees fall into three categories:

- “confidential” employees, who have an obligation to maintain a complainant’s confidentiality regarding the incident(s);
- “responsible” employees, who are required to report the incident(s) to the Title IX Coordinator
- all other employees, who are strongly encouraged but not required to report the incident(s).

#### **A. Confidential Employees**

**i. For Students.** Students at CUNY who wish to speak to someone who will keep all of the communications confidential should speak to one of the following:

- Counselor or other staff member at their college counseling center;
- Nurse, nurse practitioner or other college health office staff member;
- Pastoral counselor, if available at the college; or
- Designated staff member in a women’s or men’s center, if one exists at their college.

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

If a student speaks solely to a “confidential” employee, the college will rarely be able to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. Confidential employees will assist students in obtaining other necessary support. A student who first requests confidentiality may later decide to file a complaint with the college or with local law enforcement.

**ii. For Employees.** Although CUNY does not directly employ individuals to whom CUNY employees can speak on a confidential basis regarding sexual misconduct, free confidential support services are available through [CUNY’s Work/Life Program](#), which is administered by an outside company. Confidential community counseling resources are also available [throughout New York City](#).

## **B. “Responsible” Employees – Private, but not confidential.**

“Responsible” employees have a duty to report incidents of sexual misconduct, including all relevant details, to the Title IX Coordinator. Such employees are not permitted to maintain a complainant’s confidentiality, except that the Title IX Coordinator may honor a request for confidentiality under the circumstances described in Section VII above. However, these employees will maintain a complainant’s privacy to the greatest extent possible, and information reported to them will be shared only with the Title IX Coordinator and other people responsible for handling the college’s response to the report.

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

CUNY has designated the following individuals as “responsible” employees. Complainants who wish to report sexual violence are encouraged to speak with one of the responsible employees marked \*

- i. Title IX Coordinator and her/his staff
- ii. \* Office of Public Safety employees (all)
- iii. \* Vice President for Student Affairs or Dean of Students and all staff housed in those offices
- iv. \* Residence Life staff in CUNY owned or operated housing, including Resident Assistants (all) (for students and housing visitors)
- v. \* Human Resources staff (all) (for employees)
- vi. College President, Vice Presidents and Deans
- vii. Athletics Staff (all)
- viii. Faculty Athletics Representatives
- ix. Department Chairpersons/Executive Officers
- x. University Office of the General Counsel employees (all)
- xi. College/unit attorney and her/his staff
- xii. College/unit labor designee and her/his staff
- xiii. International Education Liaisons/Study Abroad Campus Directors and Field Directors
- xiv. Faculty and staff members at times when they are leading or supervising student on off-campus trips
- xv. Faculty or staff advisors to student groups
- xvi. Employees who are Managers or Supervisors (all)
- xvii. SEEK/College Discovery staff (all)
- xviii. College Childcare Center staff (all)
- xix. Directors of “Educational Opportunity Centers” affiliated with CUNY colleges
- xx. Faculty or staff academic advisors

## **C. All Other Employees**

Employees other than those identified in subsections “A” and “B” above are strongly encouraged but not required to report any possible sexual misconduct to the Title IX Coordinator. They are also strongly encouraged to maintain individual privacy to the greatest extent possible by sharing information, including the identities of the complainant and the respondent, only with the Title IX coordinator.

It is important to emphasize that faculty members other than those specifically identified in sub- Section “B” above have not been designated as “responsible” employees and do not have an obligation to report the matter to the Title IX Coordinator, although they are strongly encouraged to do so. An individual who wishes to ensure that the Title IX Coordinator is notified of an incident is strongly encouraged to speak with the Title IX Coordinator or one of the other individuals identified in Section IX, above.

## **D. Special Rules Concerning Public Awareness and Advocacy Events**

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



## **X. NO CONTACT ORDERS AND OTHER INTERIM AND SUPPORTIVE MEASURES**

When a college becomes aware of an allegation of sexual misconduct and the complainant or other affected parties request interim or supportive measures, the college will take appropriate interim and supportive measures to protect the complainant and other affected parties, to assist the parties, and to protect against retaliation. Appropriate interim and supportive measures may also be available to respondents. The college may also take interim measures to protect the college community at large.

The college's Title IX Coordinator is responsible for coordinating interim and supportive measures, which are available even if the complainant chooses not to file or continue to pursue a complaint. Requests for interim and supportive measures should be made to the Title IX Coordinator.

The Title IX Coordinator will work with the Chief Student Affairs Officer to identify a trained staff member to assist students to obtain interim and supporting measures. The Title IX Coordinator will work with the Human Resources Director to assist employee complainants to obtain interim and supporting measures.

### **A. No Contact Orders**

When respondent is a student, the complainant has the right to a college-issued "no contact order" under which continued intentional contact with the complainant would violate this policy. No contact orders may be issued for both the complainant and the respondent, as well as other individuals as appropriate.

### **B. Types of Interim and Supportive Measures Possible interim and supportive measures include:**

- i. Making appropriate changes to academic programs, including changes in class schedule, accommodations to permit the complainant to take an incomplete or drop a course or courses without penalty, permitting complainant or respondent to attend a class via skype or other alternative means, providing an academic tutor, or extending deadlines for assignments;
- ii. Making appropriate changes to residential housing situations or providing assistance in finding alternate housing;
- iii. Changing an employee's work assignment or schedule;
- iv. Providing the complainant with an escort to and from class or campus work location;
- v. Arranging appropriate transportation services to ensure safety;
- vi. Offering counseling services through the college Counseling Center or other appropriate office, or referral to an off-campus agency;
- vii. Assisting the complainant in obtaining medical and other services, including access to rape crisis centers;
- viii. Assisting the complainant with filing a criminal complaint and/or seeking an order of protection;
- ix. Enforcing an order of protection;
- x. Obtaining a copy and/or explaining the terms of an order of protection and the consequences of violating it;
- xi. Addressing situations in which it appears that a complainant's academic progress is affected by the alleged incident;
- xii. In exceptional circumstances, where a respondent is determined to present a continuing threat to the health and safety of the community, the college may seek an emergency interim suspension of a student or take similar emergency measures against an employee, consistent with applicable CUNY Bylaws, rules, policies and collective bargaining agreements. The Office of Public Safety will, in cooperation with the Title IX Coordinator and appropriate other campus officials, determine whether a respondent presents a continuing threat to the health and safety of the campus, including (a) whether the respondent has a history of violent behavior or is a repeat offender; (b) whether the incident represents escalation in unlawful conduct by the accused; and (c) any increased risk that the accused will commit additional acts of violence.

### **C. Interim Emergency Student Suspensions**

The president or her/his designee may in emergency or extraordinary circumstances, temporarily suspend a student pending an early hearing for not more than twelve (12) calendar days, unless the student requests an adjournment. See Section B above.

Prior to the commencement of a temporary suspension of a student, the college shall give the student respondent oral notice (which shall be confirmed via email to the address appearing on the records of the college) or written notice of the charges. If the respondent



denies them, the college shall forthwith give the [respondent](#) an informal oral explanation of the evidence supporting the charges and the student may present informally her/his explanation or theory of the matter.

Both complainant and [the respondent](#) will be notified of the suspension and if or when it the suspension is lifted at the same time and in the same manner.

#### **D. Process for Review of Interim Measures, including “No Contact” Orders and Interim Suspensions.**

Upon request, the complainant and the respondent shall each be afforded a prompt review of the need for and terms of restrictive interim measures, including “no contact” orders and interim suspensions. Issues that may be raised include possible modification or discontinuance of a “no contact” order. Complainants and respondents shall be allowed to submit evidence to support their request. The request shall be made to the college’s Chief Student Affairs Officer, if either the complainant or the respondent is a student, or to the college’s Human Resources Director, if neither the complainant nor the respondent are students. If a request is made in a case involving both a student and an employee, the Chief Student Affairs Officer shall consult with the Human Resources Director. The Chief Student Affairs Officer or Human Resources Director may consult with the Title IX Coordinator and other relevant officials regarding the request. If appropriate and possible, the college may establish an appropriate schedule for the complainant and the respondent to access college facilities when they are not being used by the other party to enable both parties to use college facilities to the maximum extent feasible, without violation of the “no contact” order.

Requests for accommodations that were made under CUNY’s Procedures for Implementing Reasonable Accommodations and Academic Adjustments and do not directly affect the other party are governed by the appeals provisions set forth in those Procedures. [Link](#).

### **XI. INVESTIGATING COMPLAINTS OF SEXUAL MISCONDUCT**

The college will conduct an investigation when it becomes aware, from any source (including third-parties not connected to the college or university), that sexual misconduct may have been committed against a student, employee or visitor, unless the information provided is insufficient to permit an investigation or the complainant has requested that the college refrain from such an investigation and the college has determined that refraining from an investigation will not result in a continuing threat to the college community. See Section VIII, above.

#### **A. Rights of the Complainant and Respondent**

Whenever an investigation takes place, the complainant and respondent shall have these rights:

- to an investigation and process that is fair, impartial, timely and thorough and provides a meaningful opportunity to be heard;
- to have the complaint investigated and/or adjudicated by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, and the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until any finding of responsibility;
- to have the college’s judicial or conduct process run concurrently with any criminal justice investigation and proceeding, except for temporary delays requested by external municipal entities while law enforcement gathers evidence;
- to receive reasonable advance written or electronic notice of any meeting they are required to or eligible to attend, of the specific rule or law alleged to have been violated and in what manner;
- to exclude their own prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis and/or treatment from admittance in the stage that determines responsibility. (Past findings of sexual misconduct may be admissible in the stage that determines sanction.)
- to offer evidence during the investigation;
- to review documents and tangible evidence, consistent with FERPA and other law;
- to be accompanied by an attorney or other advisor of their choice, who may assist and advise the complainant or respondent throughout the process including during all related meetings and hearings. Such attorneys or advisors must comply with the CUNY policies and procedures; and
- to simultaneous notice of the outcome of proceedings.

#### **B. The Investigation**

The college Title IX Coordinator is responsible for conducting any investigation in a prompt, thorough, and impartial manner and may designate another appropriately trained administrator to conduct all or part of the investigation. Whenever an investigation is conducted, the Title IX Coordinator shall

- coordinate investigative efforts with other appropriate offices;
- inform the complainant that an investigation is being commenced and that the respondent will receive a written summary of the allegations;
- inform the respondent that an investigation is being commenced and provide the respondent with a written summary of the allegations of the complaint. A respondent employee who is covered by a collective bargaining agreement may consult with and have a union representative present at any interview of that employee conducted as part of such investigation;
- interview witnesses who might reasonably be expected to provide information relevant to the allegations, and review relevant documents and evidence. Both the complainant and respondent shall be informed that they have the right to provide relevant documents and to propose for interview witnesses whom they reasonably believe can provide relevant information.

Neither the complainant nor the respondent is restricted from discussing and sharing information related to the complaint with others who may support or assist them. This does not, however, permit unreasonable sharing of private information in a manner intended to harm or embarrass another, or in a manner that would recklessly do so regardless of intention. Such unreasonable sharing may constitute retaliation under this Policy.

The college Title IX Coordinator shall maintain all documents of the investigation in accordance with the CUNY Records Retention and Disposition Policy: <http://www2.cuny.edu/research/research-compliance/sponsored/guidance/post-award/record-retention/>

The college shall make reasonable efforts to ensure that the investigation and resolution of a complaint are carried out as timely and efficiently as possible. However, the college may need to temporarily delay the fact-finding portion of its investigation during the evidence-gathering phase of a law enforcement investigation. Temporary delays will generally not last more than ten days except when law enforcement specifically requests and justifies a longer delay. While some complaints may require more extensive investigation, when possible, the investigation of complaints should be completed within sixty (60) calendar days of the receipt of the complaint. If there is a delay in completing the investigation, the Title IX Coordinator shall notify the complainant and the respondent in writing.

i. Role of the Advisor

In cases involving this Policy, both the complainant and respondent may be accompanied by an advisor of their choice (including an attorney) who may advise throughout the entire process, including all meetings and hearings. While advisors may represent a party and fully participate at a hearing, they may not speak during the meetings that proceed the hearing nor give testimony as a witness at the hearing.

### **C. Conflicts**

If a complainant or respondent believes that any individual involved in the investigatory or adjudication process has a conflict of interest, he or she may make a request to the Chief Student Affairs Officer (or, if no students are involved, to the Legal or Labor Designee) to have that conflicted individual removed from the process. The request for removal must be in writing within five days of the complaint or respondent's notification that the individual is to be involved and include a detailed description of the conflict. If the Chief Student Affairs Officer (or Legal or Labor Designee) determines that a conflict does exist, he or she will take immediate steps to address the conflict in order to ensure an impartial and fair process.

If any administrator designated by this policy to participate in the investigation or resolution of a complaint (including but not limited to the Title IX Coordinator) is the respondent, the College President will appoint another college administrator to perform such person's duties under this policy. If the President is the respondent, the investigation will be handled by the University Title IX Coordinator or her/his designee.

### **D. Informal Resolution**

Except in instances involving sexual assault, the Title IX Coordinator, in their discretion, may offer the respondent and the complainant the opportunity to participate in the informal resolution process. Informal resolution may take place after the Title IX Coordinator has completed the investigation, but before the Title IX report has been completed, in an effort to resolve the matter by mutual agreement. The informal resolution process shall be conducted by the Title IX Coordinator, or by a qualified staff or faculty member designated by Title IX Coordinator, in coordination with the Chief Student Affairs Officer.

Both the complainant and the respondent have the right to end the informal resolution process at any time. Any informal resolution must be acceptable to the complainant, the respondent, and the Title IX Coordinator. Even if both the respondent and complainant agree to a resolution, the Title IX Coordinator must also agree with the resolution for it to be final.

If a resolution is reached, the complainant and the respondent shall be notified in writing, and the Title IX Coordinator will confer with the Chief Student Affairs Officer when creating a written memorandum memorializing the agreed upon resolution and consequences for non-compliance. This memorandum will be included in the respondent's student record.

If no agreement is reached within a reasonable time, the Title IX Coordinator shall complete the Title IX report and take action in accordance with subsection E below. Information learned during and directly from the informal resolution process will not be documented in the Title IX report.

#### **E. Action Following the Investigation or Closure of a Complaint**

- i. Within 30 days following the completion of an investigation, the Title IX Coordinator shall report her/his findings to the College President in writing ("Report of Findings"). In the event the complainant or the respondent is a student, the report shall also be sent to the Chief Student Affairs Officer. A copy of the report shall be maintained in the files of the Title IX Coordinator.
- ii. In making findings regarding the allegations, the Title IX Coordinator shall use the "preponderance of the evidence" standard.
- iii. Following receipt of the Report of Findings, the College President shall, when warranted by the facts, authorize such action as she/he deems necessary to address the issues raised in the Report of Findings, including action to correct the effects of the conduct investigated or prevent further harm to an affected party or others similarly situated. This may include a recommendation that disciplinary action be commenced against a respondent, as set forth in Section XII below.
- iv. Within 30 calendar days following the termination of an investigation that has not been completed (for example, because it was resolved by mediation or the complainant withdrew cooperation) the Title IX Coordinator will summarize for the file the actions taken in response to the complaint and the basis on which the investigation was closed.

#### **F. Malicious Allegations**

Members of the CUNY community who make false and malicious complaints of violations of this policy of as opposed to complaints which, even if erroneous, are made in good faith, may be subject to disciplinary action.

## **XII. DISCIPLINARY PROCESS AND PROCEDURES**

### **A. Disciplinary Action**

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

#### **Discipline Against Students:**

- a. In cases where a College President recommends discipline against a student for violations of this Policy, the matter shall be referred to the college's Office of Student Affairs and action shall be taken in accordance with Section 11.A-C of this Policy, below. This Section provides for, among other things, a University-Wide Faculty-Student Disciplinary Committee consisting of faculty members, students and in some cases staff members to hear and decide charges of violation of this Policy.
- b. As described in Sections XI above, complainants have the same rights as respondents:
  - to receive notice of the charges, including the date, time, location and factual allegations, concerning alleged violation of this Policy;

- to receive notice of the specific provisions alleged to have been violated and possible sanctions;
  - to present evidence and testimony at any hearing, where appropriate;
  - to be represented by an attorney or advisor of their choice;
  - to receive access to a full and fair record of any hearing; to receive written notice of the decision of the faculty-student disciplinary committee, specifically whether the allegations were substantiated and what, if any, penalty was imposed;
- to make an impact statement at the point when the decision maker is deliberating on appropriate sanctions;
  - To written notice of findings of fact, decisions and sanctions if any, as well as the rationale for the decision and any sanction;
  - to choose whether to or discuss the outcome of a conduct or judicial process;
  - to appeal to a decision maker that is fair and impartial and does not include individuals with conflicts of interest;
  - to have all information obtained during the conduct process protected from public release until a decision maker on appeal makes a final determination, unless otherwise required by law.
- c. Penalties for students instituted after a hearing before the faculty-student disciplinary committee range from a warning to suspension or expulsion from the University. Students accused of crimes of violence are also subject to the university's policy on transcript notations which is discussed in this Section below.

#### Discipline Against Employees

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

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

#### Action Against Visitors

In cases where the person accused of sexual misconduct is not a CUNY student or employee, the college's ability to take action against the accused is usually extremely limited. However, the college shall take all appropriate actions within its control, such as restricting the visitor's access to campus. In addition, subject to Section VI, above, the matter may be referred to local law enforcement for legal action, including seeking Orders of Protection and/or reporting to local law enforcement, where appropriate. College Public Safety will assist both students and employees in enforcing Orders of Protection on the campus.

#### No Disciplinary Action

In cases where a determination is made not to bring disciplinary action, the Title IX Coordinator shall inform the complainant and respondent of that decision at the same time, in writing, and shall offer any appropriate support services, including counseling to both.

### **B. Student Disciplinary Procedures**

#### Referral of Violation for Disciplinary Action

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

In instances where a respondent is alleged to have violated this Policy as well as other CUNY policies, rules or bylaws, the entire matter will be heard before the University-Wide Faculty Student Disciplinary Committee and will follow the rules and procedures outlined in Section XI of this Policy.

#### Respondent Withdrawal Before Completion of the Process

In the event that a respondent withdraws from the college before a decision is rendered on the charges, the respondent is required to participate in the disciplinary hearing or otherwise to resolve the pending charges and shall be barred from attending any other unit of the university until a decision on the charges is made, or the charges are otherwise resolved.

Immediately following such withdrawal, the college shall place a notation on the respondent's transcript that the respondent "withdrew with conduct charges pending." If the respondent fails to appear, the college may proceed with the disciplinary hearing in absentia, and any decision and sanction shall be binding, and the transcript notation, if any, resulting from that decision and penalty shall replace the notation.

#### Issuance of Charges & Notice of Hearing

Notice of the charge(s) and of the time and place of the hearing shall be sent to the respondent by both first-class mail and email to the address appearing on the records of the college. Notice shall also be sent in a similar manner to the complainant to the extent that charges relate to the complainant. The Chief Student Affairs Officer is also encouraged to send the notice of charges to any other e-mail address that he or she may have for the respondent and the complainant.

The hearing shall be scheduled within a reasonable time following the filing of the charges or the mediation conference. Notice of at least seven (7) calendar days shall be given to the respondent in advance of the hearing unless the respondent consents to an earlier hearing. The respondent is permitted one (1) adjournment, for a reasonable amount of time under the circumstances, without specifying a reason. Additional requests for an adjournment must be made at least five (5) calendar days prior to the hearing date, and shall be granted or denied at the discretion of the chairperson of the Faculty Student Disciplinary Committee. If the respondent fails to respond to the notice,

appear on the adjourned date, or request an extension, the college may proceed without the respondent present, and any decision and sanction shall be binding.

#### Content of Notice of Charges and Hearing

The notice shall contain the following:

1. A complete and itemized statement of the charge(s) being brought against the respondent including the policy, rule and/or bylaw the respondent is charged with violating, and the possible penalties for such violation.
2. A statement that the respondent and the complainant have the right to attend and participate fully in the hearing including the right:
  - i. to present their side of the story;
  - ii. to present witnesses and evidence on their behalf;
  - iii. to cross-examine witnesses presenting evidence, the exception being that the complainant and respondent may not cross-examine each other as discussed below;
  - iv. for the respondent to remain silent without assumption of guilt; and
  - v. to be represented by an advisor or legal counsel at their expense; if the respondent or the complainant requests it, the college shall assist in finding a legal counsel or advisor.
  - vi. A warning that anything the respondent says may be used against the respondent at a non-college hearing.

#### Review of Evidence before Hearing:

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

#### Admission & Acceptance of Penalty

After the charges have been preferred by the chief student affairs officer, but prior to the commencement of a disciplinary hearing, the respondent may admit to the charges and accept the penalty that the chief student affairs officer or designee determines to be appropriate to address the misconduct. If required by this Policy, the agreed-upon penalty shall be placed on the respondent's transcript consistent with CUNY's policy on Transcript

Notations (see below). Before resolving a complaint in this manner, the chief student affairs officer or designee shall first consult with the complainant and provide the complainant with an opportunity to object to the proposed resolution, orally and/or in writing. If a resolution is reached over the complainant's objection, the chief student affairs officer or designee shall provide the complainant with a statement of the reasons supporting such resolution, and the complainant may appeal the resolution to the college President.

#### C. Faculty Student Disciplinary Committee Structure

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

The president shall select in consultation with the head of the appropriate campus governance body or where the president is the head of the governance body, its executive committee, three (3) members of the faculty of that college to receive training upon appointment and to serve in rotation as chairperson of the disciplinary committee. The following schools shall be required to select two (2) chairpersons: CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism. If none of the chairpersons appointed from the campus can serve, the president, at her/his discretion, may request that a chairperson be selected by lottery from the entire group of chairpersons appointed by other colleges. The chairperson shall preside at all meetings of the faculty-student disciplinary committee and decide and make all rulings for the committee. She/he shall not be a voting member of the committee but shall vote in the event of a tie.

The faculty members shall be selected by lot from a panel of six (6) elected biennially by the appropriate faculty body from among the persons having faculty rank or faculty status. Members of the panel shall be trained on an annual basis in compliance with the law and this Policy. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) faculty members. The HEO members shall be selected by lot from a panel of six (6) HEO appointed biennially by the president. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) HEO's. The student members shall be selected by lot from a panel of six (6) elected annually in an election in which all students registered at the college shall be eligible to vote. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) students. In the event that the student or faculty panel or both are not elected, or if more panel members are needed, the president shall have the duty to select the panel or panels which have not been elected.

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

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

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

#### Roles and Responsibilities of Individuals during the Hearing

##### a. Role and Responsibilities of Panel Chairperson:

The chairperson shall preside at the hearing. The parties to the hearing are the college, the respondent, and if the complainant chooses to participate, the complainant. At the commencement of the hearing, the chairperson shall inform the respondent of the charges, the hearing procedures, and her or his rights. After informing the respondent of the charges, the hearing procedures, and respondent's rights, the chairperson shall ask the respondent to state whether he or she is responsible or not responsible for the conduct. Prior to accepting testimony at the hearing, the chairperson shall rule on any motions questioning the impartiality of any committee member or the adequacy of the notice of the charge(s). Subsequent thereto, the chairperson shall rule on any motions regarding the admissibility of evidence and may exclude irrelevant, unreliable or unduly repetitive evidence. The chairperson shall exclude from the hearing room all persons who are to appear as witnesses, except the respondent and the complainant.

The chairperson shall preside at all hearing sessions and meetings and make all rulings for the panel. The chairperson has discretion to limit the number of witnesses and the length of testimony for the presentations by any party and/or their representative. All hearings pursuant to this Policy shall be closed hearings. The chairperson shall not be a voting member of the panel but shall vote in the event of a tie. In the event that the chairperson cannot continue, the Vice Chancellor for Student Affairs, or his or his designee, shall appoint another chairperson from the University-wide committee. In the event that a seat on the panel becomes vacant and it is necessary to fill the seat to continue the hearing, the seat shall be filled from the respective faculty, HEO, or student committee members by lot.

##### b. Presenters:

Each academic year, the chief student affairs officer at each College or designee shall identify one or more college employees to serve as presenters for the hearings. This list will be forwarded to the Offices of the Vice Chancellor for Student Affairs and General Counsel and Vice Chancellor for Legal Affairs prior to the first day of the academic year. The employee who serves as presenter during the hearing shall be from the same institution as the respondent.

##### c. Recording of Proceeding

The college shall make a recording of each fact-finding hearing by some means such as a stenographic transcript, an audio recording or the equivalent. No other recording of the proceedings shall be permitted. A respondent who has been found to have committed the conduct charged after a hearing is entitled upon request to a copy of such a record without cost upon the condition that it is not to be disseminated except to the respondent's advisor. In the event of an appeal, both the respondent and the complainant are entitled upon request to a copy of such a record without cost, upon the condition that it is not to be disseminated except to their advisors.

#### Basic Hearing Rules:

If, at the commencement of the hearing, the respondent admits the conduct charged, the respondent shall be given an opportunity to explain her/his actions before the hearing panel and the college shall be given an opportunity to respond and present evidence regarding the appropriate penalty. If the respondent denies the conduct charged, the college shall present its evidence. At the conclusion of the college's presentation, the respondent may move to dismiss the charges. If the motion is denied by the committee, the complainant, if the complainant chooses to participate, shall be given an opportunity to make a presentation. After the college's, and, if complainant chooses to participate, complainant's presentation, the Respondent shall be given an opportunity to make a presentation.

The college bears the burden of proving the charge(s) by a preponderance of the evidence. The role of the hearing panel is to listen to the testimony, ask questions of the witnesses, review the testimony and evidence presented at the hearing and the papers filed by the parties and make a decision as to responsibility. In the event the respondent is found responsible for the conduct, the committee shall then determine the penalty to be imposed.

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

Neither the respondent nor the complainant shall be permitted to cross-examine the other directly. Rather, if they choose to, the respondent and the complainant shall cross-examine each other only through an advisor. If either or both of them do not have an advisor, the college shall assist them to find an advisor to conduct such cross-examination. In the alternative, the complainant and respondent may provide written questions to the chairperson to be posed to the witness, in the chairperson's discretion.

#### Responsibility Phase

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

#### Penalty Phase

If the panel has found the Respondent responsible for the conduct, then the complainant, respondent, and college, will have the opportunity to introduce evidence and make arguments related what the appropriate penalty should be. The complainant, respondent and college will also have the opportunity to introduce evidence of and comment on the respondent's character, including any past findings of a respondent's responsibility for domestic violence, stalking, or sexual assault or any other sexual misconduct, and submit a statement regarding the impact of the conduct.

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

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

#### ii. Decision

The panel shall issue a written decision, which shall be based solely on the testimony and evidence presented at the hearing, including the penalty phase. The college shall send to the respondent a copy of the panel's decision within seven (7) calendar days of the conclusion of the hearing, by regular mail and e-mail to the address appearing on the records of the college. In cases involving two or more complainants or respondents, the college has fourteen (14) calendar days of the conclusion of the hearing to send the panel's decision. The college is also encouraged to send the decision to any other e-mail address that it may have for the respondent. The decision shall be final subject to any appeal.

In cases involving a crime of violence or a non-forcible sex offense, the complainant shall simultaneously receive notice of the outcome of the faculty-student disciplinary committee's decision as it relates to the offense(s) committed against the complainant, in the same manner as notice is given to the respondent.



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

### iii. Appeals/Review

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

If the penalty after appeal to the president is one of dismissal or suspension for one term or more, a respondent or a complainant may appeal to the board committee on student affairs and special programs. The board may dispose of the appeal in the same manner as the president

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

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

### iv. Transcript Notation(s)

In cases in which the panel finds the respondent responsible and the penalty is either suspension or expulsion, the college shall place a notation on the respondent's transcript stating that respondent was suspended or expelled after a finding of responsibility for a code of conduct violation. In cases where a student has been expelled as a result of a Clery Act crime of violence, the notation will not be removed.

For all other cases, after four years from the date of the conclusion of the disciplinary proceeding, or one year after the conclusion of any suspension, whichever is later, the Respondent has the right to request that a transcript notation from a finding of responsibility be removed. If a finding of responsibility for any violation is vacated for any reason, the notation shall be removed.

## **XIII. COLLEGE OBLIGATIONS UNDER THIS POLICY**

In addition to addressing possible violations of this policy, colleges/units of CUNY have the following obligations:

### **A. Dissemination of Policies, Procedures and Notices**

The college Title IX Coordinator, in coordination with the Office of Student Affairs, Office of Public Safety, Human Resources Department and other appropriate offices, is responsible for the wide dissemination of the following on her/his campus: (i) this Policy; (ii) CUNY's Notice of Non-Discrimination; (iii) the Title IX Coordinator's name, phone number, office location, and email address; and (iv) contact information for the campus Public Safety Office. Such dissemination shall include posting the documents and information on the college website, and including it in residence life materials and training and educational materials. In addition, the Students' Bill of Rights, which is appended to and made a part of this policy, must be distributed to any individual reporting an incident of sexual misconduct at the time the report is made. It must also be distributed annually to all students, made available on the college's website and posted in college campus centers and in CUNY owned and operated housing.

## **B. Training and Educational Programming**

CUNY is responsible for providing training to college Title IX Coordinators and others who may serve as investigators. The college Title IX Coordinator, in coordination with other applicable offices, including Public Safety, Human Resources and Student Affairs, is responsible for ensuring that the college provides training to college employees on their obligations under this policy; provides education on this policy and on sexual misconduct (including domestic violence, dating violence, stalking and sexual assault) to new and continuing students; and promotes awareness and prevention of sexual misconduct among all students and employees. Specific required trainings include the following:

### **i. Training for Responsible and Confidential Employees**

The college shall provide training to all employees who are required to report incidents of sexual misconduct under this policy, as well as those employees who have been designated as confidential employees.

### **ii. Training for Title IX Coordinator and other investigators**

CUNY shall provide at least annual training to Title IX Coordinators and other investigators in conducting investigations of sexual misconduct, including

- the effects of trauma;
- impartiality;
- the rights of the respondent, include the right to a presumption that the respondent is "not responsible" until any finding of responsibility is made;
- relevant CUNY policies and procedures; and
- other issues including what constitutes crimes of sexual misconduct.

### **iii. Student Onboarding and Ongoing Education**

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

## **C. Campus Climate Assessments**

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

## **XVI. RULES REGARDING INTIMATE RELATIONSHIPS**

### **d. Relationships between Faculty or Employees and Students**

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

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

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

#### Relationships between Supervisors and Employees

Many of the concerns about intimate relationships between faculty members or employees and students also apply to relationships between supervisors and employees they supervise. Those relationships therefore are strongly discouraged. Supervisors shall disclose any such relationships to their supervisors in order to avoid or mitigate conflicts of interest in connection with the supervision and evaluation of the employees with whom they have an intimate relationship. Mitigation may involve the transfer of either the supervisor or employee, reassigning the responsibility to evaluate the employee to a different supervisor, or other appropriate action. For purposes of this Section, supervising an employee means supervising in an employment setting, including hiring, evaluating, assigning work, or making decisions or recommendations that confer benefits such as promotions, raises or other remuneration, or performing any other function that might affect employment opportunities.

### **6.19 THE CITY UNIVERSITY OF NEW YORK STUDENTS’ BILL OF RIGHTS**

For CUNY students who experience Sexual Violence, including sexual assault; domestic, dating or, intimate partner violence, stalking or voyeurism

All students have the right to

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institutional representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Have access to at least one level of appeal of a determination;

10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

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

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

Information about filing a report, seeking a response, and options for confidential disclosure is available also available CUNY’s Title IX web page: <http://www1.cuny.edu/sites/title-ix/campus/university/>.

Questions about CUNY’s Sexual Misconduct policy and procedures may be directed to Raquel Gabriel, Title IX Coordinator, at: [http://www1.cuny.edu/sites/title-ix/?post\\_type=campus\\_profile&p=159](http://www1.cuny.edu/sites/title-ix/?post_type=campus_profile&p=159).

Policy adopted by the Board of Trustees on 12/1/2014 Cal. 4.C., with effective date of 1/1/2015. Amended by the Board of Trustees on 10/1/2015. Cal. 6.B.

## **6.20 THE CITY UNIVERSITY OF NEW YORK POLICY AND PROHIBITION OF SMOKING**

Smoking is prohibited inside all facilities owned, leased, or operated by the City University of New York.

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

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

The campus crime statistics and the annual campus security report are available at the reference desk of the library and the law school website at: <http://www.law.cuny.edu/about/legal/security-report/Annual-Security-Report-2016-17-rev092616.pdf>. If you wish to be mailed copies of the campus crime statistics and the annual campus security report, you should contact Steve Katz, Director of Security at (718) 340-4271, and copies will be mailed to you within 10 days. The U.S. Department of Education’s website address for campus crime statistics is [www.ed.gov](http://www.ed.gov).

In accordance with the federal Campus Sex Crimes Prevention Act, registered sex offenders now are required to register the name and address of any college at which he or she is a student or employee. The New York State Division of Criminal Justice maintains a registry of convicted sex offenders and informs the college’s chief security (public safety) officer of the presence on campus of a registered sex offender as a student or employee. You may contact the Law School’s chief security officer, Steve Katz, Room 4-304, phone (718) 340-4271, to obtain information about Level 2 or Level 3 registered sex offenders on campus. To obtain information about Level 3 offenders, you may contact the Division’s registry website at: [http://www.criminaljustice.ny.gov/SomsSUBDirectory/search\\_index.jsp](http://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp), and then click on “Search for Level 3 Sex Offenders” or access the directory at the college’s public safety department or police precinct. To obtain information about Level 2 offenders, you need to contact the public safety department, local police precinct in which the offender resides or attends

college, or the Division's sex offender registry at 800-262-3257.

## **6.22 BOARD OF TRUSTEES RESOLUTION IMPLEMENTING UNIVERSITY POLICY TO COMBAT BIGOTRY AND PROMOTE PLURALISM AND DIVERSITY**

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

WHEREAS, This commitment is manifested in the statement of principles and recommendations for action on pluralism and diversity in the City University of New York adopted by the Board on January 20, 1988; and

WHEREAS, Our cultural, racial and ethnic diversity – our pluralism – is one of our most valued, significant and important characteristics; and

WHEREAS, The student body of the City University of New York now includes students who trace their ancestries to over 130 countries, as well as growing numbers of students who are of color, women, immigrants, older adults, and disabled persons; and

WHEREAS, We must be proactive in developing programs that both combat bigotry and other biases in all their forms, as well as build on the strengths that our multicultural, multiracial, multigenerational student body offers; and

WHEREAS, Such programs should build upon successful models of curricular and co-curricular pursuits developed by both members of the CUNY community, as well as with the advice and assistance of the extended CUNY family of supporters and resource persons; therefore,

BE IT HEREBY RESOLVED, that the Chancellor, in consultation with the Council of Presidents and the leadership of the University Faculty and Student Senates, develop guidelines for a University-wide program to combat bigotry. and to promote pluralism and diversity by the March 21, 1994 meeting of the Board of Trustees; and

BE IT HEREBY RESOLVED, that each college shall report to the Chancellor its development and implementation of programs to promote University policy to combat bigotry and to promote pluralism and diversity; and

BE IT FURTHER RESOLVED, that the Chancellor shall report to the Board on both the steps taken by the colleges and by the University in furtherance of the Board's policy to combat bigotry and to promote pluralism and diversity by October 31, 1994.

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

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

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

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

- This commitment is manifested in the statement of principles and recommendations for action on pluralism and diversity in the City University of New York adopted by the Board on January 20, 1988.
- Our cultural and ethnic diversity – our pluralism – is one of our most valued, significant, and important characteristics.
- The student body of the City University of New York now includes students who trace their ancestries to over 130 countries, as well as growing numbers of students who are of color, women, immigrants, older adults, and disabled persons.

- We must be proactive in developing programs that both combat bigotry and other biases in all their forms, as well as build on the strengths that our multicultural, multiracial, multigenerational student body offers.
- Such programs should build upon successful models of curricular and co-curricular pursuits developed by both members of the CUNY community, as well as with the advice and assistance of the extended CUNY family of supporters and resource persons.

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

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

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

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

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

1. *A description of curricular and extracurricular programs and projects directed at the elimination of bigotry, encouragement of inter-group harmony, tolerance and respect, and increasing understanding among members of the higher education community. This may include orientation and training programs, professional development, role-playing sessions, leadership conferences and retreats, lectures and seminars, discussions of pertinent research and scholarship, and improvements in methods for cross-cultural communication.*
2. *A clear statement of the availability of procedures and channels developed by the college community to expeditiously address allegations of bigotry, as well as intervention and conflict resolution alternatives that may be utilized. This should include how the institution is organized and which offices or individuals are appropriately designated to be accessible.*
3. *Early communication, by college officials, as the facts warrant, of institutional aversion to acts of bigotry, including the issuance of appropriate and timely statements condemning prejudice or discrimination, consistent with the first amendment. This should be done while simultaneously reaffirming the positive message of the extraordinary importance of a collegiate environment where all participants are protected, regardless of their background or social characteristics.*
4. *The availability of additional options for dispute resolution, such as mediation and conciliation resources both on or off campus, as needed and where appropriate. This may include the identification of faculty and staff experts, experienced student leaders, alumni, or resource persons from the greater college and University community. Established offices, however, should remain on the front-line and serve as conduits to campus and external expertise, as deemed appropriate.*
5. *The dissemination of materials throughout the campus community, in order to ensure maximum awareness and to provide visible evidence of an institutional commitment to an intellectually tolerant collegiate environment.*

*Efforts to combat bigotry and promote diversity should continue to be an inextricable part of the educational mission of the University, not an ancillary activity that is re-invigorated from time to time on an ad-hoc basis. Our future efforts should build upon the excellent college and University-wide programs and activities that already exist, which were reviewed by the Board of Trustees, through its Committee on Public Affairs. This will permit CUNY to continue to rejoice in the cultural richness of its varied constituencies, unrivaled in American higher education, and reflective of the University's historic commitment to educate all those who seek upward social and economic mobility. At the same time, the University can continue to build bridges between those constituencies, so that the most positive atmosphere for learning may be provided for generations to come.*

*Board Minutes, March 21, 1994.*

### 6.23 OFFENSES UNDER THE HATE CRIMES STATUTE

Specific Offense	Penal Law Section	Degree	Class of Felony or Misdemeanor	Imprisonment in years
Assault	§120.10	1	B	6 - 25
	§120.05	2	C	1 - 15
	§120.00	3	E	1- 4
Aggravated Assault Upon Person less than 11 years old	§120.12		D	1 - 7
Menacing	§120.13	1	D	1 - 7
	§120.14	2	E	1-4
	§120.15	3	A*	To 1 year
Reckless Endangerment	§120.25	1	C	1 - 15
	§120.20	2	E	1- 4
Manslaughter	§125.20	1	B	6 - 25
	§125.15	2	C	1 - 15
Murder	§125.25	2	A - II	3 to life
Stalking	§120.60	1	C	1 - 15
	§120.55	2	D	1 - 7
	§120.50	3	E	1- 4
	§120.45	4	A*	To 1 year
Rape	§130.35	1	A-II	3 to life
Criminal Sexual Act	§130.50	1	A-II	3 to life
Sexual Abuse	§130.65	1	C	1 - 15
Aggravated Sexual Abuse	§130.70	1	A-II	3 to life
	§130.67	2	B	6 - 25
Unlawful Imprisonment	§135.10	1	D	1 - 7
	§135.05	2	E	1- 4
Kidnapping	§135.25	1	A-I	20 to life
	§135.20	2	A-II	3 to life
Coercion	§135.65	1	C	1 - 15
	§135.60	2	E	1- 4
Criminal Trespass	§140.17	1	C	1 - 15
	§140.15	2	E	1- 4
	§140.10	3	A*	To 1 year
Burglary	§140.30	1	A-II	3 to life
	§140.25	2	B	6 - 25
	§140.20	3	C	1 - 15
Criminal Mischief	§145.12	1	A-II	3 to life
	§145.10	2	C	1 - 15
	§145.05	3	D	1 - 7
	§145.00	4	E	1- 4
Arson	§150.20	1	A-I	20 to life
	§150.15	2	A-II	3 to life
	§150.10	3	B	6 - 25
	§150.05	4	D	1 - 7
Petit Larceny	§155.25		E	1- 4
Grand Larceny	§155.42	1	A-II	3 to life
	§155.40	2	B	6 -25
	§155.35	3	C	1 - 15
	§155.30	4	D	1 - 7
Robbery	§160.15	1	A-II	3 to life
	§160.10	2	B	6 25
	§160.05	3	C	1 – 15
Harassment	§240.25	1	A*	To 1 year
Aggravated Harassment	§240.30	2	E	1- 4

**The procedures in effect at the College for dealing with bias related crime:**

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

**1. Student Affairs**

Chief Student Affairs Officer: Cheryl Howard  
Room 5-117, (718) 340-4487

**2. Public Safety/Security**

Chief Public Safety Officer: Steve Katz  
Room 4-304, (718) 340-4271

**The availability of counseling and other support services for the victims of a bias-related crime:**

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

**On-campus resources:**

1. Campus Security: Room 1-102, (718) 340-4271
2. Counselor: Room 5-111, (718) 340-4216
3. Student Affairs: Room 5-117, (718) 340-4207

**Off-campus resources:**

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

You have the option of completing and submitting a hate crime incident report on this website.

**The nature of and common circumstances relating to bias-related crimes on college campuses:**

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

The key criterion in determining whether or not any crime or incident fits into the definition of a hate- or bias-related crime is the motivation behind the incident. A hate- or bias-related crime is one that is motivated, at least in part, because of someone's bias or



hatred of a person's or group's perceived race, religion, ethnicity, sexual orientation, or other characteristic. Victims of hate- and bias-related crimes often have intense feelings of vulnerability, anger, depression, physical ailments, learning problems, and difficult interpersonal relations. Hate crimes also have a psychological and emotional impact that extends far beyond the victim. Attacks motivated on the basis of bias against a person's beliefs, values, or identity undermine freedom of expression, association, and assembly and tear at the pluralistic fabric of our society.

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

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

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

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

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

### **The methods the college employs to advise and to update students about security procedures.**

In addition to the *Student Handbook*, crime prevention pamphlets that include various safety tips and encourage the reporting of crime on campus are prepared and distributed periodically to students. Speakers, including law enforcement officials, are invited by the administration and student groups to inform students about prevention of crime and personal safety. Campus Security also makes a presentation about prevention of crime and personal safety to incoming students at orientation. Additionally, Campus Security meets with the College's Advisory Committee on Campus Security on a regular basis to exchange information on recent events and security concerns on campus. The Security Advisory Committee is made up of equal numbers of faculty, administrators, and student officers. This committee reviews current campus security policies and practices and makes recommendations for their improvement.

## Section VII Student Conduct

### 7.1 CUNY POLICY ON ACADEMIC INTEGRITY

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

#### 1. Definitions and Examples of Academic Dishonesty

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

Examples of cheating include:

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

1.2. **Plagiarism** is the act of presenting another person's ideas, research, or writings as your own. Examples of plagiarism include:

- Copying another person's actual words or images without the use of quotation marks and footnotes attributing the words to their source.
- Presenting another person's ideas or theories in your own words without acknowledging the source.
- Failing to acknowledge collaborators on homework and laboratory assignments.

- Internet plagiarism, including submitting downloaded term papers or parts of term papers, paraphrasing or copying information from the internet without citing the source, or “cutting & pasting” from various sources without proper attribution.

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

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

#### 1.4. **Falsification of Records and Official Documents**

Examples of falsification include:

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

### 2. **Methods for Promoting Academic Integrity**

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

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

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

### 3. **Reporting**

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

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

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

#### 4. Procedures for Imposition of Sanctions

##### 4.1. Determination of academic vs. disciplinary sanction

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

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

##### 4.2. Procedures in Cases Involving Only Academic Sanctions

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

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

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

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

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

#### 4.2.3. Student Denies the Academic Dishonesty

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

#### 4.3. Procedures in Cases Involving Disciplinary Sanctions

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

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

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

#### 4.4. Required Action in Cases of No Violation

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

#### 5. Implementation

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

*Adopted by the Board of Trustees June 2011.*

CUNY School of Law Note: Character and Fitness Committees and various state laws may nonetheless mandate that the Law School disclose certain occurrences.

## 7.2 ALCOHOL POLICY AT CUNY SCHOOL OF LAW

The Law School permits the consumption of alcohol under the following rules and in accordance with New York State and City laws and regulations and University policies. This policy pertains to faculty, staff, and students. The term “Law School,” when used to identify a location, includes the Law School building and the surrounding grounds.

a. The Law School requires that a New York State Liquor Authority Temporary Beer and Wine Permit (TBWP) be obtained when alcohol is served at any event. Please note: New York State Liquor Authority requires 21 business days’ notification for application processing. **(More information is available at [www.abc.state.ny.us](http://www.abc.state.ny.us).)**

b. When alcohol is served, other food and non-alcoholic beverages, such as water, juice, or soft drinks, must be served in equal or greater proportions. Highly caffeinated energy drinks are not a suitable alternative and will not count towards the proportion of non-alcoholic beverages that must be served. Under Section 64-a of the Alcoholic Beverage Control law, pretzels, potato chips, and similar snack products do not meet the minimum requirement for food. Acceptable foods include “salads, soups, sandwiches, and finger foods.”

c. Alcohol may only be served or consumed during events that are sponsored by a faculty/administrator/staff member or by a registered student organization. Only one student-organized event serving alcohol may be held at the Law School on the same day.

d. All student events or gatherings where alcoholic beverages will be consumed must be registered at the Office of Student Affairs. The registration and/or reservation of facilities must be made at least twenty-one (21) business days prior to the event.

e. Alcohol may only be served or consumed on weekdays from 5 p.m. to 10 p.m.

f. Alcohol may only be served or consumed in the following designated areas of the Law School: faculty lounge, staff lounge, and rooms approved, in advance, by the Dean of Students.

g. Only beer and wine may be served at the Law School. Mixed drinks are not permitted.

h. Beer and wine must always be dispensed from original retail or wholesale containers.

i. Only funds collected by or allocated to a registered student organization can be used to purchase alcohol for student events. The informal collection of money for alcoholic beverages that will be consumed in the Law School is prohibited.

j. Advertisement for events may not promote the abuse of alcohol.

k. Drinking contests or games are prohibited at the Law School.

l. Alcohol may be stored at the Law School only with the written permission of the Office of Student Affairs. If the permission is granted, the location will be determined by the Office of Student Affairs.

m. The Law School reserves the right, at any time, to limit the amount of alcohol purchased and/or served at any event.

n. The Law School reserves the right to prevent individuals who appear intoxicated from entering or leaving the Law School, including exiting from the building to a parking lot or garage.

o. Violation of any portion of the alcohol policy may lead to the suspension of privileges to use Law School facilities for the sponsoring student organization(s) and/or the individual student organizers of the event in question. Violators are also subject to disciplinary action by appropriate Law School and/or University officials and may also be referred to civil authorities. (According to Section 130 of the Alcoholic Beverage Control Law,

violations of NYS Alcohol Beverage Control Laws are unclassified misdemeanors and subject to criminal proceedings.)

p. Exceptions to this policy may only be made by the Dean or her/his designee.

### **7.3 DRUGS, ALCOHOL, AND TOBACCO USE**

The legislature of the State of New York and federal statutes have made the possession, sale, or purchase of certain drugs, without authorization, a crime. New York law prohibits selling or giving alcohol to any “visibly intoxicated person.” The possession and consumption of alcohol is illegal under state law for those under 21 years of age. All members of the Law School community are expected to abide by the laws of the city, state, and federal government (Board of Trustees Bylaws, Article XV, Section 15.1). The Law School will not serve as a sanctuary and cannot insulate its members from the consequences of illegal acts. The Law School will not protect its students, faculty, or staff from prosecution under the law. All members of the community are expected to abide by city, state, and federal statutes that have made the possession, sale, or purchase of illegal drugs a crime. Smoking is prohibited in the Law School, and it is illegal to sell tobacco to persons under the age of 18 in New York State.

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

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

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

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

#### **Standards of Conduct**

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

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

#### **CUNY Sanctions**

Employees and students who violate this policy are subject to sanctions under University policies, procedures and collective bargaining agreements, as described below.

## **Students**

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

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

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

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

## **Employees**

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

## **Responsibilities of CUNY Colleges/Units**

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

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

*Adopted by the CUNY Board of Trustees June 22, 2009, and amended on May 2, 2011.*

## **7.5 THE CITY UNIVERSITY OF NEW YORK DRUG/ALCOHOL USE AMNESTY POLICY**

The City University of New York's ("CUNY's") Drug/Alcohol Use Amnesty Policy has two principal purposes. First, it is intended to encourage students to seek medical assistance related to drug and/or alcohol use without fear of being disciplined for such use. Because the use of drugs or alcohol may be life-threatening, CUNY wishes to reduce barriers to seeking and receiving medical help in those situations. Second, CUNY wishes to encourage students under the influence of drugs and/or alcohol who may be the victims of, witnesses to, or otherwise become aware of violence (including, but not limited to, domestic violence, dating violence, stalking, or sexual assault) sexual harassment, or gender-based harassment to report that violence or harassment. Toward that end,



CUNY's Policy is that students who seek medical assistance either for themselves or others and/or are reporting violence or harassment will not be subject to discipline under the circumstances described below.

- I. Students who in good faith call for medical assistance for themselves or others and/or who receive medical assistance as a result of a call will not be disciplined for the consumption of alcohol (either if underage or if consumed in a CUNY-owned or operated residence hall or facility where alcohol consumption is prohibited) or drugs, as long as there are no other violations that ordinarily would subject the student to disciplinary action. Similarly, students who may be the victims of, witnesses to, or otherwise become aware of violence, sexual harassment, or gender-based harassment and who report such violence or harassment will not be disciplined for the consumption of alcohol or drugs in the absence of other violations that ordinarily would subject the student to disciplinary action. Other violations that would invoke discipline include, but are not limited to, (i) unlawful distribution of alcohol or drugs; (ii) sexual misconduct, as defined in CUNY's Policy on Sexual Misconduct; (iii) causing or threatening physical harm; (iv) causing damage to property; and (v) hazing.
- II. The students involved will be encouraged to complete alcohol and/or drug education activities, assessment, and/or treatment, to be determined by the individual campuses or units of CUNY with which the students are affiliated. If repeated incidents of alcohol or drug use are involved, there may be issues of medical concern, which may result in parental notification, medical withdrawal, and/or other non-disciplinary responses.
- III. CUNY's Policy is intended both to implement Article 129-B of the Education Law (which mandates drug and alcohol amnesty for reporters of violence) and to complement New York State's Good Samaritan Law, which is designed to encourage individuals to call 911 in the event of an alcohol or drug-related emergency. Generally, the Good Samaritan Law protects persons who witness or suffer from a medical emergency involving drugs or alcohol from being arrested or prosecuted for drug or underage alcohol possession after they call 911. It does not protect against arrest or prosecution for other offenses, such as the sale of drugs.

*Approved by the Board of Trustees on 6/30/2014, Cal. No. 7D and effective date of 7/1/2014 as 'Medical Amnesty-Good Samaritan Policy.' Amended and changed to 'Drug and Alcohol Use Amnesty Policy' on 10/1/2015. Cal. No. 6D.*

## **7.6 COUNSELING SERVICES AVAILABLE AT CUNY SCHOOL OF LAW**

If you are experiencing difficulty with alcohol or chemical dependency, CUNY School of Law can help you find counseling services or rehabilitation programs that will help you with your problem.

Students may be referred to the Dean of Students by members of the instructional staff or may seek assistance directly.

The Law School has a counselor on staff who can direct students or staff to appropriate services for alcohol and chemical dependency: Linda Penkower, Room 5-111, phone (718) 340-4216. More information is available on our website at: <http://www.law.cuny.edu/student/StudentServices/counseling.html>.

Community-based Services:

**Alcoholics Anonymous**

718-520-5021

**Al-Anon**

212-254-7230

212-260-0407

**Focus on Recovery**

800-234-1253

**NYS Drug Information Hotline**

800-522-5353

**Children of Alcoholics**

800-359-2623

**Stop Smoking Hotline**

800- 227- 2345

**Cocaine Hotline**

800-COCAINE (262-2463)

**Marijuana Hotline**

888-MARIJUA (627-4582)

**Heroin Hotline**

800-9 HEROIN (943-7646)

**Relapse Hotline**

800-735-2773

**New York City Bar Lawyer Assistance Program (NYC LAP)**

NYC LAP is a FREE, CONFIDENTIAL service, available to attorneys, judges, law students, and their family members, in New York City, who are struggling with alcohol or drug abuse, depression, anxiety, stress, as well as other addictions and mental health issues. NYC LAP'S confidential hotline is available 24 hours a day, seven days a week: 212-301-5787. For more information, go to: <http://www.nycbar.org/LAP/>.

**New York State Governor's Office Opiate/Heroin Initiative**

CUNY has joined the New York State Governor's Office in an important initiative to address a recent increase in heroin overdoses. Heroin is an opiate, a class of drugs that is derived from the poppy plant. All opiate abuse, including many prescription painkillers, can lead to addiction, overdose, and even death. If you or someone you know is abusing heroin or prescription painkillers, CUNY's Mental Health and Wellness Offices can provide educational resources and referrals to organizations that can help. In addition, selected CUNY health and public safety staff are being trained to administer Naloxone, a drug used to counter the effects of opioid overdose and prevent death. For immediate help, visit your local emergency room, or call the OASAS HOPEline at 1-877-846-7369 24 hours a day, seven days a week, to speak with a trained medical professional. HOPEline staff can answer your questions and help you find treatment. All calls are free and confidential.

**7.7 CUNY RULES OF CONDUCT**

The Law School protects the right of students to pursue their legal education in an atmosphere that is free from interference and is an institution that promotes academic freedom. If a student wishes to report a significant problem that directly implicates the School's program of legal education, they may do so using the complaint form provided at the School's Office of Student Affairs. Persons who violate the sanctuary of the Law School, in violation of Article 129A of the Education Law or other policies of the Law School or City University, may be brought before the Faculty-Student Disciplinary Committee, pursuant to the Student Disciplinary Policy and Procedures.

**I. Rules and Regulations for the Maintenance of Public Order**

"Each student enrolled or in attendance in any College, School, or Unit under the control of the Board and every student organization, association, publication, club, or chapter shall obey the laws of the City, State, and Nation, and the Bylaws and resolutions of the Board and the policies, regulations, and orders of the College."

*Bylaws, Board of Trustees of the City University of New York*

**The attention of students, faculty, and staff is called to the Rules and Regulations for the Maintenance of Public Order below:**

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

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

Academic freedom and the sanctuary of the University campus extend to all who share these aims and responsibilities. They cannot be invoked by those who would subordinate intellectual freedom to political ends, or who violate the norms of conduct established to protect that freedom. Against such offenders the university has

the right, and indeed the obligation, to defend itself. We accordingly announce the following rules and regulations to be in effect at each of our colleges (herein referred to as “Law School”), which the requirements of due process, as provided in the Bylaws of the Board of Trustees.

With respect to enforcement of these rules and regulations we note that the Bylaws of the Board of Trustees provide that:

The Dean, with respect to his/her educational unit, shall:

- a. Have the affirmative responsibility of conserving and enhancing the educational standards of the Law School and schools under his/her jurisdiction;
- b. Be the advisor and executive agent to the Board and of his/her respective Law School committee and, as such, shall have immediate supervision with full discretionary power in carrying into effect the bylaws, resolutions, and policies of the Board, the lawful resolutions of any of its committees, and the policies, programs, and lawful resolutions of the several faculties;
- c. Exercise general superintendence over the concerns, officers, employees, and students of his/her educational unit.

## **II. Rules of the University (1-11) and Law School (12)**

1. A member of the academic community shall not intentionally obstruct and/or forcibly prevent others from the exercise of their rights. Nor shall she/he interfere with the institution’s educational process or facilities, or the rights of those who wish to avail themselves of any of the institution’s instructional, personal, administrative, recreational, and community services.
2. Individuals are liable for failure to comply with lawful directions issued by representatives of the University/Law School when they are acting in their official capacities. Members of the academic community are required to show their identification cards when requested to do so by an official of the Law School.
3. Unauthorized occupancy of University/Law School facilities or blocking access to or from such areas is prohibited. Permission from appropriate Law School authorities must be obtained for removal, relocation, and use of University/Law School equipment and/or supplies.
4. Theft from or damage to University/Law School premises or property, or theft of or damage to property of any person on University/Law School premises is prohibited.
5. Each member of the academic community or an invited guest has the right to advocate his position without having to fear abuse – physical, verbal, or otherwise – from others supporting conflicting points of view. Members of the academic community and other persons on the Law School grounds shall not use language or take actions reasonably likely to provoke or encourage physical violence by demonstrators, those demonstrated against, or spectators.
6. Action may be taken against any and all persons who have no legitimate reason for their presence on any campus within the University/Law School, or whose presence on any such campus obstructs and/or forcibly prevents others from the exercise of their rights or interferes with the institution’s educational process or facilities; or the rights of those who wish to avail themselves of any of the institution’s instructional, personal, administrative, recreational, and community services.
7. Disorderly or indecent conduct on University/Law School-owned or -controlled property is prohibited.
8. No individual shall have in his possession a rifle, shotgun, or firearm or knowingly have in his possession any other dangerous instrument or material that can be used to inflict bodily harm on an individual or damage upon a building or the grounds of the University/Law School without the written authorization of such educational institution. Nor shall any individual have in his possession any other instrument or material which can be used and

is intended to inflict bodily harm on an individual or damage upon a building or the grounds of the University/Law School.

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

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

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

12. Student integrity. Students found guilty of any form of academic dishonesty, such as plagiarism or cheating on an examination, are subject to discipline, including suspension or dismissal from the Law School.

### **III. Penalties**

1. Any student engaging in any manner in conduct prohibited under substantive Rules 1-12 shall be subject to the following range of sanctions, as hereafter defined in the attached Appendix: admonition, warning, censure, disciplinary probation, restitution, suspension, expulsion, ejection, and/or arrest by the civil authorities.

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

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

4. Any organization that authorizes the conduct prohibited under substantive Rules 1-12 may have its permission to operate on campus rescinded. The penalties stated in this section shall be in addition to any other penalty provided by law or the City University.

### **APPENDIX:**

#### **Sanctions defined:**

A. Admonition. An oral statement to the offender that he/she has violated University rules.

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

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

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

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

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

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

H. Complaint to Civil Authorities.

I. Ejection.

## **7.8 STUDENT DISCIPLINARY POLICY AND PROCEDURES BOT BYLAWS-ARTICLE XV STUDENTS**

### **SECTION 15.0. PREAMBLE.**

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

Freedom to learn and freedom to explore major social, political, and economic issues are necessary adjuncts to student academic freedom, as is freedom from discrimination, as set forth in the University's non-discrimination policy.

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

### **SECTION 15.1. CONDUCT STANDARD DEFINED.**

Each student enrolled or in attendance in any college, school, or unit under the control of the Board, and every student organization, association, publication, club, or chapter shall obey (1) the laws of the city, state, and nation; (2) the Bylaws and Resolutions of the Board, including the rules and regulations for the maintenance of public order pursuant to article 129-a of the education law ("Henderson rules"); and (3) the governance plan, policies, regulations, and orders of the college.

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

### **SECTION 15.2. STUDENT ORGANIZATIONS.**

a. Any group of students may form an organization, association, club, or chapter by filing with the duly elected student government organization of the college or school at which they are enrolled or in attendance and with an officer to be designated by the Chief Student Affairs Officer of the college or school at which they are enrolled or in attendance (1) the name and purposes of the organization, association, club, or chapter and (2) the names and addresses of its president and secretary or other officers corresponding in function to president and secretary.

The Board recognizes that students have rights to free expression and association. At the same time, the Board strongly believes that respect for all members of the University's diverse community is an essential attribute of a great University.

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

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

1. The power to charter or otherwise authorize teams (excluding intercollegiate athletics), publications, organizations, associations, clubs, or chapters, and, when appropriate in the exercise of such regulatory power, the power to refuse, suspend, or revoke any charter or other authorization for cause after hearing on notice.

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

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

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

d. Each college shall establish a student elections review committee in consultation with the various student governments. The student elections review committee shall approve the election procedures and certify the results of elections for student governments and student body referenda. Decisions of the student elections review committee may be appealed to the College President, whose decision shall be final. An appeal from the decision of the student elections review committee must be made in writing to the President within ten (10) calendar days of the decision. The President shall consult with the student elections review committee and render a decision as expeditiously as possible which may affirm, reverse, or modify the decision of the student elections review committee.

e. Student government elections shall be scheduled and conducted, and newly elected student governments shall take office, in accordance with policies of the Board, and implementing regulations.

#### SECTION 15.3. THE UNIVERSITY STUDENT SENATE.

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

#### SECTION 15.4. STUDENT DISCIPLINARY PROCEDURES.

##### **Complaint Procedures:**

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

b. The Chief Student Affairs Officer of the college or her or his designee shall conduct a preliminary

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

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

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

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

#### **Mediation Conference:**

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

1. An effort shall be made to resolve the matter by mutual agreement through such process as the mediator deems most appropriate provided, however, that the complainant must be notified of her/his right to end the mediation at any time.
2. If an agreement is reached, the faculty or staff member conducting the conference shall report her/his recommendation to the Chief Student Affairs Officer for approval and, if approved, the complainant and the respondent shall be notified, and a written memorandum shall be created memorializing the resolution and any consequences for non-compliance.
3. If no agreement is reached within a reasonable time, or if the respondent fails to appear, the faculty or staff member conducting the conference shall refer the matter back to the chief student affairs officer who may prefer disciplinary charges, or, if charges have been preferred, proceed to a disciplinary hearing.
4. The faculty or staff member conducting the mediation conference is precluded from testifying at a college hearing regarding information received during the mediation conference, or presenting the case on behalf of the college.

**Notice of Charges and Hearing:**

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

g. The notice shall contain the following:

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

- (i) to present their side of the story;
- (ii) to present witnesses and evidence on their behalf;
- (iii) to cross-examine witnesses presenting evidence;
- (iv) to remain silent without assumption of guilt; and
- (v) to be assisted or represented by an advisor or legal counsel at their expense; if the respondent or the complainant requests it, the college shall assist in finding a legal counsel or advisor.

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

**Pre-Hearing Document Inspection:**

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

**Admission and Acceptance of Penalty Without Hearing:**

i. At any time after receiving the notice of charges and hearing, but prior to the commencement of a disciplinary hearing, the respondent may admit to the charges and accept the penalty that the Chief Student Affairs Officer or designee determines to be appropriate to address the misconduct. This agreed-upon penalty shall be placed on the respondent's transcript consistent with Sections U and V herein. Before resolving a complaint in this manner, the Chief Student Affairs Officer must first consult with the complainant and provide the complainant an opportunity to object to the proposed resolution, orally and/or in writing. If a resolution is reached over the complainant's objection, the Chief Student Affairs Officer or designee shall provide the complainant with a written statement of the reasons supporting such resolution, and the complainant may appeal the decision to enter into the resolution to the President.



**Emergency Suspension:**

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

**Faculty-Student Disciplinary Committee Structure:**

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

l. The President shall select, in consultation with the head of the appropriate campus governance body or where the President is the head of the governance body, its executive committee, three (3) members of the faculty of that college to receive training upon appointment and to serve in rotation as chairperson of the disciplinary committee. The following schools shall be required to select two (2) chairpersons: CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism. If none of the chairpersons appointed from the campus can serve, the President, at her/his discretion, may request that a chairperson be selected by lottery from the entire group of chairpersons appointed by other colleges. The chairperson shall preside at all meetings of the faculty-student disciplinary committee and decide and make all rulings for the committee. She/he shall not be a voting member of the committee but shall vote in the event of a tie.

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

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

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

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

#### **Faculty-Student Disciplinary Committee Procedures:**

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

#### **Hearing:**

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

2. All faculty-student disciplinary committee hearings are closed hearings, unless the respondent requests an open public hearing. Notwithstanding such requests, the chairperson shall not permit an open hearing in cases involving allegations of sexual assault, stalking, or other forms of sexual violence. Furthermore, the chairperson has the right to deny the request and hold a closed hearing when an open public hearing would adversely affect and be disruptive to the committee's normal operations. In the event of an open hearing, the respondent must sign a written waiver acknowledging that those present will hear the evidence introduced at the hearing

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

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

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

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

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

committee shall then determine the penalty to be imposed.

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

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

10. In the event that the respondent is charged with a sexual assault, stalking, or other forms of sexual misconduct, neither the respondent nor the complainant shall be permitted to cross-examine the other directly. Rather, if they wish to, the respondent and the complainant may cross-examine each other only through a representative. If either or both of them do not have a representative, the college shall work with them to find a representative to conduct such cross-examination. In the alternative, the complainant and respondent may provide written questions to the chairperson to be posed to the witness.

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

a) Evidence of the mental health diagnosis and/or treatment of a party may not be introduced.

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

#### **Penalty Phase:**

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

#### **Decision:**

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

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

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

**Appeals:**

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

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

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

**Notations on Transcripts:**

19. In cases in which a respondent has been found responsible for a Clery Act reportable crime of violence, the college must place a notation on her/his transcript stating that she/he was suspended or expelled after a finding of responsibility for a code of conduct violation. In all other cases, the college must place a notation of the findings and penalty on a respondent's transcript, unless a mediation agreement, the committee's decision, or the decision on any appeal under section 15.4(p) expressly indicate otherwise.

20. A notation of expulsion after a respondent has been found responsible for a Clery Act reportable crime of violence shall not be removed. In all other cases, a notation of expulsion, suspension, or any lesser disciplinary penalty shall be removed, as a matter of right, upon the request of the respondent to the Chief Student Affairs Officer made four (4) years after the conclusion of the disciplinary proceeding or one (1) year after the conclusion of any suspension, whichever is longer. If a finding of responsibility for any violation is vacated for any reason, any such notation shall be removed.

**SECTION 15.5. ACTION BY THE BOARD OF TRUSTEES.**

Notwithstanding the foregoing provisions of this article, the Board of Trustees reserves full power to suspend or take other appropriate action against a student or a student organization for conduct which impedes, obstructs, or interferes with the orderly and continuous administration and operation of any college, school, or units of the University in the use of its facilities or in the achievement of its purposes as an educational institution, in accordance with procedures established by the Board of Trustees.

**SECTION 15.6. COLLEGE GOVERNANCE PLANS.**

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

## **7.9 PROCEDURES FOR HANDLING STUDENT COMPLAINTS ABOUT FACULTY CONDUCT IN ACADEMIC SETTINGS**

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

II. Determination of Appropriate Procedure. If students have any question about the applicable procedure to follow for a particular complaint, they should consult with the Chief Student Affairs Officer. In particular, the Chief Student Affairs Officer should advise a student if some other procedure is applicable to the type of complaint the student has.

III. Informal Resolution. Students are encouraged to attempt to resolve complaints informally with the faculty member or to seek the assistance of the department chairperson or campus ombudsman to facilitate informal resolution.

IV. Formal Complaint. If the student does not pursue informal resolution, or if informal resolution is unsuccessful, the student may file a written complaint with the department chairperson or, if the chairperson is the subject of the complaint, with the Academic Dean or a senior faculty member designated by the college President. (This person will be referred to below as the Fact Finder.) Only students in a faculty member's class or present in another academic setting where the alleged conduct occurred may file complaints against that faculty member.

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

B. The Fact Finder shall promptly send a copy to the faculty member about whom the complaint is made, along with a letter stating that the filing of the complaint does not imply that any wrongdoing has occurred and that a faculty member must not retaliate in any way against a student for having made a complaint. If either the student or the faculty member has reason to believe that the department chairperson may be biased or otherwise unable to deal with the complaint in a fair and objective manner, he or she may submit to the Academic Dean or the senior faculty member designated by the college President a written request stating the reasons for that belief; if the request appears to have merit, that person may, in his or her sole discretion, replace the department chairperson as the Fact Finder. The chairperson may also submit a written request for recusal for good cause to the Academic Dean or senior faculty member designated by the college President to review such requests. If a recusal request is granted, a different department chairperson shall conduct the investigation, or, if no other chairperson is available, an administrator designated by the college President shall serve in the chairperson's stead. Further, the college President may re-assign investigations as necessary, including, but not limited to, situations in which a Fact Finder has not completed an investigation in a timely manner. In addition, during any time that no department chairperson is available to investigate a complaint, the college President may assign an administrator to investigate.

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

D. If resolution is not possible, and the Fact Finder concludes that the facts alleged by the student, taken as true and viewed in the light most favorable to the student, establish that the conduct complained of is clearly protected by academic freedom, he or she shall issue a written report dismissing the complaint and setting forth the reasons for dismissal and send a copy to the complaining student, the faculty member, the Chief Academic Officer, and the Chief Student Affairs Officer. Otherwise, the Fact Finder shall conduct an investigation. The Fact Finder shall separately interview the complaining

student, the faculty member, and other persons with relevant knowledge and information and shall also consult with the Chief Student Affairs Officer and, if appropriate, the college ombudsman. The Fact Finder shall not reveal the identity of the complaining student and the faculty member to others, except to the extent necessary to conduct the investigation. If the Fact Finder believes it would be helpful, he or she may meet again with the student and faculty member after completing the investigation in an effort to resolve the matter. The complaining student and the faculty member shall have the right to have a representative (including a union representative, student government representative, or attorney) present during the initial meeting, the interview, and any post-investigation meeting.

E. In cases where there is strong preliminary evidence that a student's complaint is meritorious and that the student may suffer immediate and irreparable harm, the Fact Finder may provide appropriate interim relief to the complaining student pending the completion of the investigation. The affected faculty member may appeal such interim relief to the Chief Academic Officer.

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

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

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

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

*Approved by the Board of Trustees on April 26, 2010 and effective May 1, 2010.*

#### **7.10 CITY UNIVERSITY OF NEW YORK SCHOOL OF LAW STUDENT COMPLAINTS REGARDING ABA COMPLIANCE – STANDARD 510**

The City University of New York School of Law is an American Bar Association (ABA) accredited law school. As such, we are subject to the ABA Standards for Approval of Law Schools – [http://www.americanbar.org/groups/legal\\_education/resources/standards.html](http://www.americanbar.org/groups/legal_education/resources/standards.html).

ABA Standard 510 allows any student at the School to bring a formal complaint to the Law School administration identifying any issue of non-compliance with the ABA Standards.

To lodge a formal complaint, a student may submit that specific complaint in writing to the Dean of Students, Cheryl Howard. This may be done via email using the student's Law School email account (cheryl.howard@law.cuny.edu), via U.S. mail (CUNY School of Law, 2 Court Square, Office of Student Affairs, LIC, NY 11101), or via personal delivery (Room 5/117). Anonymous complaints may be brought to the Student Affairs reception desk or submitted anonymously directly via the "Submit an Anonymous Complaint" link: <https://form.jotform.com/62933950994975>.

#### **Example of Complaint Regarding Compliance with the Standards**

If a student's complaint is that the law school does not offer a Legal Ethics/Professional Responsibility course, it may implicate the School's compliance with ABA Standards. However, a complaint regarding a grade in that class would not implicate the School's compliance with the Standards.

#### **Procedure for Lodging a Complaint**

The written complaint will need to describe the potentially offending behavior, program, or process and how the student perceives it to violate the Standards. Please provide as much detail as possible, so the administration has sufficient information to conduct a thorough investigation.

#### **Procedure for Reviewing a Complaint**

The Dean of Students will acknowledge receipt of a complaint and begin an investigation of the complaint within ten business days of receiving the complaint.

The investigation will be concluded within thirty (30) days of receipt of the complaint, unless more time is needed and reasons for that will be noted in the record.

Upon completion of the complaint investigation, a written response will be sent to the complainant, along with any necessary corrective actions.

A response cannot be personally sent to a complainant, if they file anonymously.

#### **Procedure for Appeal**

If the complainant is not satisfied with the investigative findings and response, they may file an appeal in writing to Dean Mary Lu Bilek. This may be done via email using the student's Law School email account to bilek@law.cuny.edu, via U.S. mail (CUNY School of Law, 2 Court Square, Office of the Dean, LIC, NY 11101), or via personal delivery (Room 5/106E). If a student would like to submit the complaint anonymously, they may do so via the "Submit an Anonymous Appeal" link: <https://form.jotform.com/62934473992166>.

The student must file the appeal within fourteen (14) business days of receipt of the response. The Dean will convene a subcommittee consisting of a faculty member, an administrator, and a student representative to review the original complaint, the investigation, the response, and the appeal, in order to make a recommendation. The Dean will then determine if further action is needed.

#### **Procedure for Record Keeping**

All complaints, investigations, responses, appeals, decisions, and resolutions of the complaint will be kept on file in the Office of Student Affairs.

#### **Non-Retaliation**

The Law School will not retaliate in any way against an individual who makes a complaint under this policy.

*Administrative policy effective October 17, 2016*

### **7.11 GIFTS TO FACULTY AND STAFF**

University policy prohibits students from giving gifts of any value to CUNY staff or faculty. The University also prohibits its employees from accepting gifts of any value, either directly or indirectly, from any student, regardless of whether the gift was intended to influence or reward the employee. (CUNY has adopted a "zero tolerance" policy regarding gifts of any value to CUNY staff.) To protect staff and faculty at the Law School from being exposed to the risk of penalty, students may not use their own money or student organization money to purchase

for staff or faculty, meals, tokens of appreciation, or anything of monetary value, no matter how heartfelt. Friendliness and good wishes, however, are always welcome.

## **7.12 RECORDING DEVICE POLICY**

### **Student Recording**

The recording of all or parts of classes may only be made with the permission of the instructor. There are no exceptions to this policy. Undisclosed or surreptitious recordings of any kind, including photos, audio, and video recordings by students without permission are not permitted on the Law School premises, or where any party is on a Law School telephone or other Law School communications device. Such conduct may be subject to disciplinary action by the Law School.

### **Authorized Recording**

The Office of Student Affairs may request a class to be recorded by the Audio-Visual Department on behalf of a student in the following situations:

- Disability accommodation – In order to ensure compliance with applicable laws, such as the Americans with Disabilities Act, except those that have been designated classes in which confidential information is likely to be discussed;
- Religious Accommodation – where a class is scheduled on a day of observance; and
- Extended absence due to serious medical emergency or other exigent circumstance.

### **Limited Student Use**

Students are not authorized to copy, download, or disseminate authorized recordings to others. The making or dissemination of such recordings can violate federal, state, or other laws that restrict the involuntary recording of conversations.

### **Faculty Requests**

Professors who do not make classroom recordings generally available may wish to make such recordings available for bad weather, religious holidays, scheduling a make-up class for a time at which a number of students have previous commitments, or other reasons. The Audio-Visual Department will tape classes at the request of faculty members.

Reasonable advance notice (at least 48 hours) is required in all situations.

### **Absences**

The absence of individual students due to illness, appointments, social events, job-related situations, etc., typically does not serve as a cause for taping.



## **Section 8 Student Organizations**

The Student Activities Manager advises the Law School's registered student organizations with regard to event planning and student activities. Student elections for Student Government and Law School Committees are also coordinated by the Assistant Director of Student Activities and held in the Student Affairs Office in the fall and spring semesters of every academic year.

The Law School has various student organizations that span an array of interests and fields. If a specific interest or mission is not reflected in any of the currently registered student organizations, students are encouraged to form organizations to support their particular interests. Organizations are required to register with the CUNY School of Law Office of Student Affairs to be recognized by the Law School. Student organizations are subject to the provisions in the CUNY School of Law Student Handbook, the Student Activities Handbook, and the Bylaws of the City University of New York Board of Trustees.

### **8.1 CUNY SCHOOL OF LAW STUDENT GOVERNMENT CONSTITUTION**

#### **PREAMBLE**

We, the students of the CUNY School of Law, affirm that we have power to effect change within our community. Our history of struggle reveals that individual, group, and class concerns impact us all and thus ought to be the concern of all; therefore, we shall create an environment that supports, respects, and thrives on the differences among us. We also affirm that the protection of our rights and freedoms as students requires an organized, active, and unified Student Government; therefore, we charge our Government with the duty to provide an inclusive forum to actively address students' needs and concerns and with the duty to maintain an engaged, informed, and supportive law student community, which will, by its example, reverberate throughout the larger legal community.

#### **ARTICLE I | NAME**

The name of this organization shall be the Student Government of the CUNY School of Law, hereinafter referred to as the SG.

#### **ARTICLE II | PURPOSE**

The purposes of the SG shall be:

- (1) To provide a forum for discussion of matters affecting the student body as a whole;
- (2) To be an independent mechanism for unified student action and unified student voice in areas of academics, government, and political and social concerns; and
- (3) To coordinate and facilitate the process for selection of student representatives in the CUNY School of Law's governance system.

#### **ARTICLE III | PARLIAMENTARY AUTHORITY**

##### **A. Enforcement and Legislation**

The SG shall have the power to enforce, by appropriate legislation, including SG Bylaws, Rules, and Resolutions, the provisions of this Constitution.

##### **B. Creation of Committees, Offices, and Other Entities**

The SG may create Standing Committees, Ad Hoc Committees, Offices, or other subordinate entities, in order to facilitate the commencement and/or continuation of activities which are in accordance with the purposes of the SG, including activities of investigation and activities intended to further policies adopted by the SG.

##### **C. Appearance Requests**

The SG may hold hearings and issue requests for individuals to appear at any of its sessions or hearings for the purpose of obtaining information or performing oversight functions relevant to its purposes.

#### ARTICLE IV | MEMBERSHIP

##### A. Standing for Membership

Any matriculated student, registered at the CUNY School of Law, is eligible to run for a seat on the SG as a Member of the SG.

##### B. Number of Members

Eight members from each full-time class and two members from each part-time class shall be elected from the student body at large during the annual General Election.

##### C. Voting Power of Members

1. Each member shall have the power to cast one vote for each vote called during any and all sessions at which they are present, unless that member is either chairing the session or is the subject of a current impeachment proceeding.

2. The presiding officer of any session shall refrain from voting, except in the event of a tie among the other members present at that session.

##### D. Responsibilities of Members

Each member shall attend all General Sessions and Special Sessions and shall make good faith efforts to attend any Emergency Sessions.

Each member shall serve either as an officer, a member of one of the internal standing committees, or as a student representative on one of the external standing committees.

To the extent necessary to enable the officers to perform their required functions adequately, each member shall make himself or herself available to the officers by providing both a phone number and an email address by which the officers may reliably contact that member. The phone number and preferred email address shall be accessible only to the SG officers and shall be shared with others, only upon the express consent of the member in question.

In the event that a member reasonably anticipates not attending any General or Special Session, that member shall notify the Whip as soon as possible of his or her anticipated absence, providing an explanation for the anticipated absence that is sufficiently detailed such that the Whip will be able to determine whether the absence should be deemed excused or unexcused.

In the event that a member fails to attend any General or Special Session, that member shall, on his or her own initiative, contact the Whip within one (1) day following the absence. If he or she has not already done so, the member shall provide the Whip with an explanation for the absence that is sufficiently detailed, such that the Whip will be able to determine whether the absence should be deemed excused or unexcused.

##### E. Filling Member Vacancies

1. If at any time a member resigns or is removed, that member's seat shall be declared vacant and shall be offered to the candidate who in the most recent SG General Election, received the most votes from among the remaining candidates of that member's class. If such candidate declines to fill the vacant seat, the seat shall then be offered to the candidate with the second most votes from among the remaining candidates of that class, and so on in descending order, until either the vacant position has been filled by an acceptance or the list of the remaining candidates has been exhausted.

2. In the event that the list of the remaining candidates has been exhausted, the SG shall hold a Special Election in order to fill the vacant seat. The Special Election shall be put to the student body at large and governed by the same rules as the General Election held by the Office of Student Affairs. Any student from the class of the member whose seat has been vacated may run for the vacated seat. The winner of the Special Election shall be entitled to hold the vacant position for the rest of the academic year.

## ARTICLE V | OFFICERS

### A. Types

There shall be four Officers who altogether shall comprise the Executive Membership of the SG:

- (1) the President;
- (2) the Vice President;
- (3) the Secretary; and
- (4) the Whip.

### B. Qualifications

- (1) All Officers shall be duly elected Members of the SG.
- (2) All Student Government officers and representatives shall carry out their duties in accordance with FERPA and section 478 of the New York Judiciary Law.

### C. Vacancies

In the event of an Officer's resignation or removal, the remaining Officers of SG shall call a Special Election within two weeks of the representative's resignation or removal by impeachment. The Special Election shall then be held during the Session immediately following the call for a Special Election.

### D. Responsibilities

#### 1. The President

- a. Within two weeks after his or her election, the President shall propose and, upon majority approval by the other members of the Steering Committee, schedule at least six (6) General Sessions for each semester of the academic year.
- b. Agenda. The President, in consultation with the members of the Steering Committee, shall set the Agenda for every session.
- c. Sessions. The President shall preside at all sessions, unless either absent, subject to a current impeachment proceeding, or otherwise disabled from presiding. In presiding over the sessions, the President shall strive to ensure constructive deliberation, the efficient use of time, and effective decision-making among the members.
- d. Oversight of all SG functions. The President shall be the individual primarily responsible for the oversight and coordination of all of the standing activities of the SG.
- e. Student Liaison to Administration and other entities. The President shall be responsible for acting as the chief liaison of the student body to the administration, faculty, staff, and relevant individuals and organizations outside the Law School community, and to that end shall be responsible at all times for making good faith efforts to be both informed about and representative of students' interests, positions, and concerns.
- f. Deans' Forums. The President shall preside at and set the agenda for all Deans' Forums.
- g. To the extent necessary to discharge all of his or her responsibilities, the President may delegate a lesser portion of the responsibilities of the Office of the President to the Vice President, provided, however, that such delegation does not impede the Vice President from discharging the responsibilities of the Office of the Vice President.
- h. Advice. If requested by the incoming President, the outgoing President shall provide instruction and other advice to the incoming President on the responsibilities of the Office for a reasonable period of time.

#### 2. The Vice President

- a. The Vice President shall attend and stand ready to preside at all properly convened meetings, including, but not limited to, General Sessions, Special Sessions, Emergency Sessions, and Deans' Forums.
- b. The Vice President shall assume the responsibilities of the President should that office become vacant or in the President's absence.
- c. Committees point person. The Vice President shall be responsible for informing the SG General Body of the activities of both the internal committees and the external committees.
- d. In the event that the Secretary is not present at a properly convened meeting, the Vice President shall prepare minutes for that meeting, provided, however, that if the Vice President is presiding at the meeting in question, then the Whip shall be held responsible for preparing the minutes.
- e. Appointment of replacement Chairs. In the event that a Chair fails to submit two reports to the Whip in accordance with the requirements of Article III, the Vice President shall appoint another member of that Committee to be Chair.
- f. If requested by the incoming Vice President, the outgoing Vice President shall provide instruction and other advice to the incoming Vice President on the responsibilities of the Office for a reasonable period of time.

### 3. The Secretary

- a. Agenda. The Secretary shall distribute the Agenda for each Session to all Members by email no later than twenty-four (24) hours prior to that Session.
- b. Minutes. The Secretary shall attend and prepare minutes for all properly convened meetings, including, but not limited to, General Sessions, Special Sessions, Emergency Sessions, and Deans' Forums.
- c. Compilation of records. The Secretary shall be responsible for compiling in orderly fashion all minutes, agendas, legislative documents, official SG communications, and other similar documents, which were either created or modified during the Secretary's term. All documents shall be promptly archived and released as required by the Office and Records Management Committee and by the Communications Committee, respectively.
- d. If requested by the incoming Secretary, the outgoing Secretary shall provide instruction and other advice to the incoming Secretary on the responsibilities of the Office for a reasonable period of time.
- e. The Secretary shall temporarily assume the responsibilities of the Vice President should the Office become vacant or in the Vice President's absence.

### 4. The Whip

- a. Attendance. The Whip shall be responsible for taking attendance at each Session.
- b. Session reminders. The Whip shall email to all Members of the SG reminders of each upcoming General or Special Session two (2) days before that Session is to take place.
- c. Follow-up on absences. The Whip shall contact, by phone and/or email, any and all members who were absent at the most recent session within two (2) days of the absence. The Whip shall ask any and all such members to give a reason for his or her absence for the purpose of determining whether the absence was excused or unexcused. The Whip shall record the reason(s) given by such member(s) and submit such records to the Secretary.
- d. Excused and unexcused absences. The Whip shall be authorized to determine whether the absence of any member at any and all General and Special Sessions is an excused absence or an unexcused absence. The Whip shall be the sole member authorized to determine whether a given absence falls within one of the following categories of excused absences:
  - (1) Emergency illness;
  - (2) Conflict due to work or class;
  - (3) Conflict due to attendance at an external Committee meeting; or
  - (4) Religious holiday or personal emergency.
- e. Compiling reports of Chairs. The Whip shall compile the status reports from the Chairs of all SG Standing Committees and present them to the President and Vice President within one (1) day following the receipt of the reports from the Chairs. In the event that a Chair fails to provide a report to the Whip in accordance with the requirements of Article III, the Whip shall contact the Chair and remind that Chair to submit a report immediately.

### 5. The Student Director of Disability Issues

(a) The Student Director of Disability Issues shall attend and prepare an update on disability issues at the Law School for all convened meetings, including but not limited to General Sessions, Special Sessions, Emergency Sessions, Deans' Forums, Student Forums, and Student Union Meetings.

(b) Availability as Liaison. The Student Director of Disability Issues shall be accessible to students for the purpose of improving life for students with disabilities. The Student Director of Disability Issues shall attend all meetings, and be available in person and by email.

(c) Privacy of Students. The Student Director of Disability Issues shall protect the privacy of all students with disabilities and may not disclose information about any student without that student's consent.

(d) Consent of Students. The Student Director of Disability Issues shall work with any student with a disability but only with that student's continuing consent. The Student Director of Disability Issues may not act contrary to the will of those students that the Student Director of Disability Issues may otherwise represent.

(e) Representation. The Student Director of Disability Issues shall represent, assist, and/or accompany any student with a disability in meetings with Law School administrators, staff, faculty, students, and/or others about disability issues. This provision and the following subsections are subject to the requirements of provisions (c) and (d).

(i) The Student Director of Disability Issues shall attend meetings regarding disability issues between the student with a disability and administrators, staff, faculty, students, and/or others.

(ii) Should a student with a disability want student representation, assistance, or accompaniment in meetings with administrators or others about disability issues, but does not want the Student Director of Disability Issues to represent, assist, or accompany the student, the Student Director of Disability Issues shall arrange for another student to represent, assist, or accompany the student with a disability provided this substitute representative meets the qualifications and requirements of provisions (c) and (d).

(iii) Should a student with a disability want the Student Director of Disability Issues to assist or accompany a student with a disability in a meeting with administrators or others about disability issues, but the Student Director of Disability Issues cannot attend, the Student Director of Disability Issues shall arrange for another student to assist or accompany the student with a disability, provided that this substitute representative meets the qualifications and requirements of provisions (c) and (d).

(iv) Nothing in this provision shall limit the right of a student with a disability to find individual representation without the involvement of the Student Director of Disability Issues.

(f) Knowledge. The Student Director of Disability Issues shall know CUNY Law's procedures relating to disability issues and shall have an elementary understanding of federal, state, and local laws relating to disability issues. The Student Director of Disability Issues shall also be capable of organizing students around disability issues.

(g) Advice. The outgoing Student Director of Disability Issues shall provide instruction and other advice to the incoming Student Director of Disability Issues on the responsibilities of the office for a reasonable period of time. This shall include, but is not limited to, writing a brief memorandum to the incoming Student Director of Disability Issues and the incoming President regarding the disability-related issues addressed during the outgoing Student Director of Disability Issues' term and any outstanding issues. This provision is subject to the requirements of provisions (c) and (d).

## ARTICLE VI | COMMITTEES

### A. Categories

1. Internal Committees. For the purposes of this Constitution, "internal" committees means:

- (a) all of the SG Standing Committees;
- (b) the SG Steering Committee; and
- (c) any Ad Hoc Committees created by the SG.

2. External Committees. For the purposes of this Constitution, an “external” committee means any committee in the Law School’s governance system which was not created by the SG and on which committee at least one seat is reserved for a student representative.

## B. SG Standing Committees

### 1. Types

There shall be six SG Standing Committees:

- (a) The Budget and Finance Committee;
- (b) The Office and Records Management Committee;
- (c) The Communications Committee;
- (d) The Polling Committee;
- (e) The Academic Affairs Committee; and
- (f) The CUNITY Committee.

### 2. Jurisdiction and Enumerated Responsibilities

#### a. The Budget and Finance Committee

##### i. Jurisdiction

The Budget and Finance Committee shall have jurisdiction over the design and implementation of such rules and other protocols on the SG’s budget and finances, as are necessary to ensure both the adequate funding of the SG and the prudent use of SG funds.

##### ii. Enumerated Responsibilities

The Budget and Finance Committee shall:

- A. Propose an SG budget within two (2) weeks after notification of the Law School Association’s tentative budget allocations and submit the proposed budget to the SG General Body for approval by majority vote;
- B. Promulgate rules governing the use of SG funds;
- C. Maintain accurate and orderly records of all expenditures and receipts by the SG;
- D. Be responsible for overseeing any SG fundraising initiatives; and
- E. Draft the SG’s budget proposal to the LSA for the upcoming academic year.

#### b. The Office and Records Management Committee

##### i. Jurisdiction

The Office and Records Management Committee shall have jurisdiction over the design and implementation of such rules and other protocols governing the use of the SG office space, the SG bulletin boards, and the SG records, as are necessary to ensure the maintenance of an office which promotes the transparency, accessibility, efficiency, and overall effectiveness of SG.

##### ii. Enumerated Responsibilities

The Office and Records Management Committee shall:

- A. Promulgate rules governing the use and maintenance of the SG office space, the SG bulletin boards, and SG records;

B. Ensure the physical maintenance of an orderly SG office, and, to that end, also remind students and student organizations to remove items stored in the SG office after a period of time, in accordance with the rules, which have been promulgated by this Committee; and

C. Archive all SG documents in a prompt, orderly, and accurate fashion.

c. The Communications Committee

i. Jurisdiction

The Communications Committee shall have jurisdiction over the design and implementation of such rules and other protocols governing SG communications, as are necessary to ensure that the student body is adequately informed of the SG's activities and goals.

ii. Enumerated Responsibilities

The Communications Committee shall:

A. Ensure timely maintenance of the website;

B. Ensure the prompt and accurate release of SG public documents to the student body at large and/or the Law School community as a whole; and

C. Lead initiatives to utilize the unique resources of the SG website and any other web-based communications.

d. The Polling Committee

i. Jurisdiction

The Polling Committee shall have jurisdiction over the design and implementation of such Rules and other protocols governing all polls conducted by the SG, as are necessary to ensure that the SG is adequately informed of the needs and interests of the student body.

ii. Enumerated responsibilities

The Polling Committee shall:

A. Design, in consultation with the officers and chairs of the Standing Committees, polls which are pertinent and relevant to the student body, and which have the intent or effect of keeping the student body informed about current events and promoting collective student action on issues or events with significant impact on the community;

B. Conduct these polls in an efficient, accountable, and reliable manner; and

C. Work together with the Officers to develop protocols for releasing the results of these polls.

e. The Academic Affairs Committee

i. Jurisdiction

The Academic Affairs Committee shall have jurisdiction over the design and implementation of such Rules and other protocols governing the measures taken by the SG to address issues pertaining to the academic life of students at the Law School.

ii. Enumerated Responsibilities

The Academic Affairs Committee shall:

- A. Be responsible for soliciting and recording concerns, problems, and other comments from the student body on matters of academic policy, teaching quality, curriculum, and other matters pertaining to academic life at the Law School; and
- B. Recommend any measures that it believes the SG should take on particular matters within its jurisdiction.

f. The CUNITY Committee

i. Jurisdiction

The CUNITY Committee shall have jurisdiction over the design and implementation of such rules and other protocols, as are necessary to ensure the protection and promotion of the sense of community at the Law School, which sense is both unique among schools and essential to the fulfillment of the dual mission of the school.

ii. Enumerated responsibilities

The CUNITY Committee shall:

- A. Organize student forums on issues and problems significantly affecting the student body;
- B. Plan and execute the end of the year party; and
- C. Work with different members of the Law School community, including leaders of student organizations, faculty members, and administrators, on the resolution of conflicts within the community and organize events or actions designed to help resolve such conflicts.

3. Chairs

a. Qualifications

- i. Each Standing Committee shall be chaired by a member of the SG.
- ii. The Budget and Finance Committee shall be chaired by the President.
- iii. The Communications Committee shall be chaired by the Vice President.
- iv. The Office and Records Management Committee shall be chaired by the Secretary.

b. Appointments

The President shall nominate, and the SG General Body shall approve by simple majority at a session, the Chairs of the Polling, Academic Affairs, and CUNITY Committees.

c. Responsibilities

i. Selection of other Committee Members. Each Chair shall be responsible for recruiting and selecting other students to serve on the Standing Committee of which he or she is Chair. The total number of members of any given Standing Committee shall be proposed by the Chair of that Committee and shall take effect unless overruled by a majority of SG members at a session. In all cases, however, the total number of members of any Standing Committee shall be large enough to ensure the fulfillment of the enumerated responsibilities of that Committee. The non-Chair members of the SG Standing Committee need not be members of the SG; however, in the event that both members of the SG and students who are not SG members are willing to serve on the Committee and the Chair must choose some individuals over others, the Chair shall give preference to members of the SG over non-SG members.

ii. Status Reports. Each Chair shall prepare concise written reports on the current status of his or her Committee's tasks, deliberations, and actions. A report shall be due to the Whip at the beginning of each week for which classes are in session, provided, however, that if there is no status change, then the Chair may simply send the Whip a brief written message indicating the lack of change in status. The Chair's status report should not be longer than three paragraphs and shall consist of the following:

- A. a list of the specific tasks that the Committee has been charged with performing;



- B. any progress made by the Committee on these tasks during the past week; and
- C. what measures the Committee needs and plans to take next.

d. Dereliction of Duty

If a Chair fails to send two or more updates to the Whip as specified in Art. VI(B)(3)(b)(1), then the Chair shall lose his or her seat as Chair, and the Vice President shall appoint another member of that Committee to be Chair.

C. SG Steering Committee

Composition. The Steering Committee shall be composed of the Officers of the SG and the Chairs of the SG Standing Committees.

Time-sensitive decisions. The SG General Body may, by appropriate legislation, authorize the members of the Steering Committee to make decisions on behalf of the General Body on matters which are time-sensitive, but which also counsel deliberation among a body not solely comprised of the Executive Members.

D. External Committees

Qualifications

Any Member of the SG may serve on an External Committee.

Appointments

Who may Nominate. Any member of the Steering Committee may nominate a member of SG, including himself or herself, to serve as a student representative on any external Committee containing a student representative seat which is filled neither by means of election by the student body at large nor by administrative appointment.

Nomination and Approval. A valid appointment shall consist of a nomination by a member of the Steering Committee followed by simple majority approval of that nomination by the SG General Body. All such appointments shall take place by the end of the second General Session of each academic year and after the election of the Officers.

Vacancies. In the event that any student seat for any of the aforementioned external committees remains vacant by the end of the second General Session, the Officers shall be authorized to appoint students to such vacant seat(s). These appointments shall be presented to the SG General Body during the next Session, at which time the appointments may be overruled by a simple majority vote of the SG General Body at any Session, including the Session at which such appointments were presented by the Officers.

## ARTICLE VII | MEETINGS

A. Definitions

1. There shall be two general categories of meetings:
  - (a) Sessions; and
  - (b) meetings other than Sessions which have been convened by the SG.

2. Sessions

- a. Types. There shall be three types of Sessions:
  - (i) General;
  - (ii) Special; and
  - (iii) Emergency.

b. General Sessions

A “General” Session is any of the twelve (12) sessions scheduled by the President as required by Art. V(D)(1)(a).

c. Special Sessions

A “Special” Session is a Session other than a General Session which has been proposed by a consensus of all of the officers and which has been scheduled and announced to the SG General Body at least one week in advance of the proposed date and time.

d. Emergency Sessions

An “Emergency” Session is a Session other than a General or Special Session which has been proposed by a consensus of all of the officers and which has been scheduled and announced to the SG General Body less than one week in advance of the proposed date and time. Any member who is unable, despite having made good faith efforts, to attend an Emergency Session shall not be deemed in violation of Art. IV(D)(1).

3. SG Meetings Other than Sessions

Meetings other than sessions which have been convened by the SG shall include but are not limited to:

- (a) Deans’ Forums; and
- (b) Student Forums.

B. Attendance at Meetings

1. Attendance at Sessions

a. Member Attendance Requirements.

Each member shall attend all General Sessions and Special Sessions, and each Member shall make good faith efforts to attend any Emergency Sessions.

b. Absences

i. A member who has accumulated three or more unexcused absences shall be deemed to have vacated his or her seat.

ii. The following excuses shall qualify as excused absences:

- (A) Illness;
- (B) Conflict due to work or class schedule;
- (C) Conflict due to attendance at an external Committee meeting; and
- (D) Religious holiday or personal emergency.

iii. The Whip shall determine whether a given absence qualifies as excused or unexcused.

iv. The Whip shall provide written notification of all excused and unexcused absences to the Secretary, who shall then archive such records. The Whip shall compile and submit to the Secretary for archive all statements that were submitted to the Whip from members explaining an anticipated and/or actual absence.

2. Attendance at Non-Session SG Meetings

- a. All officers shall attend all Deans’ Forums and Student Forums.
- b. Any member other than an officer shall not be deemed in violation of Art. IV(D)(1) for failure to attend SG meetings other than sessions.

C. Minimum Number of General Sessions per Month

There shall be at least two General Sessions per month while fall and spring classes are in session.

#### D. Quorum for Sessions

A quorum shall consist of one-third of the current membership plus one and is necessary to conduct official business at any Session.

#### E. Additional Rules for Sessions

1. The presiding officer shall temporarily step down when voicing preferences regarding matters under deliberation.
2. All sessions shall be open to all members of the CUNY community.
3. All sessions may be conducted using any procedures that facilitate open debate and consensus-building for the purpose of moving business forward.

### ARTICLE VIII | ELECTIONS

#### A. Accordance with CUNY Bylaws

1. SG elections shall be held in accordance with CUNY Bylaws, and pursuant to the procedures and guidelines set forth in this Article.

#### B. General Election

1. 2L and 3L Members. Second- and third-year members shall be students elected at-large by their respective classes no earlier than April 20 for a one-year term of office that begins July 1.
2. 1L Members. First-year members shall be students elected at-large by the first-year class no later than September 15 for a one-year term of office that begins October 1 and ends June 30.
3. Only duly enrolled students at the CUNY School of Law may vote, and each such student is entitled to cast one ballot. Each student may vote for up to eight (8) representatives from his or her graduating class.

#### C. Election of Officers

1. All Officers and Chairs shall be elected by a majority of the new membership present at the last General Session of each year, for a term of office that begins July 1.
2. The order in which the four officers are elected at the first General Session shall be as follows:
  - (1) the President;
  - (2) the Vice President;
  - (3) the Secretary; and then
  - (4) the Whip.

### ARTICLE IX | IMPEACHMENT

#### A. Who May Bring an Impeachment Charge

Any member other than the President may bring impeachment charges against any other member, including the President. An impeachment charge must be presented at a session in order to take effect.

#### B. Number of Votes Required for Removal

Impeachment and subsequent removal from office requires a two-thirds vote of the members present at a session.

#### C. Procedure for Impeachment Proceeding

1. Hearing

Both the accusing member and the accused member shall be called upon to present their respective cases in session. The accused member shall be excluded from subsequent deliberation and voting during the remainder of the impeachment proceeding.

## 2. Deliberations and Voting

### a. Recorded Vote

The presiding officer shall under all circumstances call for a recorded vote on any motion to remove by impeachment.

### b. Where the Accused is an Officer

If the accused member is also an Officer, then the presiding Officer shall call a vote on whether to remove the accused member solely from his or her current office or whether to remove the accused from his or her seat entirely.

## D. Standard for Removal by Impeachment

When voting on whether to remove the accused member by impeachment, each member shall vote to remove the accused member, only if that member has engaged in conduct that is in substantial violation of the provisions of the SG Constitution.

## E. Closed Session

All impeachment proceedings shall take place in closed sessions of the SG, wherein only members and any testifying witnesses may be present during these proceedings.

## ARTICLE X | AMENDMENTS

### A. Who May Request an Amendment

Written requests to amend this document may be made by any matriculated student, regardless of whether he or she is a Member of the SG.

### B. Procedure for Ratification of Amendments

The procedure by which a proposed Amendment to the SG Constitution shall be ratified is as follows:

1. The proposed Amendment shall be sponsored by at least one member and co-sponsored by at least two (2) other members.

2. The proposed Amendment shall be presented to the whole student body, by both paper and electronic means, a minimum of one (1) week prior to the date on which the vote on the proposed Amendment is scheduled.

3. The proposed Amendment shall be deemed ratified by either one of two methods:

#### a. Ratification by Membership

A proposed Amendment may be ratified by the SG membership, if carried by a two-thirds majority of the membership present at the session for which the vote is scheduled.

#### b. Ratification by Referendum

A proposed Amendment may be ratified by the student body at large, if both of the following conditions have been met:

- (i) More than half the currently matriculated student body at large votes in the referendum; and
- (ii) At least two-thirds of the students who voted in the referendum have voted in favor of the proposed Amendment.

*Adopted by Student Government Spring 2009, updated April 25, 2013.*

## **8.2 CUNY SCHOOL OF LAW FOUNDATION**

For student organizations wishing to fundraise, please note that donations made directly to student organizations are not tax-deductible to donors. However, the City University of New York School of Law Foundation, Inc., an independent, tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code, is available to administer donations which are tax-deductible to donors for qualifying activities and programs, such as fellowship fundraising, educational programming, and related activities. The Foundation does not charge recognized student organizations for this service, and all monies donated through the Foundation accrue to the student organizations. For additional information on how the CUNY School of Law Foundation can support student organization fundraising, please contact the Office of Student Affairs.

Additional information about registering student organizations and planning Law School activities can be found in the Student Activities Handbook.

## **8.3 TRAVEL BY STUDENTS AS PART OF COURSEWORK, AS PART OF AN AUTHORIZED STUDENT ORGANIZATION ACTIVITY, AND INDEPENDENT ACADEMIC TRAVEL**

### **a) Travel Guidelines**

The CUNY Board of Trustees approved two sets of Travel Guidelines governing student travel. They apply whether the travel is part of a class or coursework, or travel organized as part of a student activity or a student organization. There are separate Domestic Travel Guidelines and International Travel Guidelines. They can be accessed on the Central University website through the Student Affairs webpage: <http://www.cuny.edu/about/administration/offices/ehsrp/policies/travels.html>. Both sets of Guidelines require advance approval of trips. For student-organized travel outside New York City's five boroughs, please consult with the Office of Student Affairs sufficiently in advance of planned travel dates to get necessary approvals, secure student travel waivers, and purchase travel-accident insurance. Students are advised to budget the relatively modest cost of travel-accident insurance into all travel plans. Student organization funds, CUNY funds, and CUNY School of Law Foundation funds may be used for travel, only if there is compliance with the University's Travel Guidelines.

### **b) Insurance**

All students participating in CUNY academic sponsored trips or independent international academic travel must purchase international medical and travel insurance coverage for the following benefit areas: accident/medical, evacuation for medical or security reasons, and repatriation of remains. The insurance policy must provide coverage for the insured individual for the entire program period, including travel days to and from the destination(s). Students may purchase low-cost travel insurance from the CUNY designated carrier, Cultural Insurance Services International (CISI), or another provider that meets the requirements above. If you do not purchase coverage through CISI, you must provide proof of comparable coverage through another carrier.

Please note that students enrolled in NYSHIP or any other medical insurance plan (GHI, AETNA, etc.) are required to purchase separate travel insurance. Most plans, including NYSHIP, do not cover international accident/medical, evacuation for medical or security reasons, and repatriation of remains.

Students receiving any CUNY, CUNY Law Foundation, or CUNY auxiliary travel/research funds who do not submit a properly signed and notarized International Travel Participation Waiver and Emergency Contact Form and/or are not enrolled in the University's international insurance or comparable program will not receive funding for the purpose of travel. Students receiving any other financial support from CUNY and who travel

internationally for academic/research purposes, may jeopardize their funding, if they do not obtain the appropriate insurance and submit the waiver.

## **Section IX Student Records**

### **9.1 ACCESS TO STUDENT RECORDS**

The Family Educational Rights and Privacy Act (FERPA) and regulations pursuant thereto grant the following rights to students and former students:

- 1) To be advised of the types of student records and the information contained therein, which are maintained by the Law School;
- 2) To be advised of the name and position of the official responsible for the maintenance of each type of record, the persons who have access to those records, and the purposes for which they have access;
- 3) To be advised of the policies of the Law School for reviewing and expunging those records;
- 4) To be advised of the procedures for granting access rights to student records;
- 5) To be advised of the procedures for challenging the contents of student records;
- 6) To be advised of the cost, if any, which will be charged for reproducing copies of student records; and
- 7) To be advised of all other rights and requirements of the FERPA and the regulations promulgated thereunder.

A student who wishes to inspect and review his/her education records may make the request to the Office of Registration and Student Records Management in room 4-109.

The following categories of information may be made available to individuals with a legitimate interest in such information: student's name, attendance dates, telephone listing, home address, present address, major and minor fields of study, and degrees and awards received. This shall not be construed to mean that such information is required to be released. Information is released in accordance with the relevant Federal and State laws and the City University of New York guidelines.

By sending written notice to the Office of Registration and Student Records Management, any presently enrolled or former student may request that any or all of the information stated above not be released without her/his prior written consent.

### **9.2 THE CITY UNIVERSITY OF NEW YORK – POLICY ON THE SUBMISSION OF FRAUDULENT DOCUMENTS AND ON THE OMISSION OF INFORMATION IN SUPPORT OF AN APPLICATION FOR ADMISSION**

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

Materially incomplete applications include applications that fail to include all prior post-high school college level courses, regardless of whether (i) the courses were taken at a post-secondary institution in the United States or outside the United States, (ii) the applicant received a degree at the post-secondary institution, (iii) the applicant is seeking credit for such courses, or (iv) the applicant is changing majors/careers.

#### **PROCEDURES FOR IMPOSITION OF SANCTIONS**

##### **I. Pre-Enrollment**

Whenever an applicant for admission to any college of CUNY submits, as part of an admission application, a document that is found to be fraudulent before an admission decision is made or before the applicant has enrolled, the applicant shall be barred from enrolling in any college of CUNY the year of the application and for a period of five (5) years after the year of the application that contained the fraudulent material. If done a second time, there

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

## II. Post-Enrollment

If, after a student has completed registration or begun classes in a CUNY college, it is found that the student had submitted a fraudulent document in support of an application for admission, the student shall be suspended from CUNY for five (5) years. A second offense shall result in expulsion. The suspension or expulsion shall apply to all colleges of CUNY. The accused student shall be notified of such suspension or expulsion in writing and shall be entitled to appeal within thirty (30) days of receiving notification and request a hearing pursuant to Article XV of the CUNY Bylaws, at which the college faculty-student disciplinary committee shall determine the facts, based upon which the disciplinary committee may, if persuaded that the document is authentic or that another defense is demonstrated, withdraw or reduce the penalty. The penalty shall not take effect until after the period to appeal has expired or upon the completion of the hearing. An adverse decision of the disciplinary committee shall be appealable by the accused student to the college president and a Board committee pursuant to Article XV of the CUNY Bylaws.

## III. Post-Graduation

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

## IV. Notification to the Vice Chancellor

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

## V. Dissemination

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

*Adopted by the CUNY Board of Trustees October 25, 2004  
Effective Date: October 1, 2006*

## **9.3 CUNY PROCEDURES FOR PUBLIC ACCESS TO RECORDS OF THE CITY UNIVERSITY OF NEW YORK UNDER THE FREEDOM OF INFORMATION LAW**

### **1. Designation of Records Access Officer.**



(a) Each college and unit of the City University of New York (referred to herein as a “college”) shall designate one or more persons as Records Access Officers by name or specific job title and location, who shall have the duty of coordinating the response of the college to public requests for access, in accordance with the Freedom of Information Law (“FOIL”), Public Officers Law §§ 84 et seq.

(b) The Records Access Officer shall be responsible for assuring that the college:

(1) Maintains a reasonably detailed current list, by subject matter, of all records in the possession of the college or unit;

(2) Assists persons seeking records to identify the records sought, if necessary.

(3) Upon locating the records, takes one of the following actions:

(i) Makes records available for inspection, or

(ii) Denies access to the records, in whole or in part, and explains in writing the reasons therefore.

(4) Upon request for copies of records that are being made available:

(i) Provides copies of the records on the medium requested, if the college can reasonably make such copy or have such copy made by engaging an outside professional service, provided that the requester pays or agrees to pay established fees, if any, in accordance with Section 5 of these Procedures, or

(ii) Permits the requester to copy those records.

(5) Upon request, certifies that a record is a true copy.

(6) Upon failure to locate records, certifies in writing that:

(i) the college is not the custodian for such records, or that

(ii) the records cannot be found after diligent search.

## **2. Procedure for Public Inspection.**

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

## **3. Requests for Public Access to Records.**

(a) The college may accept requests for records orally, but may also require requests for records to be in writing. Colleges are required to accept requests for records by electronic mail and to respond to such requests by electronic mail, unless the request seeks a response in some other form.

(b) The Records Access Officer shall respond to a request within five (5) business days of receipt by:

(1) granting or denying access to records in whole or in part; or

(2) acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied, in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty (20) business days after the date of the acknowledgment. If it is known that circumstances prevent disclosure within twenty (20) business days from the date of such acknowledgment, the Records Access Officer shall provide a statement in writing indicating the reason for the college’s inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted, in whole or in part; or

(3) if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted, in whole or in part, within twenty (20) business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty (20) business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted, in whole or in part.

(c) In determining a reasonable time for granting or denying a request under the circumstances of a request, the Records Access Officer shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the college and similar factors that bear on the ability to grant access to records promptly and within a reasonable time frame.

(d) A failure to comply with the time limitations set forth in Section 3(b) above constitutes a denial of a request that may be appealed.

#### **4. Denial of access to records.**

(a) Denial of access to records shall be in writing stating the reason therefore and advising the requester of the right to appeal to the General Counsel and Vice Chancellor for Legal Affairs, 205 East 42nd Street, 11<sup>th</sup> Floor, New York, New York 10017.

(b) If a college fails to comply with the time limitations set forth in Section 3 of these Procedures, such failure shall also be deemed a denial of access effective on the date of non-compliance.

(c) Any person denied access to records may appeal within thirty (30) days of the date the college denies the request.

(d) The General Counsel and Vice Chancellor for Legal Affairs shall inform the requester of its decision on the appeal, in writing, within ten (10) business days after the receipt of an appeal.

(e) A failure to determine an appeal within ten (10) business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

(f) The General Counsel and Vice Chancellor for Legal Affairs shall transmit to the Committee on Open Government copies of all appeals upon receipt of those appeals, and shall send the Committee on Open Government copies of all its decisions at the same time that those decisions are sent to the appellant.

#### **5. Fees.**

(a) There shall be no fee charged for (1) inspection of records; (2) search for records or administrative costs; or (3) any certification pursuant to this part.

(b) Fees for photocopies may be charged, which shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches.

(c) The actual cost for copying other records, such as electronic records, may be charged, which may include only:

(i) an amount equal to the hourly salary attributed to the lowest-paid employee who has the necessary skill required to prepare a copy of the requested record, except that no fee shall be charged unless at least two hours of a college employee's time is needed to prepare the copy;

(ii) the actual cost of the storage devices or media (such as a computer disk) provided to the person making the request; and

(iii) if the college's information technology equipment is inadequate to prepare a copy of the record, or if the college, for some other reason, is unable to prepare a copy of the record itself, the actual cost to the college of engaging an outside professional service to prepare a copy.

(d) If, as is set forth in (c) above, more than two hours of an employee's time is needed to prepare a copy of a record or the college is using an outside professional service, the requester must be informed of the fee in advance.

(e) The foregoing provisions regarding fees do not apply when a different fee is otherwise prescribed by statute.

## **6. Public Notice.**

Each college must post information on its website concerning how college records can be accessed under FOIL, including, at a minimum, (a) the name of the Records Access Officer to whom requests shall be directed; (b) the times and places, if any, that public records are available for inspection and copying; (c) information on how to request records in person, by mail, or by email; and (d) a link to the website of the Committee on Open Government.

*Office of the General Counsel. March 11, 2009*

CUNY School of Law's Records Access Officer is Legal Affairs Designee, Jean Zorn. FOIL requests may be made to:

Jean Zorn  
Legal Affairs Designee  
CUNY School of Law  
2 Court Square,  
Long Island City, NY 11101-4356

## **9.4 FREEDOM OF INFORMATION LAW (FOIL) NOTICE**

Requests to inspect public records at the college should be made to the Records Access Officer, Jean Zorn, Legal Affairs Designee, (718) 340-4580, who is located in room 5-107H. Public records are available for inspection and copying by appointment only at a location to be designated. You have a right to appeal a denial of a request for access to records to the CUNY General Counsel and Vice Chancellor for Legal Affairs. Copies of the CUNY Procedures for Public Access to Public Records Pursuant to Article 6 of the Public Officers Law and the appeal form are available at the reference desk of the library and the college website.

## **9.5 MAINTENANCE OF RECORDS**

Student records are maintained in the Law School's Office of Registration and Student Records Management.

The Law School respects the privacy of all students. Access by students to their files is granted upon written notice to the Office of Registration and Student Records Management, and all information in the file, except any documents to which the student waived access, is freely available for inspection by each student upon written request and during business hours. A record of such requests is maintained by the Office of Registration and Student Records Management.

## **9.6 NOTIFICATION UNDER FERPA OF STUDENT RIGHTS CONCERNING EDUCATION RECORDS AND DIRECTORY INFORMATION**

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

(1) The right to inspect and review your education records.

Students should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. If the records are not maintained by the college official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

All requests shall be granted or denied in writing within forty-five (45) days of receipt. If the request is granted, you will be notified of the time and place where the records may be inspected. If the request is denied or not responded to within forty-five (45) days, you may appeal to the college's FERPA appeals officer. Additional information regarding the appeal procedures will be provided to you, if a request is denied.

(2) The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

You may ask the college to amend a record that you believe is inaccurate, misleading, or otherwise in violation of your privacy rights under FERPA. You should write to the college official responsible for the record, clearly identify the part of the record you want changed, and specify why it is inaccurate or misleading. If the college decides not to amend the record as requested by you, the college will notify you of the decision and advise you of your right to a hearing before the college's FERPA appeals officer regarding the request for amendment. Additional information regarding the hearing procedures will be provided to you when notified of your right to a hearing.

(3) The right to consent to disclosure of personally identifiable information contained in your education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to college officials with legitimate educational interests. A college official is a person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff), a person or company with whom the University has contracted as its agent to provide a service instead of using University employees or officials, a person serving on the Board of Trustees, or a student serving on an official committee, such as a disciplinary committee, or assisting another college official in performing his or her tasks. A college official has a legitimate educational interest, if access is reasonably necessary in order to fulfill his or her professional responsibilities for the University.

Upon request, the college discloses education records without consent to officials of another college or school in which a student seeks or intends to enroll.

(4) You may appeal the alleged denial of FERPA rights to the:

General Counsel and Vice Chancellor for Legal Affairs  
The City University of New York  
205 East 42nd Street, 11<sup>th</sup> Floor  
New York, NY 10017

(5) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the college to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5920

(6) The college will make the following "directory information" concerning current and former students available to those parties having a legitimate interest in the information: name, attendance dates (periods of enrollment), address, telephone number, date and place of birth, photograph, email address, full- or part-time status, enrollment status (undergraduate, graduate, etc.), level of education (credits) completed, major field of study, degree enrolled for, participation in officially recognized activities and sports, height and weight of athletic team members, previous school attended, and degrees, honors and awards received. By filing a form with the Office of Registration and Student Records Management, you may request that any or all of this directory information not be released without your prior written consent. This form is available in the Office of Registration and Student Records Management and may be filed, withdrawn, or modified at any time.

## 9.7 NOTIFICATION OF STUDENT IMMUNIZATION REQUIREMENTS

Students who do not submit proof of measles, mumps, and rubella (MMR) immunization or who fail to return the meningococcal meningitis response form within a statutory grace period shall be prohibited from attending the institution. For additional information, you should contact the Admissions Office, (718) 340-4210, located in room 4-105.

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

All registered full- and part-time students born on or after January 1, 1957, who are enrolled for at least six (6), but fewer than twelve (12) semester hours (or equivalent) per semester in an approved degree program or registered certificate program, must submit proof of MMR immunization. Students may be exempt from the required MMR immunizations for religious or medical reasons. To qualify for a religious exception, students must submit a signed statement, or in the event the student is a minor (under 18), a signed statement from their parent or guardian, that they hold sincere and genuine religious beliefs that prohibit immunization. To qualify for a medical exception, students must submit a written statement from a licensed physician or nurse practitioner indicating that such immunization may be detrimental to their health.

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

Public Health Law 2167 requires colleges to distribute written information about meningococcal meningitis disease and vaccination and students to complete, sign and return to the college, a meningococcal meningitis response form that: (a) confirms that the college has provided the information about meningococcal meningitis; and (b) indicates that either: (1) the student has received immunization against meningococcal meningitis within the ten (10) years preceding the date of the response form; or (2) the student has decided against receiving the vaccination. This law applies to students, who are enrolled in at least six (6) semester hours (or the equivalent) per semester. No student may be exempt from receiving information or returning the response form.

*Dated: August 18, 2004*

## 9.8 TRANSCRIPTS

No information about the progress or standing of a student will be sent to any employer or other person or organization in the absence of written authorization by the student directing the Law School to transmit such information.

### **Official Transcript**

The Law School maintains an official transcript. This record includes a list of all courses in which a student registered, the number of credits for each course, and the appropriate grade entry:

For all students enrolled in the Law School as of the fall of 1999, the grades of A, A-, B+, B, B-, C+, C, C-, D, or F will appear on the transcript, except:

- 1) Academic Legal Writing, ISD, Law Review Editing, and Moot Court will be graded CR/F;
- 2) The grades of CR and No CR will appear on the transcript for first-year, first-semester courses; and
- 3) The grades of CR or NCL (No Credit Law) will appear on the transcript for any course for which a student has timely elected the CR/No Credit option for courses to which it applies.

Other transcript notations include FIN (Incomplete converted to a Fail), INC (Incomplete), PEN (Grade Pending), W (Withdrawal), WN (Withdrew, never attended), and WU (Unofficial Withdrawal).

The Office of Registration and Student Records Management will mail a copy of a student's official transcript to any employer or other person or organization upon written request from the student. To receive a copy of an official transcript, a student must make a request in writing to the Office of Registration and Student Records Management. Four (4) vouchers for four (4) free transcripts are issued to each student at the beginning of each semester and are

valid until the first day of the following semester. The fee for a transcript is \$7.00 per transcript. Transcript requests are generally processed within two (2) to three (3) business days after receipt. Transcripts cannot be released if a student's record is on hold due to unfulfilled financial obligations.

## **Section X Student Services**

### **10.1 BOOK DISTRIBUTION**

Students are responsible for acquiring their own course materials prior to the start of the semester.

### **10.2 CAREER PLANNING**

The Office of Career Planning offers a range of services and resources to help you identify goals and search for employment, internships, and funding for summer, school year, or post-graduation positions.

Our resources include employment and internship listings, employer directories, a library of career materials, and hundreds of employer resumes and recruiting materials. This includes the following:

CUNY Law Symplicity - which provides secure access to listings of jobs, internships, and employers, as well as networking contacts in various fields of law;

Weekly job “blasts” - summaries of available internship and funding opportunities;

PSJD (formerly known as PSLAWNET) - a comprehensive listing of public sector and public interest employers and career opportunities throughout the country;

Law Job Web/Law Match - particularly good listings for private law firm positions;

Intercollegiate Job Bank - a pool of internships and job listings from more than 300 law schools;

Government Honors database - includes summer and post-graduate positions;

Opportunities in Public Affairs (OPA) newsletter: students are able to access this subscription-based newsletter that lists legal and law-related opportunities in public policy and Capitol Hill-related internships, jobs, and fellowships;

Lexis employment database - an excellent resource that you should use to prepare for employment interviews;

Equal Justice Works resources - CUNY Law is a member, and this entitles students to free access to webinars on managing law school debt, post-graduate, public interest fellowships, summer corps fellowships, etc.;

Peggy Browning Fund - CUNY Law School is a participant in this labor/employment law side-foundation, which provides funded internships with employee-side labor/employment law firms, organizations, and unions. CUNY students may also participate in the annual Peggy Browning Fund conference that is held annually in the Washington, D.C. area in October; and

Access to career-related events, such as:

The Public Interest Legal Career Reception, City Bar Association

The Equal Justice Works Career Fair in Washington, D.C.

Public Interest Legal Career Fair at New York University

Lavender Law Job Fair

Northeast Black Law Students Association Job Fair

The Office also coordinates and presents workshops and panels and provides information on fellowships and judicial clerkships.

The Office offers a range of services that effectively help you identify your goals and then search for employment, internships, and funding for summer, school-year, or post-graduation work to fit your experiences and preferences.

Here's a summary of Career Planning's Services:

Individual Career Counseling - Career Planning provides confidential, one-on-one counseling sessions to students and alumni of the Law School, and counselors are available throughout the year. In compliance with National Association for Law Placement guidelines, counseling for first-year students begins at the end of October. The purpose of the rule is to give first-year students an opportunity to focus on the study of the law in the first two (2) months of law school and not look for employment.

Resume and Cover Letter Review - Counselors will review your draft cover letters and resumes and provide you with feedback on how to improve them.

Mock Interviews with Career Counselors can be arranged on an as-needed basis. It's best to schedule three (3) days or more in advance of the interview, if possible.

Alumni Network Referrals - From time to time, you may find a need to speak to a CUNY Law graduate. Maybe you need to speak to someone about a particular law office or you may like to know more about a particular practice of law that you are exploring. By request, we can refer you to a graduate. We encourage you to participate in networking events, as well as join CUNY Law LinkedIn, where you can meet many alumni on your own.

Reciprocity Requests - If you are looking for a career opportunity outside the New York City metropolitan area, you may desire to use the resources of another law school's career center. The Career Planning Office will make these "reciprocity requests" to another law school.

Business Cards - Personal business cards can be useful at networking events. You may order cards in the Reprographics office, room 1-105. You will be charged for the cost.

Fax and Scanning - We provide these services to facilitate your search or application for a job opportunity. Please email us at [careerplanningoffice@law.cuny.edu](mailto:careerplanningoffice@law.cuny.edu) or call us at (718) 340-4230 about accessing these services.

On-Campus Recruitment - The Office also maintains an on-campus employment recruitment program in which employers collect resumes from interested students and/or interview applicants at the Law School. These are typically available to second- and third-year students. These opportunities are listed in CUNY Law Symplicity.

Facebook and Twitter - You can stay in touch with career updates by becoming a fan of the CUNY Law Career Planning Office's Facebook page and by following us (CUNYLawCareers) on Twitter. We urge you to do this, in order that you not miss out on events or opportunities of interest to you.

To assist with preparation of career plans, first-year students receive a copy of *CUNY Law's Career Planning Guide*, as well as access to the CUNY Law Symplicity, which is the career management, web-based system used by the country's leading law schools.

CUNY School of Law and the Career Planning Office are committed to a policy that opposes discrimination in employment, based on age, sex, sexual orientation, religion, race, color, national or ethnic origin, disability, or veteran or marital status, and only those employers who agree to follow this policy against non-discrimination are permitted to participate in our recruitment programs.

Career Planning does not and will not screen or rank applicants for jobs; screening and selection are entirely the employer's responsibility. When an employer asks the Office to collect and forward resumes, the Office distributes the employer's information and criteria and forwards all resumes received in the Office by the employer's deadline on an equal basis.

CUNY School of Law abides by the National Association for Law Placement (NALP). First-year students should be aware of the NALP rule that dictates that "law school should not begin offering one-to-one career counseling or application document reviews to first-year students before October 15... and employers and first-year law students should not contact one another, and employers should not interview or make offers to first-year students before December 1." Students should be aware of the NALP rules regarding the acceptances of offers of employment and other rules of conduct found at <http://www.nalp.org/fulltextofnalpprinciplesandstandards>.



Finally, the Law School community should be aware of the following principle: “Students’ freedom of choice should be protected from undue influences. In counseling students, career services officers and others within the Law School community should avoid interposing either their own values or institutional interests.”

We look forward to working with you throughout your legal career and invite you to visit Career Planning on a regular basis.

### **10.3 COUNSELING**

Student discussions with the Law School counselor and any information contained therein are entirely confidential and are not shared with any member of the Law School community or with those outside the Law School community, unless the student is perceived to be a threat to himself, herself, or others. Information may be shared on a need-to-know basis. The Law School counselor is available to counsel students on a wide range of personal, emotional, and psychological issues. The counselor also conducts workshops and facilitates support groups on a number of topics, including test anxiety and stress management.

### **10.4 DISABILITY SERVICES FOR STUDENTS**

#### **Accommodations**

It is the policy of the Law School to provide reasonable accommodations for disabled students, including learning-disabled students and those with health impairments, as well as those with other disabilities. Students whose disabilities may require some type of accommodation, including exam accommodations, are encouraged to meet with the Disabilities Coordinator as early as possible. It is the student’s responsibility to initiate a request for accommodation, even if the student has previously identified herself/himself as a person with a disability. Appropriate accommodations will be worked out on a case-by-case basis.

All applications concerning disability accommodations will be regarded as confidential and will only be disclosed when there is a specific need to know this information (e.g., to a proctor of an examination for which special accommodations have been approved).

The Law School complies with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, which protect persons from discrimination on the basis of physical or mental impairments.

#### **Documentation Guidelines**

Students diagnosed with a disability who request services or accommodations are required to provide appropriate and current documentation. In the case of multiple disabilities, students must provide documentation for each disability for which accommodations are requested. Prior documentation such as an Individualized Education Program (IEP) or a history of receiving accommodations from a former school does not necessarily validate the need for services or continuation of accommodations at the university level. This history can, however, be attached to the current documentation as part of a comprehensive assessment battery. Documentation of impairment alone may not be sufficient to require that the student be provided a reasonable accommodation. It must be demonstrated that the impairment rises to the level of a disability, according to the Americans with Disabilities Act. For example, the impairment must substantially limit or restrict a major life activity (e.g., learning, reading, concentrating, thinking). The documentation must provide information to support the need for all accommodations requested. The determination of reasonable accommodations on campus is based on satisfying the documentation guidelines outlined below and a clear demonstration of the functional limitations on the student’s performance in an academic setting. These guidelines apply for all disability types recognized by the ADA.

A qualified professional should conduct the evaluation and provide name, title, and professional credentials, including information about state licensure or certification number. The evaluation should include the diagnosis (ICD-10 or DSM-IV) and be dated. The document will include the original signature of the professional responsible for the assessment of functioning. The evaluator must include, in the test report, evidence that instruments selected are reliable and valid for use with an adolescent or adult.

The evaluation must be current. Disabilities may change in severity over time, and documentation should support current accommodation needs. Recommendations and rationale for accommodations and/or assistive technology must be based on the analysis of the functional impact of the diagnosis. Services, accommodations, and/or assistive technology will be determined, on an individual basis, upon documentation review and consultation with the disability service professional at each campus. Insufficient documentation may result in the delay of services and accommodations.

Key Points: Qualified evaluator; current evaluation; evaluation signed and dated by evaluator; recommendations for accommodations. (Note: the terms *evaluation* and *documentation* are used according to which is more appropriate for disability type. Both constitute acceptable reports or material for supporting services and accommodations.)

### **Learning Disability Documentation Guidelines**

The evaluation should:

- be conducted by an evaluator with comprehensive training with adolescents and adults with learning disabilities;
- be within the last three (3) years;
- include a description of functional impact of diagnosis and include specifics of how the learning process may be affected by the diagnosis; and should include recommendations and rationale for accommodations and/or assistive technology; and
- include test scores to document the nature and severity of the disability.

Adult students, not previously diagnosed, must provide appropriate documentation, as per guidelines for students not previously diagnosed.

### **ADD/ADHD Documentation Guidelines**

The evaluation should:

- be conducted by a qualified professional whose background includes training and relevant experience in the full range of psychiatric disorders;
- be within the past three (3) years and be updated as required;
- include a summary of relevant historical information, including initial onset, diagnosis, medication, and indication of ADD/ADHD throughout adolescence or adulthood;
- identify functional limitations in the educational setting; and
- include rationale for specific recommendations or accommodations.

### **Psychological and Psychiatric Guidelines**

The evaluation should:

- be made by a professional who is qualified with appropriate training in diagnosing psychological and/or psychiatric disorders;
- be within the past three (3) years and be updated as required;
- include a summary of relevant historical information, including initial onset, diagnosis, medication, and indication of psychological/psychiatric disorders throughout adolescence or adulthood; and
- include rationale for specific recommendations or accommodations.

### **Visual Impairment or Blindness**

The evaluation should:

- include an ophthalmologic evaluation made by a qualified professional or granted by a recognized resource, such as the NY State Commission for the Blind (include CBVH Registry Number);
- be current and reflect present condition. In the case of visual acuity changes, new documentation should be submitted; and
- identify functional limitations and provide recommendations for academic accommodations/assistive technology.

### **Deaf/Hard of Hearing Guidelines**

The documentation should:

- include a diagnosis based on an audiological evaluation conducted by a qualified professional; and

- provide a description of functional limitations and recommendations for academic accommodations, interpreter services, and other services, including assistive technology.

### **Mobility/Orthopedic Disabilities**

The evaluation should:

- be made by a qualified professional with the appropriate training in diagnosing physical disabilities;
- be current and relevant and, if conditions change, an updated report will be required; and
- include a diagnosis, a description of any functional limitations, and recommendations for accommodations and/or assistive technology.

### **Chronic Medical Condition**

The evaluation should:

- be submitted on letterhead (or a standardized medical documentation form provided by the college) by a qualified health professional;
- be within the past six (6) months and, in case of changes, new documentation needs to be submitted;
- identify medication, if any, and include information describing the possible impact of the medication upon academic performance; and
- identify functional limitations in the academic environment and recommendations for accommodations and/or assistive technology.

### **Substance Abuse /Chemical Dependency**

The evaluation should:

- be submitted from a qualified professional with experience in the field of Chemical Dependency;
- be current (within one (1) year of submission);
- identify academic functional limitations and recommendations for accommodations; and
- include treatment program and medication information in the report.

### **Other**

Consult with the Director of Disability Services on campus.

*Prepared by the CUNY Committee on Student Disability Issues – Documentation Guidelines Subcommittee.*

## **10.5 CUNY PROCEDURES FOR IMPLEMENTING REASONABLE ACCOMMODATIONS AND ACADEMIC ADJUSTMENTS**

### **I. Policy Statement**

The City University of New York (“CUNY”) is committed to providing reasonable accommodations and academic adjustments to allow qualified individuals the opportunity to participate in programs, activities, and employment. CUNY recognizes that there may be times when employees and their supervisors, as well as students<sup>4</sup> and their instructors, can resolve accommodation requests informally. However, in many cases, such requests require a more formal process with the request being made to and considered by a designated decision-maker, with the opportunity for an appeal, as provided for in these procedures.

The following procedures apply to reasonable accommodations and academic adjustments in connection with:

- a disability,
- pregnancy, childbirth, or a medical condition related to pregnancy or childbirth,
- religious practices, and
- status as a victim of domestic violence, sex offense, or stalking.

CUNY will thoroughly review all requests on a case-by-case basis, in accordance with applicable federal, state, and New York City laws.

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<sup>4</sup> For the purpose of these procedures, “students” refers to students and prospective students.

CUNY prohibits retaliation against individuals for requesting reasonable accommodations or academic adjustments, appealing decisions concerning such requests, or for making or participating in claims of discrimination.

All requests for accommodations and academic adjustments, and all supporting documentation, including, but not limited to, medical information, are considered confidential and will be shared with college officials only on a need-to-know basis. Such documentation will only be used to evaluate the requested accommodation. Employee and applicant accommodation documentation will be kept in a separate file in the Office of Human Resources or the Office of Recruitment and Diversity, depending on which office is evaluating the accommodation request. Student accommodation documentation will be kept in the Office for Student Disability Services, the Office of Student Affairs, or the Office of Recruitment and Diversity, depending on which office is evaluating the accommodation request.

## **II. Definitions**

A. Academic Adjustments: Section 504 of the Rehabilitation Act of 1973 (“Section 504”) requires CUNY to provide academic adjustments to qualified students with disabilities by (a) modifying academic requirements, unless such requirements are essential to the instruction being pursued or to any directly related licensing requirement; (b) ensuring that course examinations for students with disabilities reflect their achievement in the course and not their disabilities; (c) taking steps to ensure that a qualified student is not excluded from participation or discriminated against because of the absence of educational auxiliary aids; and (d) ensuring that no rules have the effect of limiting the participation of students with disabilities in any educational program or activity.

B. ADA: The Americans with Disabilities Act (“ADA”) guarantees individuals with disabilities access to employment, public accommodations, transportation, public services, and telecommunications and provides such individuals with civil rights protections. Title II of the ADA, which applies to public entities such as CUNY, prohibits discrimination on the basis of a disability in all services, programs, and activities provided to the public by state and local governments.

C. 504/ADA Coordinator: Each College or unit at CUNY, including the University’s Central Office (the “Central Office”), has a 504/ADA Coordinator whose contact information is available on the College or University website. The 504/ADA Coordinator is responsible for ensuring that disability accommodation requests from employees, prospective employees, students, and visitors are processed, in accordance with CUNY procedures, addressing appeals of accommodations/academic adjustment decisions through mediation or investigation, as necessary, monitoring the CUNY College or unit for 504/ADA compliance, collecting data, and providing information and guidance.

D. Chief Diversity Officer: Each College or unit at CUNY, including the Central Office, has a Chief Diversity Officer whose contact information is available on the College or University website. The Chief Diversity Officer is responsible for overseeing the unit’s compliance with all laws and regulations related to diversity and inclusion and CUNY’s Policy on Equal Opportunity and Nondiscrimination, providing guidance and information, and investigating complaints of unlawful discrimination. The Chief Diversity Officer also is responsible for addressing, through mediation or investigation, appeals of accommodations/academic adjustment decisions based on religion and employee/job applicant appeals of accommodation decisions, based on pregnancy, childbirth, or a related medical condition.

E. Disability: CUNY recognizes as a disability any physical, medical, mental, or psychological impairment, or a history or record of such impairment, that constitutes a disability under applicable federal, state, and New York City laws.

F. Essential functions of the job: Job duties typically, but not exclusively, found on a job description, which are considered fundamental, such that the individual cannot do the job without performing them. Qualified employees must be able to reasonably perform the essential functions of a job either with or without a reasonable accommodation.

G. Interactive Process/Cooperative Dialogue: The interactive process is the procedure through which an employer and an individual requesting an accommodation work together to identify what barriers exist to the individual’s

performance of essential functions of a particular job, with the intention of finding a reasonable accommodation that would enable the employee to perform the job. The interactive process is a flexible and individualized approach and often includes a review of the individual's abilities and limitations (including supporting documentation), the essential functions of the job, factors or job tasks that may pose a difficulty, and how the person may be accommodated without creating an undue hardship on the employer. Similarly, with students, the interactive process is when a decision-maker at the campus works with the student to identify existing barriers to the student's access to academic and non-academic programs and activities at the College, with the intention of finding an academic adjustment or reasonable accommodation to address those barriers. CUNY provides an interactive process for all accommodation requests, including requests related to disability, religious practices, pregnancy, childbirth, or a related medical condition, and an individual's status as a victim of domestic violence, sex offense, or stalking. For employee requests related to pregnancy, childbirth, or a related medical condition, the New York City Commission on Human Rights refers to the interactive process as a "cooperative dialogue."

H. New York Education Law § 224-a: New York State Education Law § 224-a provides rights to students who are unable, because of religious beliefs, to register or attend classes on certain days. The law provides that a student, who is absent from school because of a religious belief, is entitled, without any additional fees, to an equivalent opportunity to register for classes or make up any examination, study, or work requirements that the student may have missed because of such absence on any particular day or days.

I. Qualified Individual with a Disability: An employee or applicant for employment with a disability who satisfies the skill, experience, education, and other job-related requirements for the position and who can perform the essential functions of the job with or without a reasonable accommodation. Similarly, for students, a qualified individual with a disability is a student who meets the academic and technical standards required for admission or participation in the chosen program with or without a reasonable accommodation or academic adjustment.

J. Reasonable Accommodations: Although each accommodation request will be assessed individually, reasonable accommodations, in a general sense, are modifications made to remove workplace barriers and enable qualified individuals to perform their jobs. For qualifying students, reasonable accommodations are adjustments to policy, practice, and programs that "level the playing field" and provide equal access to CUNY's academic and non-academic programs and activities. Reasonable accommodations are addressed on a case-by-case basis.

K. Religion: An individual's sincerely held religious belief or practice of a creed or religion, including all aspects of religious observance, practice, and belief, and moral or ethical beliefs as to what is right or wrong, which are sincerely held with the strength of traditional religious views. Religion is defined broadly and includes religious beliefs and practices that may be unfamiliar. "Religion" may consist of a belief system that does not include a traditional concept of God.

L. Section 504: Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against qualified individuals with disabilities in federally funded programs and activities.

M. Title IX Coordinator: Each College or unit at CUNY, including the Central Office, has a person who is designated the Title IX Coordinator, whose contact information is available on the College or University website. The Title IX Coordinator is responsible for compliance with Title IX of the Educational Amendments of 1972, which prohibits sex discrimination in educational programs. The Title IX Coordinator has overall responsibility for implementing CUNY's Policy on Sexual Misconduct, including overseeing the investigation of complaints related to sexual misconduct. The Title IX Coordinator also is responsible for addressing (a) requests for accommodations or academic adjustments based on an individual's status as a victim of domestic violence, sex offense or stalking and, (b) through mediation or investigation, student appeals of accommodation/academic adjustment decisions based on pregnancy, childbirth, or a related medical condition.

N. Undue Hardship: An undue hardship is an action that would require significant difficulty or expense when considered in light of a number of factors, including the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the employer's operation, or an action that would fundamentally alter policy and procedures, the nature of a job function, and/or the fundamental nature of the academic program. An accommodation need not be granted where it would impose an undue hardship on the College or the University. If a particular accommodation imposes an undue hardship, the College or unit should consider whether an alternative

accommodation is available that would not impose an undue hardship.

O. Pregnancy, Childbirth, or a Related Medical Condition: The condition of being pregnant, having a child, or a medical condition related to pregnancy or childbirth.

P. Victim of Domestic Violence: A person who has been subjected to acts or threats of violence, not including acts of self-defense, committed by a current or former spouse or domestic partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, or a person who is or has continually or at regular intervals lived in the same household as the victim.

Q. Victim of a Sex Offense or Stalking: A person who has been subjected to acts that would constitute violations of the New York Penal Law concerning sex offenses or stalking.

### **III. Requesting a Disability Accommodation or Academic Adjustment**

#### **A. Student Accommodations and Academic Adjustments**

Students seeking accommodations or academic adjustments should contact the Office of Student Disability Services at the CUNY college or unit they attend. Contact information is available on the college website. Students may be asked to complete an intake form and provide supporting documentation. The Director of Student Disability Services, or a designee, and the student will engage in an interactive process, which may include a consideration of a number of factors, such as the student's limitations and the academic or other program requirements, with the goal of finding an acceptable accommodation or academic adjustment. Reasonable accommodations and academic adjustments may include, but are not limited to, providing the student with assistive technology or other auxiliary aides, extra time for tests or papers, access to an elevator where available, a note taker during lectures, or permission to bring a personal aide to assist the student during class. The Director of Student Disability Services, or a designee, may, when necessary and in a confidential manner, consult with appropriate college officials, such as the instructor or Provost, to determine program requirements and appropriate accommodations. A grant or denial of the request must be made as soon as practicable, taking into account the urgency of the request, and sent to the student in writing, either stating the accommodation or academic adjustment to be provided, or for denials, the reason(s) the request was denied.

#### **B. Employee Accommodations**

##### **1. Applicants for Employment**

Applicants are given an opportunity to self-identify as disabled.

Applicants for employment seeking accommodations to participate in the application/interview process should contact the Director of Human Resources at the college or unit to which they are applying. Applicants may be asked to complete an intake form and provide supporting documentation concerning their disability. The Director of Human Resources, or a designee, and the applicant will engage in an interactive process, which may include a consideration of a number of factors, such as the applicant's limitations and the application process and requirements, with the goal of finding an acceptable accommodation. Possible accommodations include, but are not limited to, providing adaptive furniture, equipment, or lighting, scheduling and room changes, a sign language interpreter, enlarged print or screen reader computer accessibility services, or other assistive technology or equipment. A grant or denial of the applicant's request must be made as soon as practicable, taking into account the urgency of the request, and sent to the applicant in writing, either stating the accommodation to be provided, or for denials, the reason(s) the request was denied. The Director of Human Resources, or a designee, is responsible for implementing all approved accommodations during the application and interview process. Classified civil service candidates who are required to take an exam or attend a hiring pool and are seeking an accommodation should follow the written instructions provided on the exam application, hiring pool instructions, or contact the Human Resources Advisory Services unit in the Office of Human Resources Management in the Central Office.

##### **2. Current Employees**

Employees are given an opportunity to self-identify as disabled upon their initial hire and throughout their employment.

Current employees seeking accommodations should contact the Office of Human Resources at the college or unit where they are employed. Employees may be asked to complete an intake form and provide supporting documentation. The Director of Human Resources, or a designee, and the employee will engage in an interactive process, which may involve a consideration of a number of factors, such as the employee's limitations and the job requirements, essential duties, and office size and structure, with the goal of finding an acceptable accommodation. Reasonable accommodations may include, but are not limited to, modifying work schedules, granting breaks or providing leave, relocating the employee, reconfiguring work spaces or equipment, providing assistive technology or equipment, or reassigning the employee to a vacant position for which the employee is qualified. The Director of Human Resources is responsible for accommodation determinations. A grant or denial of the employee's request must be made as soon as practicable, taking into account the urgency of the request, and sent to the employee in writing, either stating the accommodation to be provided, or for denials, the reason(s) the request was denied.

#### C. Visitor Accommodations

Visitors seeking accommodations should contact in a timely manner the 504/ADA Coordinator at the College or unit they are visiting. The 504/ADA Coordinator may refer the request to the relevant campus office(s) for processing. Notices about campus events should include contact information for the 504/ADA Coordinator of the College or unit where the event is being held.

### **IV. Appeal of Disability Accommodation and Academic Adjustment Decisions**

#### A. Student Accommodations and Academic Adjustments

Students may appeal determinations concerning requested accommodations and academic adjustments by filing a written complaint with the 504/ADA Coordinator. The 504/ADA Coordinator, or a designee, will mediate to try to resolve the issues between the student and the college to find an acceptable accommodation. If a mutually acceptable accommodation cannot be determined, then the 504/ADA Coordinator, or a designee, will investigate the complaint and make a recommendation to the College President, who will make the decision concerning the complaint. If the student believes that a decision to deny the request was based on unlawful discrimination, then the student may exercise any and all rights available under law without fear of retaliation, including filing a complaint with the United States Department of Education's Office for Civil Rights ("OCR").

#### B. Applicants for Employment

Applicants for employment may appeal determinations concerning requested accommodations by filing a written complaint with the 504/ADA Coordinator. The 504/ADA Coordinator, or a designee, will mediate to try to resolve the issues between the applicant and the college or unit to find a reasonable accommodation. If a mutually acceptable accommodation cannot be determined, then the 504/ADA Coordinator, or a designee, will investigate the complaint and make a recommendation to the President or, if the applicant is applying to a position at the Central Office, then to the Vice Chancellor for Human Resources Management. Such President or Vice Chancellor for Human Resources Management will make the final determination concerning the complaint. If the applicant requesting the accommodation believes that a decision to deny the request was based on unlawful discrimination, then the applicant may exercise any and all rights available under law without fear of retaliation, including filing a complaint with outside agencies, such as the Equal Employment Opportunity Commission ("EEOC"), the New York State Division of Human Rights ("NYSDHR"), or the New York City Commission on Human Rights ("NYCCHR").

#### C. Current Employees

Employees may appeal decisions concerning requested accommodations by filing a written complaint with the 504/ADA Coordinator. The 504/ADA Coordinator, or a designee, will mediate to try to resolve the issues between the employee and college or unit to find an acceptable accommodation. If a mutually acceptable accommodation cannot be determined, then the 504/ADA Coordinator, or a designee, will investigate the complaint and make a recommendation to the President, or if the employee works at the Central Office, then to the Vice Chancellor for

Human Resources Management. Such President or Vice Chancellor for Human Resources Management will make the final determination concerning the complaint. If the employee is covered by a collective bargaining agreement, the employee may discuss the matter with a union representative and exercise any rights available under such agreement. If the employee requesting an accommodation believes that a decision to deny the request was based on unlawful discrimination, then the employee may exercise any and all rights available under law without fear of retaliation, including filing a complaint with an outside agency, such as the EEOC, the NYSDHR, or the NYCCHR.

#### D. Visitors

Visitors who have questions or concerns regarding an accommodation should contact the 504/ADA Coordinator, who will make the final determination concerning the requested accommodation.

### **V. Accommodations based on Pregnancy, Childbirth or a Related Medical Condition**

#### A. Student Accommodations and Academic Adjustments

Students requesting an accommodation or academic adjustment based on pregnancy, childbirth, or a related medical condition should contact the Office of Student Disability Services. Students may be asked to complete an intake form and provide supporting documentation. The student and the Director of Student Disability Services, or a designee, will engage in an interactive process, which may include considering a number of factors, such as the student's limitations and the nature and requirements of the academic program, with the goal of finding an acceptable accommodation or academic adjustment. The Director of Student Disability Services may, when necessary, consult with appropriate college officials, such as the instructor or Provost, to determine program requirements and possible accommodations and adjustments. Reasonable accommodations or academic adjustments may include, but are not limited to, granting leaves of absence, providing take-home tests to students who are bedridden or homebound, allowing make-up tests and papers, or scheduling a meeting with the instructor for a student who had to miss class because of medical appointments or medical complications, in order to make up missed content. A grant or denial of the request must be made as soon as practicable, taking into account the urgency of the request, and sent to the student in writing, either stating the accommodation, or for denials, the reason(s) the request was denied.

#### B. Applicant Accommodations

Applicants for employment requesting an accommodation based on pregnancy, childbirth, or a related medical condition should contact the Office of Human Resources at the college or unit where they are applying. Classified civil service candidates who are required to take an exam or attend a hiring pool and are seeking an accommodation should follow the written instructions provided on the exam application, or hiring pool instructions, or contact the Human Resources Advisory Services unit in the Office of Human Resources Management in the Central Office.

#### C. Employee Accommodations

1. Employees requesting an accommodation based on pregnancy, childbirth, or a related medical condition should contact the Office of Human Resources at their college or unit. Employees may be required to submit an intake form. The employee and the Director of Human Resources, or a designee, will engage in an interactive process, also called a cooperative dialogue, which may include a consideration of a number of factors, such as the employee's limitations and the job functions and requirements, with the goal of finding an acceptable accommodation. The Director of Human Resources, or a designee, will initiate a cooperative dialogue even when an employee does not make an accommodation request when the college has (1) knowledge that the employee's performance at work has been affected or that her behavior at work could lead to an adverse employment action and (2) a reasonable basis to believe that the issue is related to pregnancy, childbirth, or a related medical condition. Reasonable accommodations may include, but are not limited to, granting frequent bathroom breaks, providing the employee with a specialized chair, granting leaves of absence, changing work schedules to accommodate doctor's visits, temporary shift reassignments, providing light duties or assistance with manual labor for a period of time, or temporarily reassigning the employee to a vacant position for which she is qualified. A grant or denial of the employee's request must be made as soon as practicable, taking into account the urgency of the request, and sent to the employee in writing, either stating the accommodation, or for denials, the reason(s) the request was denied.



2. Employees may be required to submit medical documentation when requesting: (a) time away from work, including for medical appointments, other than the presumptive six (6) (for a vaginal delivery) to eight (8) (for a caesarian section) week period following childbirth for recovery from childbirth, or (b) to work from home, either on an intermittent or a long-term basis. This requirement does not affect medical documentation requirements related to leave taken pursuant to the Family Medical Leave Act or other disability plans or policies.

#### D. Appeals

Employees and job applicants may appeal a denial of a request for an accommodation by filing a complaint with the Chief Diversity Officer. Students may appeal a denial of a written request for an accommodation and/or academic adjustment with the Title IX Coordinator. The Chief Diversity Officer, Title IX Coordinator, or a designee, will mediate to try to resolve the issues between the individual and the college or unit to find an acceptable accommodation. If a mutually acceptable accommodation cannot be determined, then the Chief Diversity Officer, Title IX Coordinator, or a designee will investigate the complaint and make a recommendation to the College President, or, if the employee works at the Central Office, then to the Vice Chancellor for Human Resources Management. Such President or Vice Chancellor for Human Resources Management shall make the final determination concerning the complaint. If the employee is covered by a collective bargaining agreement, she may discuss the matter with her union representative and exercise any rights available under such agreement.

### **VI. Religious Accommodations**

#### A. Requests for Accommodations

1. Students requesting a religious accommodation should contact the Office for Student Affairs at the college or unit in which they are enrolled. The Chief Student Affairs Officer, or a designee, and the student will engage in an interactive process with the goal of finding an acceptable accommodation.

2. Consistent with New York State Education Law § 224-a, students who are absent from school because of a religious belief will be given the equivalent opportunity, without any additional fee charged, to register for classes or make up any examination, study, or work requirements missed because of such absence on any particular day or days.

3. Employees and applicants requesting a religious accommodation should contact the Office of Human Resources at the college or unit where they are employed or applying. The Director of Human Resources, or a designee, and the employee/applicant will engage in an interactive process with the goal of finding an acceptable accommodation. Classified civil service candidates who are required to take an exam or attend a hiring pool and are seeking an accommodation should follow the written instructions provided on the exam application or hiring pool instructions, or contact the HR Advisory Services unit in the Office of Human Resources Management in the Central Office.

4. Individuals requesting accommodations may be required to submit an intake form. In the case of requests for religious accommodations, the interactive process may include a consideration of a variety of factors, such as the individual's religious practices and the functions and requirements of the academic program or job. Reasonable accommodations may include, but are not limited to, flexible arrival and/or departure times, permission to make up a test or lecture, leave or assignment changes, time and/or space to pray, or an accommodation relating to appearance or dress.

5. CUNY generally will not question that a request for religious accommodation is based on a sincerely held belief. However, if CUNY has genuine reason to doubt that a belief qualifies as religious, or is sincerely held, CUNY may make a limited inquiry, asking for supporting documentation. The documentation submitted may include the requestor's first-hand explanation, or explanations from others, such as a religious official or clergy member, who are aware of the religious practice or belief.

6. A grant or denial of the request must be made as soon as practicable, taking into account the urgency of the request, and sent in writing to the individual making the request, either stating the accommodation, or for denials, the reason(s) the request was denied.

## **B. Appeals**

Students, employees, and applicants may appeal a denial of their accommodation request by filing a complaint with the Chief Diversity Officer at their college or unit. The Chief Diversity Officer, or a designee, will mediate to try to resolve the issues between the individual and the college to find an acceptable accommodation. If a mutually acceptable accommodation cannot be determined, then the Chief Diversity Officer, or a designee, will investigate the complaint and make a recommendation to the College President, or if the employee works at the Central Office, then to the Vice Chancellor for Human Resources Management. The College President or Vice Chancellor for Human Resources Management will make the final determination concerning the complaint. If the employee is covered by a collective bargaining agreement, the employee may discuss the matter with a union representative and exercise any rights available under such agreement.

## **VII. Accommodations Based on Status as a Victim of Domestic Violence, Sex Offense, or Stalking**

### **A. Requests for Accommodations**

1. Individuals requesting an accommodation, based on their status as a victim of domestic violence, sex offense, or stalking, should contact the Title IX Coordinator at their college or unit. The Title IX Coordinator, or a designee, and the individual will engage in an interactive process with the goal of finding an acceptable accommodation. The Title IX Coordinator, or a designee, in appropriate situations, may develop a workplace safety plan, as described in the CUNY Domestic Violence and the Workplace Policy.

2. Individuals may be required, where appropriate, to submit an intake form and/or provide appropriate documentation to support their status as a victim of domestic violence, sex offense, or stalking and to help the college or unit determine a reasonable accommodation.

3. In cases involving a requested accommodation, based on status as a victim of domestic violence, sex offense, or stalking, the interactive process may include a consideration of factors, such as the individual's personal safety and mental and physical health and the job or academic requirements. Reasonable accommodations may include, but are not limited to, a leave of absence, modified or flexible work schedules, confidentiality of addresses and phone numbers, transfer to another location, assisting in the enforcement of protective orders, such as posting a photograph of the abuser with the reception or security, or providing the individual with an escort into or out of buildings.

4. A grant or denial of the request must be made as soon as practicable, taking into account the urgency of the request, and sent in writing to the individual who made the request, either stating the accommodation, or for denials, the reason(s) the request was denied.

5. Victims of domestic violence, sex offense, or stalking should consult CUNY's Sexual Misconduct Policy, available on the CUNY website, to the extent they need immediate and supportive interim measures that are not addressed herein.

### **B. Appeals**

Students may appeal the denial of their request for an accommodation or academic adjustment by filing a complaint with the Office for Student Affairs at the campus in which they are enrolled or applying. Employees and applicants may appeal the denial of their request for an accommodation by filing a complaint with the Office for Human Resources at the campus where they are employed or applying for employment. The Chief Student Affairs Officer or Director of Human Resources, as the case may be, or a designee, will mediate to try to resolve the issues between the individual and the college or unit to find an acceptable accommodation/academic adjustment. If a mutually acceptable accommodation/academic adjustment cannot be determined, then the Chief Student Affairs Officer or Director of Human Resources, or a designee, will investigate the complaint and make a recommendation to the College President, or if the employee works at the Central Office, then to the Vice Chancellor for Human Resources Management. Such College President or Vice Chancellor for Human Resources Management shall make the final determination concerning the complaint. If the employee is covered by a collective bargaining agreement, the employee may discuss the matter with a union representative and exercise any rights available under such agreement.

## VIII. Filing Complaints with Outside Agencies

Students, employees, and applicants who believe that a decision to deny the request for a reasonable accommodation or academic adjustment was based on unlawful discrimination may avail themselves of any and all of their rights under law without fear of retaliation, including filing complaints with one or more of the outside agencies listed below.

- U.S. Department of Education, Office for Civil Rights  
<http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>
- U.S. Equal Employment Opportunity Commission  
[https://www.eeoc.gov/federal/fed\\_employees/filing\\_complaint.cfm](https://www.eeoc.gov/federal/fed_employees/filing_complaint.cfm)
- New York State Division of Human Rights  
<http://www.dhr.ny.gov/how-file-complaint>
- New York City Commission on Human Rights  
<http://www.nyc.gov/html/cchr/html/complaint/filing-complaint.shtml>

*Adopted 2016*

## 10.6 FINANCIAL AID

This section provides all students with a brief source of the common financial aid policies. If you have any questions after reading all documentation, correspondence, and information regarding the financial aid process, contact the Office of Financial Aid at 718-340-4284 or [joseph@law.cuny.edu](mailto:joseph@law.cuny.edu).

The Office of Financial Aid, in addition to administering various federal and state financial aid programs, offers an extensive network of services to assist students in meeting the costs related to their education. Individual financial counseling, assistance with the completion of the financial aid application, debt management counseling, scholarship posting, and information about on-campus and off-campus job opportunities are offered to students, as part of a comprehensive approach to assisting students in financing their law school education.

Although the basic responsibilities for financing law school rest with you and your family, the Office of Financial Aid utilizes the maximum available federal and state aid resources to assemble a financial aid package, consisting of grants, loans, scholarships, and student employment opportunities for eligible students, so that the burden on the students and their families will be minimized.

All financial aid at the CUNY School of Law is administered without discrimination as to age, sex, race, creed, national origin, physical or mental disability, sexual orientation, marital status, or veteran's status. An applicant may be excluded from all programs, if in default in the repayment of a previous student loan. Federal and state laws, regulations, guidelines, and policies governing the administration of these programs are strictly followed.

Information in this *Handbook*, although currently accurate, is subject to change, as revisions in federal and state regulations occur, and new legislation is passed. Students are strongly encouraged to use this information, in conjunction with individual communication with the Office of Financial Aid, to be assured of all program requirements and updates.

### Your Rights

**As a financial aid applicant, you have a RIGHT to...**

- Know what financial aid assistance is available at CUNY School of Law, including information on all federal, state, and institutional aid programs.
- Know the application submission deadlines.
- Know the cost of attending CUNY School of Law for determination of financial aid eligibility.
- Know how CUNY School of Law calculates your financial need.

- Know what resources are considered in your need calculation.
- Know how much of your financial need, as determined by CUNY School of Law, has been met.
- Request an explanation from the Office of Financial Aid of various types of aid in your award package. If dissatisfied with your award, you may request a review by contacting the Office of Financial Aid.
- Know what portion of your financial aid must be repaid and what portion is grant aid. If the aid is a loan, you have the right to know what the interest rate is, the total amount that must be repaid, the repayment procedures, the length of time allotted to repay the loan, and when repayment is to begin.
- Accept all, some, or none of the loan funds offered.
- Receive a copy of your promissory note, which outlines the terms and conditions of your loan. You will receive it before or after the loan is certified.
- Before you begin to repay your loan, your lender is required to give you a repayment schedule and detailed information with respect to the interest rate, fees, the balance you owe, and your repayment options.
- To defer payments for certain defined periods or to request forbearance, if qualified.
- To repay under a graduated or income-based repayment plan, if you are eligible.
- Prepay your loan, in whole or in part, at any time without penalty.

**As a student, you have the responsibility to ...**

- Review and consider all information about CUNY School of Law before you enroll.
- Complete all financial aid application forms accurately and submit them on time. Errors can result in long delays in the receipt of financial aid. Intentional reporting of incorrect information on any financial aid application forms is a violation of law and considered a criminal offense, subject to penalties under the U.S. Criminal Code.
- Provide all requested documentation and verification items. You may prepay your loan, in whole or in part, at any time without penalty.
- Report any additional resources (e.g., external scholarships, assistance from Vocational Rehabilitation, Veterans Affairs, etc.) received during the award year.
- Read, understand, and accept responsibility for all forms and agreements requiring your signature and keep copies of them.
- If a first-time borrower, complete entrance counseling before funds can be disbursed.
- To report changes of your name, address, and changes in dependency status.
- The Law School reserves the right to make adjustments in financial aid packages, due to any changes in enrollment, residency, income discrepancy or financial circumstances.
- If you do not meet the requirements for financial aid that has been awarded, you will be required to repay financial aid funds that you have received.
- If you withdraw from the Law School before the end of an academic term, you may be required to return a portion of your financial aid.
- Renewal of your financial aid package also depends on your making satisfactory academic progress toward your degree, such as earning a minimum number of credits each semester and achieving a minimum GPA of 2.5.
- Notify the Law School if you want to borrow less than the amount that has been awarded.
- Repay your loans on time and in full, even if you do not finish your education, get a job, or feel satisfied with the education you received.
- Notify your loan holder or servicer immediately of any change to your name, address, telephone number, or social security number.
- Make scheduled monthly payments, even if you do not receive a bill or coupon booklet.
- Students who cease enrollment before graduation must notify the Office of Financial Aid and make arrangements to complete the exit interview session.
- Open and/or read all mail sent by the Office of Financial Aid to your home, student mailbox, and/or electronic mail.
- Open, read, and understand all correspondence sent to you by the lender, servicer, guarantor, or any agency that is a partner of the financial aid process.

## **10.7 [HEALTH INSURANCE](#)**

In collaboration with the Human Resources Administration's Office of Citywide Health Insurance Access (OCHIA),

facilitated enrollers are made available on campus several times a year offering New York State's Family Health Plus and Child Health Plus health insurance programs to eligible students. For more information on enrolling in a health insurance plan, please go to the following link:  
<http://www.cuny.edu/about/administration/offices/sa/services/student-health/insurance.html>.

## **10.8 [HEALTH SERVICES](#)**

Adult Nurse Practitioner's (ANP) services are available at the Law School during posted hours. The ANP is licensed and will deliver a full range of healthcare services, including: diagnosis and treatment of acute healthcare problems; health promotion and disease prevention care for women and men; diagnose and manage minor trauma, including splinting; perform physical examinations; interpret laboratory tests for screening; prescribe certain medications, when necessary; and make referrals. All student health records, as well as consultations between students and nurses, are strictly confidential.

## **10.9 [HOUSING](#)**

The Office of Student Affairs at the Law School serves as a clearinghouse for students looking for apartments. Area residents and landlords often list their apartments with the Office of Student Affairs. The Office also compiles a roommate list and distributes New York City bus and subway maps. For more information, contact the Office of Student Affairs by email at [studentaffairsoffice@mail.law.cuny.edu](mailto:studentaffairsoffice@mail.law.cuny.edu) or call (718) 340-4207.

Students receiving financial aid assistance should remember that part of the cost of attendance includes housing costs. For further information regarding the cost of attendance, please contact the Financial Aid Office at (718) 340-4284.

## **10.10 [INFORMATION TECHNOLOGY](#)**

The Information Technology Department is responsible for managing all aspects of computing, telecommunications, and audio/visual services at CUNY School of Law. The Department maintains, upgrades, and repairs hardware as well as software for over 300 networked computers in the Law School. The Help Desk is open Monday through Thursday 8:45 am to 9:30 pm and Friday 8:45 am to 5:30 pm.

### **Computers**

There are eight computers available for student use in room 3-207 and two in cubicles 4-215 A/B. Printing is also available in room 3-207 as well as through all PaperCut printers in the building. MS Office, email, and the Internet are accessible through these computers. During Pre-law Orientation for incoming first-year students, visit the Help Desk in room 3-205 with your laptop to get your laptop on our wireless network. Email accounts will be emailed to the student's personal account prior to Pre-law week. IT will also make available information regarding the CUNY Portal and student labs and printers via web pages on the CUNY School of Law website. Training for laptop exam software will be scheduled before midterms begin.

### **Printing**

The School of Law uses PaperCut software. PaperCut encourages the responsible use of paper and printers, which helps maintain an environmentally sustainable school and is in keeping with the spirit of the School's LEED Gold certification. Furthermore, PaperCut enhances confidentiality by optionally printing documents only after a user's ID card is swiped at a printer. PaperCut works with both Mac OS X and Windows, and is available on the School's student-use computers, as well as for installation on student-owned laptops. Rates for printing and copying are posted near student-accessible printers.

### **Audio/Visual Services**

The Information Technology Department maintains the building's sound system, as well as the SMART Board Technologies throughout the building. The Department also distributes audio/visual equipment for institutional use inside the building. Camera operators are not provided. To report problems, call the audio/visual phone number at extension 84456 (from outside the building call (718) 340-4456). The Information Technology Department is responsible for delivering and retrieving all audio-visual equipment at the Law School. This includes television monitors, video cameras, portable projectors, laptops, and PA systems.

### **Student Organization Requests**

All student organization requests for equipment must be made through the Office of Student Affairs. If approved, that Office will forward the request to Technical Support. The delivery and retrieval of equipment must take place during normal business hours. Events scheduled outside of normal business hours must be made with at least **two weeks'** notice. Students **may not** complete equipment loan agreements. When using Law School equipment, students may not charge admission or otherwise violate applicable copyright laws. Any changes to equipment needs must be emailed directly to [av@law.cuny.edu](mailto:av@law.cuny.edu). Any changes to rooms, times, or dates, must be sent to **both** the Office of Student Affairs and [av@law.cuny.edu](mailto:av@law.cuny.edu).

### **Telecommunications**

Internal-use telephones are located throughout the building. If there is a problem with an internal-use telephone, please report it to technical support by calling extension 84456, or via email at [tech-support@law.cuny.edu](mailto:tech-support@law.cuny.edu).

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

<http://www.cuny.edu/about/administration/offices/CIS/policies/ComputerUsePolicy.pdf>

### **CUNY File Sharing and Copyright Infringement Policy**

<http://www.cuny.edu/about/administration/offices/la/copyright-materials/file-sharing.html>

#### **10.11 LACTATION ROOM**

The lactation room, located in room 2-101, is available to students, staff, or faculty who wish to use the room. Please direct inquiries to the Office of Student Affairs, room 5-110, (718) 340-4207 or email [studentaffairsoffice@mail.law.cuny.edu](mailto:studentaffairsoffice@mail.law.cuny.edu).

#### **10.12 LIBRARY**

The CUNY School of Law Library policies may be found at the following link:  
<http://www.law.cuny.edu/library/libgd.pdf>

#### **10.13 MAIL DELIVERY**

Student and student organization mailboxes are located on the 3<sup>rd</sup> floor in room 3-207. Mailboxes are assigned by class and in alphabetical order. All students must empty their mailboxes at the end of each semester. Student and student organization mailboxes are not for storing books or any other items. Mailboxes should be used only for students to receive important mail, including, on occasion, the class assignments and correspondence from the Law School's administration. Mail is distributed every business day between 11:00 am and 1:00 pm. Faculty and staff mailboxes are located on the 1<sup>st</sup> floor in room 1-105.

The Law School has a mail depository adjacent to the Reprographics Office (room 1-105). It may be used for your outgoing mail. Mail in the depositories is picked up by the Law School mailroom staff every day at 3:00 pm. Students may also purchase stamps from the Reprographics Office. Students and all members of the Law School community are advised to use their residential addresses for all private mail and packages.

#### **10.14 MATERIALS MANAGEMENT**

The Materials Management Department is responsible for the following areas: Reprographics unit, mail delivery, book distribution, fax equipment, photocopying equipment, transportation/messenger service, supplies, and shipping and receiving. Students should feel free to stop by the Reprographics Office, if you have any questions or need assistance regarding any of the services listed above. Alternatively, students may call the Reprographics Office at extension 84298.

## **10.15 RELIGIOUS ACCOMMODATIONS**

### **Religious Observance**

#### **New York State Education Law, Article 5 S224-a.**

#### **Students unable, because of religious beliefs, to register or attend classes on certain days.**

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

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

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

4. If registration, classes, examinations, study, or work requirements are held on Friday after four o'clock post meridian or on Saturday, similar or make-up classes, examinations, study or work requirements, or opportunity to register shall be made available on other days, where it is possible and practicable to do so. No special fees shall be charged to the student for these classes, examinations, study or work requirements, or registration held on other days.

5. In effectuating the provisions of this section, it shall be the duty of the faculty and of the administrative officials of each institution of higher education to exercise the fullest measure of good faith. No adverse or prejudicial effects shall result to any student because of his or her availing himself or herself of the provisions of this section.

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

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

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

## **10.16 VOTER REGISTRATION ASSISTANCE**

Students requesting accommodation services for disabilities will be offered the opportunity to register to vote and get assistance in filling out forms, if requested. There is no obligation to register, and the student's decision will have no effect on services provided by the Office of Student Affairs/Disability Coordinator. For more information,

visit the website of the NYC Board of Elections about registering to vote in New York City. Forms are available in room 5-115 of the Law School, or you may download a voter registration form from the NYC Board of Elections website: <http://www.vote.nyc.ny.us/html/voters/voters.shtml>.



## Section XI Tuition

Tuition and fees for the 2018-2019 school year on a semester basis are:

### **Full-Time (Day) JD Program\*: (fall or spring term)**

NYS Resident Tuition	\$7,500.00
Materials Fee	\$100.00
Student Activity Fee	\$41.45
Consolidated Service Fee	\$15.00
Technology Fee	\$125.00
<b>Total</b>	<b>\$7,781.45</b>

Non-Residents Tuition	\$12,450.00
Materials Fee	\$100.00
Student Activity Fee	\$41.45
Consolidated Service Fee	\$15.00
Technology Fee	\$125.00
<b>Total</b>	<b>\$12,731.45</b>

### **Part-Time (Evening) JD Program\*: (fall or spring term)**

NYS Resident Tuition	\$5,150.00
Materials Fee	\$75.00
Student Activity Fee	\$21.45
Consolidated Service Fee	\$15.00
Technology Fee	\$62.50
<b>Total</b>	<b>\$5,323.95</b>

Non-Residents Tuition	\$8,560.00
Materials Fee	\$75.00
Student Activity Fee	\$21.45
Consolidated Service Fee	\$15.00
Technology Fee	\$62.50
<b>Total</b>	<b>\$8,733.95</b>

*\*All tuition and fee schedules are subject to change without notice at any time upon action by the Board of Trustees of the City University of New York.*

For additional tuition and fees information, please visit <http://www.law.cuny.edu/admissions/tuition.html>.

A Change of Program Adjustment Fee of \$18.00 is due for adding or swapping any courses or class sections on or after the first day of classes.

In addition to tuition, all students must pay a materials fee. This fee covers the costs of one-time expenses (e.g., printing diplomas) and recurring expenses (e.g., student copy card allocation each semester).

The student activity fee is allocated by the Law School Association to support Law School clubs and organizations.

The consolidated service fee is charged by the University to cover part of the cost of the administration of the University's financial aid operation.

The technology fee is charged by the University to fund computer systems, services, and maintenance.

Please Note: We only accept cash or money orders for transcripts (\$7).

### **11.1 DELINQUENT ACCOUNTS**

If you do not make full payment on your tuition and fees and other college bills, and your account is sent to a collection agency, you will be responsible for all collection costs, including agency fees, attorney fees, and court

costs, in addition to whatever amounts you owe the college. In addition, non-payment or a default judgment against your account may be reported to a credit bureau and reflected in your credit report.

## **11.2 NON-PAYMENT OF TUITION AND CUNY POLICY ON WITHHOLDING STUDENT RECORDS**

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

## **11.3 PAYMENTS**

Tuition and fees must be paid in full upon registration or by the established due date.

**In Person:** Payment can be made with cash, check, or money order in room 4-109 during office hours.

**By Mail:** Check or money order must be received by the established due date.

Payable to: CUNY School of Law  
2 Court Square  
Long Island City, NY 11101  
Attn: Bursar 4-109N

**Credit/Debit Card:** Credit and debit cards are no longer accepted forms of payment. The only way to pay with a card is to utilize the Nelnet payment plan.

**E-check:** There is no fee to use this service. You may use your checking or savings account. Electronic payments are ONLY accepted through your CUNYFirst student account: <https://home.CUNYFirst.cuny.edu>

We ask that you submit your financial aid paperwork or pay the balance of your tuition in a timely manner, as not doing so will delay your ability to commence your semester.

\*Payments made after the established due date will incur a \$15 late payment fee.

**Please Note:** Any checks returned unpaid by the student's financial institution for any reason will incur a \$20 returned check fee. Students must then make repayment with cash, teller's check, or money order; *personal checks will no longer be accepted at CUNY School of Law.*

## **11.4 TUITION PAYMENT PLAN**

The Nelnet Tuition Payment Plan provides you and your family the option of paying tuition and fee charges over a period of up to six months. This flexibility enables you to reduce the burden of paying all tuition and fees prior to the start of the academic term. The payment plan is an interest-free benefit to you and your family. The enrollment fee for the payment plan is \$95 per semester/session. If you opt for direct withdrawals from a bank account, a discount will be provided which will lower the enrollment fee to \$40 per semester/session. To enroll, log-in to CUNYFirst Self-Service and go to the Student Center section. Go to Finances and select Enroll/Manage Payment Plan.

## **11.5 RESIDENT AND NON-RESIDENT TUITION DETERMINATIONS**

To qualify as a resident for tuition purposes under CUNY Guidelines, a student must have continuously resided in New York State for a qualifying period of 12 months prior to the first day of classes for the semester in which resident tuition is sought, and must show that he or she has established New York as his/her domicile, which means that the student has a bona fide intention of living in New York permanently.

CUNY Guidelines provide that students under 24 years of age are considered dependents, and the student's residency is considered the same as that of his/her custodial parent(s). A student claiming independence from his/her parent(s) or legal guardian(s) residing out-of-state must present evidence of both financial independence and a legal residence in New York State, in order to be designated a New York State resident for tuition purposes. Under a policy effective beginning in the spring 2014 semester, a student under the age of 24 whose parent(s) or legal guardian(s) reside out of state, who otherwise meets CUNY's residency requirements and is not financially dependent from his/her parents, is eligible for the resident tuition rate if the student can show that he/she has changed his/her domicile, i.e., the place that he/she has a bona fide intention of living permanently in New York. Such a showing must be made by clear and convincing evidence.

A student, including undocumented and out-of-status students, may also qualify for the resident rate of tuition, pursuant to New York State Education Law Section 6206(7)(a).

CUNY's Resident Tuition rules are in the City University of New York Tuition and Fee Manual (Section IV, Parts I and II, pages 16-35). There is also an informational memo on the Law School website titled "New York State Residence Requirements and In-State Tuition under NYS Education Law." A link to the University Tuition and Fee Manual "Residency" section is in the body of the informational memo.

## 11.6 TUITION REFUND

Tuition refund is only available to students who withdraw from the Law School according to the schedules below:

### **Fall and spring terms**

Withdrawal by the last business day before the first day of classes	100%
Withdrawal within one week after the commencement of classes	75%
Withdrawal during the second week of classes	50%
Withdrawal during the third week of classes	25%
Withdrawal after completion of the third week of classes	<b>None</b>

### **Summer term.**

Withdrawal by the last business day before the first day of classes	100%
Withdrawal within one week after the commencement of classes	50%
Withdrawal during the second week of classes	25%
Withdrawal after completion of the second week of classes	<b>None</b>

**ALL STUDENT FEES ARE NON- REFUNDABLE.**

### **11.7 TUITION REFUNDS FOR STUDENTS WHO HAVE BEEN DISMISSED**

Students who are dismissed pursuant to the Academic Standing Policy and who have already registered for the next semester are eligible for a tuition refund for classes in the following semester (including the summer semester) for which they are registered.

### **11.8 WORK BEYOND SIX SEMESTERS**

The Academic Standing Committee may require, as a condition of good standing (as a condition of graduation), that a student complete more than six (6) semesters of law school.

If the additional work after the sixth semester consists of incompletes from the prior semester, then students are not required to pay tuition, but must complete the work by the end of the seventh semester.

If students are required to take a particular course(s) after the sixth semester, students must pay tuition according to a formula of dollars per credit-hour:

\$615.00 per credit-hour (in-state)  
\$1,005.00 per credit-hour (out-of-state)  
\$60.00 per credit-hour - materials fee  
\$41.45 student activities fee  
\$21.45 part-time activities fee  
\$62.50 part-time technology fee  
\$15.00 consolidated service fee

Thus, students who repeat a previously failed course after the sixth semester must register for the course and pay tuition according to a formula of dollars per credit-hour. If a student registers for 12 credits or more, the standard fee schedule for full-time students will apply. All tuition and fee amounts are subject to change.

## **Section XII Governing Bodies and Bylaws**

### **12.1 GOVERNANCE PLAN THE CITY UNIVERSITY OF NEW YORK SCHOOL OF LAW**

#### **I. INTRODUCTION**

##### **A. PURPOSES**

1. The central purpose of the City University of New York School of Law (the “Law School”) is to create an educational program that will train students for the practice of law in the service of human needs and honor students’ aspirations toward building a legal career that reflects their commitment toward justice, fairness, and equality. The organization of work and life at the Law School is designed to encourage students to think actively about their life choices, their evolving concept of professionalism, and the content and processes of the law itself, in ways that foster their capacity to practice law in a socially useful manner.

2. This Governance Plan is intended to provide a governance system for the Law School that facilitates the realization of this commitment. This Governance Plan should be read consistent with the Bylaws of the Board of Trustees of the City University of New York, and nothing in this Plan should be read as inconsistent with the Bylaws of the Board of Trustees, unless specifically so stated in this Governance Plan. The procedures that follow seek to encourage a spirit of relationship, trust, and community that operates within a framework of rules. The rules are designed to provide a framework within which people motivated by a sense of a shared mission can operate in a manner that encourages responsibility and participation by all members of the Law School community.

3. In order to serve these ends, a governance system needs to respect both democratic modes of participation and an institutional authority that enables the Law School to maintain a coherent and coordinated expression of its purpose.

##### **B. STATUS WITHIN THE CITY UNIVERSITY**

The City University of New York School of Law is a unit of the City University of New York (“The City University”). The Law School is a constituent element, similar to a college of the City University and shall have ties to all institutions within the City University.

##### **C. TITLES AND DEFINITIONS**

1. The Board or Board of Trustees means the Board of Trustees of the City University of New York.

2. The authorization and definition of titles for faculty, permanent instructional staff, other instructional staff, and classified (non-instructional) staff at the Law School shall include only those titles authorized and defined in the Bylaws of the Board of Trustees.

3. Notices of reappointment at the Law School shall be handled in accordance with the Bylaws of the Board.

4. The term “administrative staff” or “administrators” shall mean full-time members of the instructional staff within the meaning of Section 6.1 of the Board of Trustees Bylaws who are not members of the faculty.

5. The term “support staff” refers to persons, other than students enrolled at the Law School, who are working full-time at the School, or who have worked part-time, at least 10 hours per week, at the School for at least six (6) months, and are not members of the instructional staff.

## **II. THE DEAN**

### **A. AUTHORITY OF THE DEAN**

1. The Dean of the City University of New York School of Law shall be the chief educational and administrative officer of the Law School. The Dean of the Law School shall be a member of the CUNY Council of Presidents and shall have, subject to the provisions and exceptions contained in this Governance Plan, the duties and responsibilities of a college president as stated in Section 11.4 of the Board of Trustees Bylaws and other policies and resolutions of the Board. The Dean of the Law School shall have, subject to the provisions and exceptions contained in this Governance Plan, all of the rights and responsibilities of a president relative to all collective bargaining agreements, rules and regulations of CUNY Classified Service, and all other policies and procedures issued by the City University of New York.

2. The Dean may be removed by the Board, upon the recommendation of the Chancellor after consultation with the faculty of the Law School. The Dean of the Law School shall be a tenured member of the Law faculty.

3. The Dean of the Law School shall exercise all the responsibilities customarily exercised by law school deans. He/she shall consult with and report to the Chancellor. He/she shall have the affirmative responsibility for developing the academic program, enhancing the educational standards and assuring the academic excellence of the Law School. Such responsibility shall include, but not be limited to, the following duties:

a. to recommend, as stated in this Governance Plan, the appointment, promotion, and tenure of persons who will contribute to the improvement of the Law School program. These recommendations shall be consistent with the immediate and long-range objectives of the Law School;

b. to advise the Chancellor and the Board of Trustees on matters concerning the program of the Law School;

c. to provide advice concerning other law-related programs within the City University and to make recommendations on the development and operation of such programs;

d. to supervise and manage the work of the Law School faculty and employees, and to carry into effect the Bylaws, resolutions, and policies of the Board of Trustees;

e. to prepare and implement a long-range plan for the Law School;

f. to act as chairperson of the faculty of the Law School and the Law School Committee on Personnel and Budget;

g. to review and recommend to the Chancellor and other appropriate officials the actions of the Law School faculty on matters of curriculum and other matters falling under faculty jurisdiction;

h. to consult with appropriate faculty committees on matters of appointments, reappointments, and promotions, taking systemic student evaluations into account;

i. to develop Law School activities that enhance the Law School's involvement and reputation in the legal community;

j. to develop integrated courses of study with law-related disciplines;

k. to prepare and present an annual Law School budget to the Chancellor; and

l. to appoint such ad hoc and/or special committees as appropriate.

### **B. APPOINTMENT AND REAPPOINTMENT OF THE DEAN**

1. When a vacancy occurs or is expected in the Office of the Dean of the Law School, a Search Committee shall be established under the Board guidelines for Presidential searches.

2. A committee, which will be constituted in the same fashion as a Presidential Review Committee, will be appointed at the beginning of every fifth year of a Dean's term to serve as a Review Committee to review the Dean's performance. This committee will make a report to the Chancellor.

### **III. THE FACULTY**

#### **A. ORGANIZATION AND DUTIES**

1. The faculty of the Law School will meet monthly, during the academic year, on the dates set forth in a calendar distributed at the start of each semester by the Dean. The faculty shall also meet on call of the Dean or upon the petition of 1/3 of the faculty, and the Dean will preside at its meetings. Within general policies established by the Board of Trustees, through its Bylaws, resolutions, policies, rules, regulations, and this Governance Plan, the Dean and faculty of the Law School shall have the responsibility for formulating and administering the program of the School, including such matters as faculty selection, retention, promotion and tenure; curriculum; methods of instruction; admission policies; and academic standards of retention, advancement, and graduation of students.

2. The presence of a majority of the voting faculty shall constitute a quorum. A quorum shall be necessary for the transaction of any business. Business shall be conducted in accordance with Robert's Rules of Order, latest edition. Minutes shall be kept of all meetings. The faculty may adopt such additional procedures for the discharge of its responsibilities under this Governance Plan, as it may deem necessary, subject to the approval by the Dean.

3. The agenda for the regular monthly faculty meeting shall be proposed by the Dean and distributed to the faculty within a reasonable time prior to the meeting. Any member of the faculty may add items to New Business. The proposed agenda shall be adopted by the faculty, by a vote of a majority of those present if a quorum is present, at the beginning of each faculty meeting, and may be amended by the faculty by the same vote prior to its adoption. Once adopted, the agenda may be amended in any manner by a 2/3 vote.

4. A faculty member who misses three regular faculty meetings during an academic year shall not be entitled to vote nor be counted towards a quorum at all faculty meetings for the remainder of the academic year in which the third absence occurs. Faculty members facing the loss of voting rights may appeal to the remaining voting faculty for a waiver of this rule by providing good and sufficient reasons. The waiver shall be granted if 2/3 of faculty present at a faculty meeting vote to approve the waiver.

5. The student government is authorized to elect three students, one from each class, who must be in good standing, to serve as ex-officio members of the faculty for the purpose of faculty meetings. The student government is also authorized to elect students in good standing to be the student members of faculty committees, except where otherwise specified by this Governance Plan or the Bylaws or resolutions of the Board of Trustees. All elected students must remain in good standing to retain their seats on committees or in student government; all serve for a one-year term and may be reelected. No student may serve in more than two elected positions under this Governance Plan, including student government, at a time. When a vacancy occurs, the student government may fill the vacant seat for the remainder of the term.

#### **B. FACULTY COMMITTEES**

The faculty committees shall be those specified below and shall also include any additional committees created from time to time by action of the faculty or the Dean.

##### **1. The Personnel and Budget Committee**

a. The Law School shall establish a Personnel and Budget (P&B) Committee which shall be composed of five persons. Members of the P&B Committee shall be Law School faculty members elected in accordance with the Bylaws and written policies of the Board of Trustees and one (1) second- or third-year student elected by the students as a non-voting member. The manner of constituting the committee, and the procedures to be followed by it, shall be subject to the approval by the Dean of the Law School. This committee shall review all recommendations for appointment and reappointment, with or without tenure, to the faculty, and promotion in rank, special salary increases and increments, and applications for fellowship and other leaves. Additionally, the Committee on

Committees may appoint other committees, when needed, to review faculty candidates and to develop reports, make factual findings, and make recommendations to the P&B Committee on reappointment, tenure, and/or promotion. Upon receiving these reports and the factual record underlying them, the P&B Committee shall make an independent assessment and recommendation to the Dean. These other committees shall review candidates' qualifications under the policies and standards of the City University of New York, as set forth in the Bylaws, personnel policies, and resolutions of the Board of Trustees of the City University of New York. It shall recommend action thereon to the Dean. The Dean of the Law School will be one of the five members of the Law School P&B Committee and shall serve as Chair.

## 2. Faculty Search Committees and Faculty Appointments

a. The Dean, in consultation with the P&B Committee, shall establish such Faculty Search Committees as are appropriate. All Faculty Search Committees shall adopt and follow appropriate procedures, in order to assure compliance with the City University Affirmative Action policies and procedures. The Dean shall appoint a student member to each Search Committee.

b. A Faculty Search Committee shall report its recommendations to the faculty for discussion and then to the Dean. The Dean shall review the recommendations and make his or her own recommendation regarding each faculty appointment to the P&B Committee.

c. The P&B Committee shall review the recommendations of the Dean, consult with the full-time tenured and tenure-track faculty, and shall make its own recommendation regarding each faculty appointment to the Dean.

d. The Dean shall review the recommendations of the P&B Committee and shall recommend to the Chancellor for appointment only those persons who he/she is reasonably certain will contribute to the improvement of the academic excellence of the Law School.

e. The Chancellor will review the Dean's recommendations in accordance with Section C of this Article.

## 3. Faculty Reappointment, Promotion, and Tenure Review Procedures

a. The P&B Committee and all other committees charged with the review of faculty shall review all candidates' qualifications under the policies and standards of the City University, as set forth in the Bylaws, personnel policies, and resolutions of the Board of Trustees of the City University of New York.

b. The Dean shall review the affirmative recommendation(s) of the P&B Committee and shall recommend to the Chancellor for reappointment, promotion, and tenure only those persons who he/she is reasonably certain will contribute to the improvement of the academic excellence of the Law School.

c. The Chancellor shall review the Dean's affirmative recommendations, in accordance with Section C of this Article.

## 4. The Admissions & Admissions Policy Committee

a. The Admissions & Admissions Policy Committee shall include the Assistant Dean for Enrollment Management and Director of Admissions, not fewer than three faculty, and two students who are members of the second or third year classes. Faculty appointments shall be for a term of two (2) years.

b. The Admissions & Admissions Policy Committee shall review individual candidates for admission and recommend admissions policy, subject to the approval of the faculty, the Dean, and the Chancellor.

c. No applicant may be admitted by the Law School except on the affirmative vote of the Admissions & Admissions Policy Committee. The Committee shall follow procedures that have been approved by the faculty and the Dean.

## 5. Scholastic Standards and Academic Standing Committee



- a. The membership of the Scholastic Standards and Academic Standing Committee shall include an Associate Dean, who shall chair the Committee, not fewer than four faculty members, and two (2) third-year students.
- b. The Committee shall review policies and procedures concerning scholastic standards and assist in the development of academic support systems for students.
- c. The Committee shall apply the academic standards of the Law School to individual students from the time of admission until the granting of the Juris Doctor. The Committee will receive and act upon student appeals relating to academic matters.

#### 6. The Curriculum Committee

- a. The Curriculum Committee shall be composed of not fewer than four (4) faculty and three (3) student members. The term of all faculty members shall be two (2) years.
- b. The Curriculum Committee shall have authority to consider all proposals to review, modify, or develop the course of study for each of the three (3) years, and all proposals relating to the educational program, including, but not limited to, evaluation of student work and scheduling.

#### 7. Committee on Committees

- a. A Committee on Committees shall be constituted each year, consisting of the Dean, two (2) faculty members elected by the faculty, one (1) student elected by the student government, and one (1) staff member elected by the administrative and support staffs.
- b. The Committee shall recommend, except with respect to committees that consider personnel matters or where specified in this Governance Plan or the Bylaws of the Board of Trustees, how many, if any, members of the faculty, administrative staff, and support staff shall be nominated to each committee. The Committee shall also propose nominations for membership and chairs for each committee that shall be submitted to the faculty for election, substitution, or addition. Except where the Board of Trustees Bylaws or resolutions are to the contrary, the normal term of office for faculty members on committees shall be two (2) years and for students, one (1) year. Committee members may be reelected, unless the charge of the committee or rules of the Board of Trustees limits a member's term.

### C. APPOINTMENTS AND REAPPOINTMENTS TO, AND PROMOTIONS WITHIN, THE INSTRUCTIONAL STAFF PROCEDURE

- 1. All appointments and reappointments, including reappointments with tenure, to, and promotions within the instructional staff, except where otherwise provided, shall be recommended to the Dean who shall review the recommendations and recommend to the Chancellor only those persons who he/she is reasonably certain will contribute to the academic excellence of the Law School.
- 2. The Chancellor shall review the Dean's affirmative recommendations and shall recommend to the Board of Trustees for appointment, reappointment, promotion, and/or tenure only those persons who he/she is reasonably certain will contribute to the improvement of the academic excellence of the Law School.

### D. APPEALS

- 1. A faculty member may appeal a negative decision of the Personnel and Budget Committee regarding his or her candidacy to the Dean, who shall consider, decide, and notify the candidate regarding the appeal.

## **IV. APPOINTMENT AND REAPPOINTMENT OF EXECUTIVES AND ADMINISTRATORS**

### A. INITIAL PROCESS FOR APPOINTMENT AND REAPPOINTMENT OF ADMINISTRATORS OTHER THAN THOSE IN EXECUTIVE PAY PLAN TITLES

1. Proposed appointments, other than acting or substitute appointments, to positions on the administrative staff shall be reviewed initially, after a search, by the Dean.

There shall be an Administrative Screening and Review Committee. The Dean shall make his/her recommendations to the Administrative Screening and Review Committee. The members of the Administrative Screening and Review Committee shall be appointed by the Dean and shall consist of no fewer than five (5) members, one (1) of whom must be a classified staff member, at least one (1) of whom must hold a professorial appointment, and a majority of whom must be administrators. Service on this committee will be for two (2) years. An Associate Dean shall chair the Administrative Screening and Review Committee.

2. The Committee will review proposed appointments and reappointments, and proposed title and salary recommendations for administrative positions to assure that the applicable University standards have been met and that rates of pay for members of the Law School administrative staff take into account comparable rates at metropolitan area law schools and other institutions in the City University and, to the extent practicable, are commensurate for those with comparable tasks and comparable experiences within the City University. The Committee shall make its recommendation to the Dean. The Dean shall review those recommendations in making his/her own recommendation to the Chancellor for appointment or reappointment.

#### **B. EVALUATION OF ADMINISTRATORS OTHER THAN THOSE IN EXECUTIVE PAY PLAN TITLES**

Evaluation of the work of persons on the administrative staff is ultimately the responsibility of the Dean. The Dean, in consultation with the Administrative Screening and Review Committee as outlined in Section A above, may recommend for appointment or reappointment persons holding such titles in accordance with established University procedures.

#### **C. APPOINTMENT OF PERSONS HOLDING PROFESSORIAL TITLES TO ADMINISTRATIVE DUTIES OTHER THAN THOSE IN EXECUTIVE PAY PLAN TITLES**

1. The Administrative Screening and Review Committee of the Law School may recommend to the Dean that an administrative position be filled by an individual whose title is Law School instructor, Law School assistant professor, Law School associate professor, Law School professor, or Law School lecturer. Such recommendation may, but need not, include a recommendation that the person receive a change in remuneration for work in that title.

2. If the Dean concurs with their recommendation, he/she may make such a recommendation to the Chancellor, in accordance with the procedures for appointments to the instructional staff.

#### **D. APPEALS**

1. An administrator may appeal a negative decision of the Administrative Screening and Review Committee regarding his or her candidacy to the Dean, who shall consider, decide, and notify the candidate regarding the appeal.

#### **V. BOARD OF VISITORS**

A. There shall be a Board of Visitors for the City University of New York School of Law appointed by the Chancellor. The Board of Visitors shall be made up of distinguished jurists, lawyers, scholars, and other interested persons. Its role will be to advise the Law School about its academic program, its role in the community, placement of graduates, and the like. It shall assist the Dean, the Chancellor, and the Board of Trustees in all aspects of the Law School's development efforts. It shall serve as a liaison between the Law School, the legal profession, and public and private groups, which are served by the legal profession and participate in the legal process.

B. Members of the Board of Visitors will be appointed for three-year terms upon the recommendation of the Dean of the Law School, with the concurrence of the Chancellor.

C. The membership of the Board of Visitors should reflect the Law School's role in the Borough of Queens, in the city, the state, and the nation. The Board of Visitors shall be governed by Bylaws promulgated by the Board of Visitors.

## **VI. AMENDMENTS**

### **A. AMENDMENT PROCEDURE**

1. Amendments to this Governance Plan may be recommended by the faculty, the Dean, or the Chancellor. Any recommendations which originate in the Law School faculty must be first submitted to the Dean for consideration. The Dean shall review the faculty recommendation(s). Any recommendation in whole or in part approved by the Dean or any modification thereof that the Dean determines to be in the best interests of the Law School shall be recommended to the Chancellor for further consideration.

2. The Chancellor shall review the Dean's recommendations. Any recommendation, in whole or in part, approved by the Chancellor or any modification thereof that the Chancellor determines to be in the best interests of the Law School shall be recommended to the Board for approval.

3. No change in this Governance Plan shall be implemented, until it has been adopted by the Board.

*Amended by the faculty on December 10, 2008, approved by the Board of Trustees on February 23, 2009.*

*Amended by the faculty December 9, 2008, approved by the Board of Trustees on March 23, 2009. Amended by the faculty on May 6, 2016, approved by the Board of Trustees on June 27, 2016, effective July 1, 2016.*

## **12.2 CUNY LAW SCHOOL ASSOCIATION BYLAWS**

### **ARTICLE I. NAME AND PURPOSES**

#### **Section 1. Name**

The organization's official name shall be the City University of New York School of Law Association; its short name shall be the CUNY School of Law Association, and, hereinafter in these Bylaws, it shall be called the "Association."

#### **Section 2. Purposes**

The Association shall have responsibility for the supervision and review over Law School student activity fee-supported budgets and for the oversight, supervision, and review over Law School College Association service. The Association shall operate in the manner prescribed by the Board of Trustees of the City University as stated in the Board of Trustees Bylaws, resolutions, and the *City University Fiscal Handbook for the Control and Accountability of Student Activity Fees*, and policies, regulations, and orders of the College.

The purposes of this Association are educational within the meaning of Section 501(c)(3) of the Internal Revenue Code and its regulations and within this meaning it is the purpose of the Association to carry out the activities listed below, in order to promote and cultivate student activities and the quality of education for the students at the City University of New York School of Law:

- a. To fund programs of the student body at the Law School which are of an educational, recreational, social, or cultural nature and for expenses incidental to the administration of these programs.
- b. To operate and/or fund the cafeteria, and other college association services, which serve the needs of the students and/or other members of the Law School community.
- c. To hold and administer real and personal property, in connection with carrying out its purposes.
- d. In aid of the foregoing purposes, the Association shall have the power to do everything and anything reasonably and lawfully necessary, proper, suitable, or convenient for the achievement of the purposes above stated, or for any of them, or for the furtherance of the said purposes.

## **ARTICLE II. OFFICES**

### Section 1. Principal Office

The principal office and central depository of the Association shall be the Business Office of the Law School located at 2 Court Square, Long Island City, New York 11101.

### Section 2. Additional Offices

The Association may also have offices and places of business at such other places, within or without the State of New York, as the members may from time to time determine.

## **ARTICLE III. MEMBERSHIP**

### Section 1. Law School Association

The Association shall consist of thirteen (13) members as follows:

- a. The Dean as chair or her/his designee.
- b. The Associate Dean of Academic Affairs.
- c. The Associate Dean of Administration.
- d. The Assistant Dean of Students.
- e. Three faculty members appointed by the Dean from a panel of six (6) faculty members elected by the Law School Faculty. The Dean shall fill any vacancies that may occur during the year from the remaining members of the panel.
- f. Two second-year students elected at-large by the student body before the end of the spring semester for a one-year term of office that begins on July 1.
- g. Two third-year students elected at-large by the student body before the end of the spring semester for a one-year term of office that begins on July 1.
- h. Two first-year students elected at-large by the student body before the end of September for a one-year term of office that begins on October 1.
- i. The Association shall fill, for their unexpired term, from the appropriate class, any vacant student seat(s) that may occur during the year.

### Section 2. The Association Budget Committee

The Budget Committee members shall be Association members. It shall elect its own Chair and be composed of:

- a. The Assistant Dean of Students.
- b. Two second-year students elected at-large by the student body before the end of the spring semester for a one-year term of office that begins on July 1.
- c. Two third-year students elected at-large by the student body before the end of the spring semester for a one-year term of office that begins on July 1.
- d. Two first-year students elected at-large by the student body before the end of September for a one-year term of office that begins on October 1.

## **ARTICLE IV. POWERS AND EXPENDITURE CATEGORIES**

### Section 1. Powers

- a. The Association shall review student activity fee allocations and expenditures recommended by the Budget Committee to ensure conformance with the expenditure categories listed in Section 2 of this Article. The Association shall disapprove any allocation or expenditure it finds does not so conform, or is inappropriate, improper, or inequitable. Where the Association disapproves any budget or portions of a budget, the entire budget shall be returned to the Budget Committee with the specific concerns of the Association noted for further deliberation by the Budget Committee and subsequent re-submission to the Association. If the budget is not approved within 30 days, those portions of the budget voted upon and approved by the Association will be allocated. The remainder shall be held until the Association and the Budget Committee agree.
- b. The Association shall review, amend, or approve all budgets of College Association services funds and all contracts for college association services prior to expenditure or execution.
- c. The Budget Committee shall be empowered to receive and review student activity fee budget requests and to develop and allocate a budget subject to the review of the Association.

### Section 2. Expenditure Categories

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

- a. Extracurricular educational programs;
- b. Cultural and social activities;
- c. Recreational and athletic programs;
- d. Student government;
- e. Publications and other media;
- f. Assistance to registered student organizations;
- g. Community service programs;
- h. Enhancement of the Law School and University environment;
- i. Transportation, administration, and insurance related to the implementation of these activities;
- j. Student services to supplement or add to those provided by the University; and
- k. Stipends to student leaders.

### Section 3. Parliamentary Authority

The Association and its Budget Committee shall use Robert's Rules of Order, latest edition, as their parliamentary authority.

## **ARTICLE V. BUDGET PROCEDURE**

### Section 1. Public Notice

At least two weeks before budget requests are due, the Budget Committee shall distribute public notice to each organization and all students regarding the timetable and procedure to be followed to request funds. The notice shall contain:

- a. The budget period;
- b. Date by which budget requests must be submitted;
- c. The place to submit budget requests;
- d. Dates of public hearings to be held; and
- e. A budget request form listing the names of budget line items which those requesting funds must use.

### Section 2. Proposed Budgets

Each organization or individual seeking funds must submit a written budget proposal to the Budget Committee, within the time prescribed, that contains the following information:

- a. Name of organization or individual requesting funds;
- b. Name(s) of officer(s) authorized to sign for expenditures;
- c. Size of membership;
- d. Purposes of the organization and program(s) for which funds are requested;
- e. Other anticipated funding sources; and
- f. Requested budget allocations by line item in the form required by the Budget Committee.

### Section 3. Budget Hearings

The Budget Committee shall hold public hearings to review all budget requests at the time, place, and date announced under Section 1 (d) of this Article.

### Section 4. Tentative Allocations

After the budget hearings have been held, the Budget Committee shall decide tentative allocations for each request and shall notify each organization or individual of its tentative decision. Each organization or individual shall be required to submit a revised budget on a line-by-line basis, totaling no more than the tentative allocation, for final review by the Budget Committee.

### Section 5. Final Budget

The Budget Committee shall review the line-by-line revised budget and either amend or approve it. It shall recommend its final budget to the Association for review as specified under Section 1 of Article IV.

### Section 6. Modification of Final Budget

During the period for which the budget is approved, should it be necessary to modify the final approved budget, adjustments may only be recommended by the Budget Committee for approval by the Association before any

changes are authorized; except that the Association shall permit administrative authorization of discretionary transfers between budget lines within the total budget of up to fifteen (15) percent of the total budget, upon the approval of any of the ex-officio members of the Association.

## **ARTICLE VI. APPROVAL AND AMENDMENT**

### Section 1. Approval

These Bylaws shall be considered approved upon review of the Board's General Counsel and upon adoption by the Board of Trustees of the City University of New York.

### Section 2. Amendment

- a. The membership of the Association shall have the right to recommend to the Dean amendments to these Bylaws.
- b. The Dean shall have the right to recommend to the Board of Trustees amendments to these Bylaws.
- c. Bylaw amendments shall be considered approved upon review by the Board, General Counsel, and upon adoption by the Board of Trustees of the City University of New York.

## Section XIII FORMS

### 13.1 Faculty Report Form

It is necessary to complete this form to report an incident of suspected and/or resolved academic dishonesty. Make a copy for your records and forward the original, along with copies of all available supporting documentation, to the:

#### **Office of the Academic Integrity Officer**

CUNY School of Law

Room 4-106D, Telephone: (718) 340-4370

Instructor Name: \_\_\_\_\_

Dept.: \_\_\_\_\_ Tel. No: \_\_\_\_\_ email: \_\_\_\_\_

Course: \_\_\_\_\_ Section: \_\_\_\_\_ Semester:: \_\_\_\_\_

Student Name: \_\_\_\_\_ Student ID#: \_\_\_\_\_

Date of Incident: \_\_\_\_\_

Type of Incident: \_\_\_\_\_ Cheating \_\_\_\_\_ Plagiarism \_\_\_\_\_ Other \_\_\_\_\_

Description of incident:

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Did the student admit to the charge of cheating, plagiarism, or other act of academic dishonesty?

Yes \_\_\_\_\_ No \_\_\_\_\_ Student could not be contacted \_\_\_\_\_

Explanation: \_\_\_\_\_

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Explanation of recommended sanction:

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Signature of Faculty Member: \_\_\_\_\_ Date: \_\_\_\_\_

Resolution of the Case after Adjudication

Academic sanction: \_\_\_\_\_

Disciplinary sanction: \_\_\_\_\_

Signature of Academic Integrity Officer \_\_\_\_\_ Date: \_\_\_\_\_

### **13.2 THE CITY UNIVERSITY OF NEW YORK DIRECTORY INFORMATION NON-DISCLOSURE FORM**

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

Name of Student: \_\_\_\_\_

Student ID Number: \_\_\_\_\_

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

B. \_\_\_\_\_ I do not want the following categories of directory information disclosed without my prior consent. Initial those items that you do not want released.

\_\_\_\_ Name  
\_\_\_\_ Attendance dates (periods of enrollment)  
\_\_\_\_ Address  
\_\_\_\_ Telephone number  
\_\_\_\_ Date of birth  
\_\_\_\_ Place of birth  
\_\_\_\_ Photograph  
\_\_\_\_ Email address  
\_\_\_\_ Full- or part-time status  
\_\_\_\_ Enrollment status (undergraduate, graduate, etc.)  
\_\_\_\_ Level of education (credits) completed  
\_\_\_\_ Major field of study  
\_\_\_\_ Degree enrolled for  
\_\_\_\_ Participation in officially recognized activities other than sports  
\_\_\_\_ Participation in sports (teams)  
\_\_\_\_ Height, if member of athletic team  
\_\_\_\_ Weight, if member of athletic team  
\_\_\_\_ Previous schools attended  
\_\_\_\_ Degrees received  
\_\_\_\_ Honors and awards received

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

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

*CUNY Office of General Counsel, February, 2009*



### **13.3 NEW YORK FREEDOM OF INFORMATION LAW APPEAL FORM WHERE A COLLEGE HAS DENIED A REQUEST FOR ACCESS TO ITS PUBLIC RECORDS**

You have a right to appeal to the General Counsel and Vice Chancellor for Legal Affairs, if the college has not granted your request for access to its public records. To exercise this right you must (I) complete this form and (II) mail this form within thirty (30) days after (A) you receive the denial of your request for access or (B) eight (8) working days have passed since your request for access was received by the college, and you have not received either a response to your request or a letter indicating the date by which the college will respond to your request or (C) the date by which the college has advised you it would comply with your request has passed, and your request has not been complied with. The form must be mailed to:

General Counsel and Vice Chancellor  
for Legal Affairs  
The City University of New York  
205 East 42nd Street, 11<sup>th</sup> Floor  
New York, NY 10017

1. Name: \_\_\_\_\_
2. Address: \_\_\_\_\_
3. Specify the records which you requested and were denied access:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Specify the date you requested access to these records: \_\_\_\_\_
5. Specify the date or the circumstances under which your request for access was denied:  
\_\_\_\_\_
6. Specify the name of the person who denied your request for access:  
\_\_\_\_\_
7. State all the reasons why you believe your request for access should be granted:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Attach copies of your request and the denial. Additional supporting documents may also be attached.

6/24/04

### 13.4 THE CITY UNIVERSITY OF NEW YORK CHARGE OF DISCRIMINATION FORM

This form is to be used to file a complaint of discrimination based on race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender, gender identity, marital status, partnership status, disability, genetic information, alienage, citizenship, military or veteran status, pregnancy, or status as a victim of domestic violence/stalking/sex offenses, or for retaliation, or any other legally prohibited basis, in accordance with federal, state, and city laws.

Campus: \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

#### PART A (PLEASE PRINT OR TYPE)

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Name: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Email address: \_\_\_\_\_ Mobile No.: \_\_\_\_\_

Status (Faculty, Staff, Graduate Student, Undergraduate Student): \_\_\_\_\_

Campus Address (Bldg., dept., etc.): \_\_\_\_\_

Home Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

#### PART B

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1. ALLEGED DISCRIMINATION IS BASED ON (please check all that apply):

- |   |   |  |                                      |
|---|---|--|--------------------------------------|
| <input type="checkbox"/> Race or color  | <input type="checkbox"/> National or Ethnic Origin      | <input type="checkbox"/> Religion/Creed                | <input type="checkbox"/> Age         |
| <input type="checkbox"/> Sex  | <input type="checkbox"/> Document Abuse                 | <input type="checkbox"/> Gender Identity               | <input type="checkbox"/> Gender      |
| <input type="checkbox"/> Sexual Orientation   | <input type="checkbox"/> Sexual Harassment              | <input type="checkbox"/> Disability                    | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Pregnancy  | <input type="checkbox"/> Genetic Information            | <input type="checkbox"/> Marital or Partnership Status |                                      |
| <input type="checkbox"/> Ancestry   | <input type="checkbox"/> Alienage or Citizenship Status |  |                                      |
| <input type="checkbox"/> Military or Veteran Status                                       |   |  |                                      |
| <input type="checkbox"/> Status as Victim of Domestic Violence, Sex Offenses, or Stalking |   |  |                                      |

2. Alleged discrimination took place on or about: Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

Is alleged discrimination continuing? ☐ Yes ☐ No

3. Accused Name(s): \_\_\_\_\_

Title (if known): \_\_\_\_\_

### **PART C**

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1. Please check the appropriate box:

Have you previously filed a complaint? ☐ Yes ☐ No

If yes, when? (Date): \_\_\_\_\_

With whom? \_\_\_\_\_

2. Have you filed this charge with a federal, state, or local government agency/court? ☐ Yes ☐ No

If yes, with which agency/court? \_\_\_\_\_ When?: \_\_\_\_\_

3. Briefly summarize the events, facts, or other bases for your complaint. (Attach extra sheets if necessary.)

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4. Please identify any witnesses or other individuals with information regarding your allegations.

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5. Please identify any documents or evidence that would support your allegations.

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6. I affirm that the above allegation is true to the best of my knowledge, information, and belief.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### 13.5 CUNY Residency Form



Semester: \_\_\_\_\_

## CUNY RESIDENCY FORM: Part A

1. Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle Initial \_\_\_\_\_
2. CUNYFirst ID/Student ID \_\_\_\_\_ Date of Birth \_\_\_\_\_  
Phone No. ( ) \_\_\_\_\_ Email address: \_\_\_\_\_
3. Are you a U.S. citizen? Yes ☐ No ☐ Are you a permanent resident alien? Yes ☐ No ☐  
Are you here on a visa? Yes ☐ No ☐ Visa type: \_\_\_\_\_ Expiration Date: \_\_\_\_\_
4. Did you attend a New York State high school for two or more years, and graduate from that high school?  
Yes ☐ No ☐ If yes, high school name and address: \_\_\_\_\_  
Date of Attendance From: \_\_\_\_\_ To: \_\_\_\_\_ Graduation Date: \_\_\_\_\_
5. Do you have a GED/TASC issued by NYS? Yes ☐ No ☐ Date Issued: \_\_\_\_\_
6. If you answered "yes" to item 4 or 5, did you apply to CUNY within 5 years of your high school graduation or receiving a GED/TASC? Yes ☐ No ☐ Date of first application to CUNY: \_\_\_\_\_
7. Are you a veteran or other individual eligible for educational assistance under federal GI bills?  
Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, attach supporting documents.

**IMPORTANT:** If you answered "yes" to question 4 or 5, and to question 6, and are not lawfully present in the U.S., you need to complete Section B (affidavit) of this Residency Form but not Section C. If you answered "yes" to question 4 or 5, and to question 6, and are a resident of another state, you do not need to complete any other sections of this form. If you answered "yes" to question 7, you do not need to complete any other sections of this form. All other students must complete Part C of this form and submit appropriate supporting documentation.

Please note that some students who are here on visas may not be eligible for the resident tuition rate. Please refer to the CUNY Tuition and Fee Manual (see link below) for a comprehensive list of eligible visa types.

### **To Be Completed by All Students**

I certify that all information provided and all statements made in all sections of this Residency Form are true and correct to the best of my knowledge.

I understand that if I provide false information or withhold relevant information in order to obtain resident status, the City y University may revoke its determination of in-state residency, and that I will owe non-resident tuition to the University for each semester or session that I have attended under these circumstances. I also understand that I may be subject to disciplinary action.

DATE: \_\_\_\_\_ STUDENT SIGNATURE: \_\_\_\_\_

- The colleges will not review any residency determination, unless the request for the review is made in writing, and all required documentation is submitted on or before the last day of finals in the semester for which resident tuition is being sought.
- Complete rules regarding eligibility for the resident tuition rate and appeals procedure are set forth in CUNY's Tuition and Fee Manual at <http://www.cuny.edu/about/administration/offices/la/tuition-fee-manual.html>

## CUNY RESIDENCY FORM: Part B

### Affidavit of Intent to Legalize Immigration Status

\_\_\_\_\_, being duly sworn, deposes and says that he/she does not currently  
(Student's Name)  
have lawful immigration status but has filed an application to legalize his/her immigration status or will file  
such an application as soon as he/she is eligible to do so.

\_\_\_\_\_  
(Student's Signature)

Sworn to me this \_\_\_\_\_ day of the month of \_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_, State of New York, County of \_\_\_\_\_.



## CUNY RESIDENCY FORM: Part C

Semester: \_\_\_\_\_

1. Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle Initial \_\_\_\_\_

2. CUNY First ID/Student ID \_\_\_\_\_ Email \_\_\_\_\_

3. Current Address \_\_\_\_\_  
STREET CITY STATE ZIP

A. Live with parents \_\_\_\_\_ or other relatives \_\_\_\_\_ or other than a relative \_\_\_\_\_

1) If other relatives, describe relationship. \_\_\_\_\_

2) If other than a relative, describe situation. \_\_\_\_\_

List below all your addresses, including temporary addresses and summer addresses during the past 12 months, starting from your current address and working backwards.

<u>FROM</u>	<u>TO</u>	<u>COMPLETE ADDRESS</u>
Mo. ___ Day ___ Yr. ___	Mo. ___ Day ___ Yr. ___	STREET
		CITY STATE ZIP
Mo. ___ Day ___ Yr. ___	Mo. ___ Day ___ Yr. ___	STREET
		CITY STATE ZIP
Mo. ___ Day ___ Yr. ___	Mo. ___ Day ___ Yr. ___	STREET
		CITY STATE ZIP

4. A. Parents' permanent address \_\_\_\_\_  
STREET  
CITY STATE ZIP

B. If you are under the age of 18, does anyone other than your parents serve as your legal guardian? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, what is their name and address? \_\_\_\_\_

C. Where did you live during the last June through August period? If different from 4.A., give reason for being elsewhere during period.

5. A. Please list below all full-time and part-time employment (including summer employment and voluntary activities) during the past 12 months starting with the most recent employment.

EMPLOYER	ADDRESS (CITY/STATE)	FROM	TO
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

B. What is the source of your support? \_\_\_\_\_

C. Did you file a New York City/State resident income tax return during the past 12 months? \_\_\_\_\_

D. Did you file a Federal income tax return during the past 12 months? \_\_\_\_\_

6. What are your purposes for residing in New York City or New York State? \_\_\_\_\_

7. Have you applied for any financial aid, scholarships, or other benefits provided under the laws of the State of New York or the United States? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, specify and indicate what benefits you are receiving. \_\_\_\_\_

8. At the present time is it your intention to permanently live in New York City or New York State?

Yes \_\_\_\_\_ No \_\_\_\_\_ Uncertain \_\_\_\_\_ If uncertain, please explain. \_\_\_\_\_

9. Do you have any other proof other than the items indicated for completing the Residency Form that you wish to present in support of your application to be declared a resident of New York City/New York State for the City University of New York tuition purposes? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please provide details and attach relevant documents.

This form may be used by reporting individuals or complainants, including employees, students and visitors, who wish to file a complaint of sexual harassment, gender-based harassment and/or sexual violence pursuant to CUNY's Policy on Sexual Misconduct. CUNY's policy **prohibits retaliation** against any person who reports sexual misconduct, assists someone making such a report, participates in any manner in an investigation or resolution of asexual misconduct complaint, seeks interim or supportive measures or accommodations pursuant to CUNY's Policy on Sexual Misconduct, or opposes in a reasonable manner an act or policy believed to constitute sexual misconduct.



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4. Please identify any witnesses or other individuals with information regarding your allegations.

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5. I affirm that the above allegation is true to the best of my knowledge, information, and belief.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **Section XIV Appendix**

### **14.1 POLICY ON REPORTING OF ALLEGED MISCONDUCT**

The City University of New York is committed to conducting its affairs in compliance with federal, state and local laws and University policy. CUNY encourages all persons to report conduct or suspected conduct that they in good faith believe may violate the law or CUNY policy, so that CUNY may investigate and take appropriate action. CUNY will not retaliate against anyone who makes such a report.

*Persons with knowledge of conduct or conditions that pose an imminent threat to the health or safety of any member of the CUNY community or the public should immediately call 911 or Public Safety.*

#### **1. Reporting Suspected Violations of Law or CUNY Policy**

##### **1.1 Who should report**

The following persons may report conduct or suspected conduct that relates to CUNY and that they in good faith believe may violate federal, state, or local law or CUNY policy (“violations”):

- Individuals who are paid by CUNY, including faculty and staff;
- Consultants, vendors, and contractors doing business with CUNY;
- Individuals who perform services for CUNY as volunteers or who otherwise assert an association with CUNY; and
- Students.

##### **1.2 What Should Be Reported**

The suspected misconduct that should be reported includes, but is not limited to, that which involves or relates to the following:

- Fraud, theft, embezzlement, or misuse of CUNY resources
- Conflict of interest or ethics
- Computer fraud or data security
- Child abuse or misconduct involving minors
- Sexual assault, assault, and hazing
- Athletics (NCAA or NJCAA)
- Environmental, health, and safety violations
- Discrimination and harassment, including age, disability, sex, and race
- Research or academic misconduct by faculty or staff
- Retaliation for reporting misconduct under this Policy

##### **1.3 How to Report**

Employees are encouraged to use the reporting procedures set forth in CUNY policies dealing with specific issues. Where there is no such procedure, employees may resolve their concerns at the most local level, by reporting suspected violations through standard management channels, beginning with their immediate supervisor. If an employee does not wish to report a suspected violation to an immediate supervisor, employees may go to a higher level of management or file a Report of Alleged Misconduct on a form to be drafted by the Office of the Counsel. That form shall contain instructions on where it should be submitted and shall be posted

on the web page of the Office of the General Counsel at  
<http://www.cuny.edu/about/administration/offices/la.html>.

Non-employees should also file a Report of Alleged Misconduct, following the submission instructions on the form.

#### **1.4 Confidentiality**

Reports may be submitted anonymously, although doing so may hinder the investigation and resolution of a complaint. Reports of violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation, to comply with all applicable laws, and to cooperate with law enforcement authorities.

#### **1.5 Investigation of Allegations**

Reports will typically be directed to responsible persons for investigation and resolution, consistent with applicable CUNY policies and procedures. Confirmed violations will result in appropriate disciplinary action up to and including termination from employment, following applicable procedures under University Bylaws, policies or collective bargaining agreements, or severance of the relationship with CUNY. In some circumstances, civil and criminal charges and penalties may apply.

### **2. Protection from Retaliation**

No one at CUNY shall engage in any retaliatory behavior, including intimidation, harassment, discrimination, or, in the case of an employee, the imposition of an adverse employment consequence, against anyone who files a report under this policy.

Any individual who engages in retaliatory behavior against another individual who has reported a suspected violation or cooperated in the investigation of a violation will be subject to discipline, up to and including termination of employment, following applicable procedures under University Bylaws, policies or collective bargaining agreements, or severance of the relationship with CUNY.

Any employee who believes that s/he or another individual who reported a suspected violation is being retaliated against should complete a Report of Alleged Misconduct or contact the University's Director of Human Resource Investigations.

### **3. Filing a False Report**

Making a false report or providing false information during the course of an investigation may be grounds for discipline, in the absence of a good faith belief that the report or information is true.

### **4. Cooperation**

All employees are expected to cooperate fully in the investigation of any suspected violation.

### **5. Distribution of Policy**

This policy shall be posted on CUNY websites and distributed to new and current employees, students and volunteers who provide substantial services to CUNY through electronic notifications and other means.

### **6. Administration of Policy**

The University's General Counsel or his/her designee is responsible for the administration of this policy and for making reports to the Board of Trustees, or a committee thereof, consistent with the Board's Bylaws.

*Adopted by the CUNY BOT June 30, 2014.*

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