



College Overview

Lehman College's 2011 Annual Security Report includes statistics for the previous three years concerning reported crimes that occurred on campus; in certain off-campus buildings owned or controlled by Lehman College; and on public property within, or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and other matters.

The college is a senior liberal arts college a component of The City University of New York, founded in 1968 and offering 76 undergraduate majors and programs and 46 graduate degree programs.

NOTABLE ACADEMIC PROGRAMS

- **CUNY Flagship Initiatives** in teacher education, new media, and structural and molecular biosciences. Lehman houses the CUNY doctoral program in the plant sciences and has a long-standing collaboration with the New York Botanical Garden.
- **Nationally Recognized Research Programs** in biological sciences, psychology, mathematics and computer science, physics, and astronomy receive substantial support from the National Institutes of Health and the National Science Foundation for faculty research initiatives and to prepare minority students to become future scientists.
- **Master's Degrees in Educational Leadership, Public Health, and Social Work.** Lehman is the only institution in the Bronx offering these three graduate programs.
- **Lehman Online.** From one course in Spring 1997, the program grew by Fall 2010 to 269 course sections, enrolling 4,912 students, and included more asynchronous courses (taught completely online) than any other CUNY college. Approximately one in seven classes were taught wholly or partly online in Fall 2010. Included is the world's first online course in the Irish language.
- **Global Outreach.** Lehman has established a dual-degree program with Sungshin Women's University in South Korea and nursing programs both with Sungshin and with institutions in Ireland and Antigua.

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

The college enrolls approximately 9,841 undergraduate students and 2,274 graduate students, for a total of 12,115 students who attend day and evening classes. In addition, the college, through the Office of Continuing Education serves in excess of five thousand multi-cultural individuals during the academic year.

The college employs approximately 385 full time, 516 part time instructional staff members, 926 full time administration and staff personnel and 705 part time staff personnel.

Crime Reporting Procedure

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

1. Calling the Department of Public Safety's emergency telephone line (718) 960-7777 or Extension 7777 may be dialed within the college's telephone system.
2. Using the Emergency Assistance call boxes located at various sites throughout the campus.
3. Reporting the information to any member of the Department of Public Safety or in person at the Public Safety Office located in APEX 109.
4. All counselors are strongly encouraged when they deem it appropriate to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
5. Victims or witnesses may report crimes to persons designated as Campus Security Authorities, who will then forward only the report of the crime – without divulging the name of victim or witness – to the Department of Public Safety for inclusion in the annual crime report.
The College recognizes the importance of confidentiality to victims and witnesses of crimes. For the purposes of providing crime statistics pursuant to the Campus Security Act in the College's annual crime report, victim and witness information will remain anonymous. However, complete confidentiality cannot be guaranteed in all other contexts. The College reserves the right to notify the police when it believes that such reporting is necessary for the protection of the College community. In many cases, however, that notification will be done without divulging the victim's identity and will be done only for the purpose of providing a campus-wide safety alert.
6. In the event that the situation you observe or are involved in is of an extreme or life-threatening nature, call 911, the New York City Police Department's emergency phone number. If you make a 911 call please also notify the Department of Public Safety. They will also respond to assist and direct the police and other emergency personnel to the reported emergency.

Public Safety and Security Services

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

At Lehman College, incidents of a criminal nature that are reported to a Campus Peace Officer are referred via the complainant to the NYPD. The City University of New York and Lehman College have Memorandums of Understanding with the NYPD for emergency, non emergency and investigative response. The department consists of a Director of Public Safety, 3 Assistant Director/Lieutenants, 3 College Security Specialists, 6 Sergeants, 1 Corporals, 24 Campus Patrol Officers, 3 of which are assigned to the H.S. of American Studies @ Lehman College.

Additionally, the college employs 2 Campus Security Assistants who are assigned to parking lots and other fixed posts. Campus Security Assistants are licensed as NYS Licensed Security Guards and do not have arrest powers (outside of the powers of a private citizen).

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

Off-Campus Organizations Crimes and Safety Hazard Monitoring

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

Lehman College maintains one off campus residence hall for the Lehman Honors Program, and has **NO** on campus student residence. The off campus residence hall is secured 24 hours a day, and is accessible to resident students by key. Lehman College has non-resident on campus student organizations,

located in the Campus Life Building. The college **does not** have any recognized off-campus student organizations.

Campus Security Authorities

The following persons are designated as Campus Security Authorities:

- Provost (718) 960-8222
- Vice President of Student Affairs (718) 960-8241
- RA's can be reached at the Residents Hall or through the Associate Dean of Student Affairs (718) 960-8242
- International Student Coordinator (718) 960-7274
- Campus Life (718) 960-8535
- Student Health Center (718) 960-8900
- Campus Information Services (718) 960-8029
- Campus Association for Student Activities (CASA)
CASA Office (718) 960-4960
- College Information Services (718) 960-1100
- Financial Aid (718) 960-8545
- Athletic Department and Coaches (718) 960-1117
- Student Disability Services (718) 960- 8441

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

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

Emergency Notification & Response

The college participates in the University-wide CUNYALERT System. Upon activation by the college, this system sends messages during emergency events via email, text message and telephone (land-line/cellular). This system is tested monthly for administrative users and one (1) full scale test of the system to all users (students/faculty/staff) annually. New students and employees are also provided with information on signing up for CUNY ALERT at orientations. A notification will be sent upon confirmation of a significant emergency (unless such notification presents an undue safety risk).

The college conducts evacuation and fire drills two (2) times per year. During these drills, building occupants are familiarized with campus evacuation procedures. Each building has assigned fire/evacuation floor wardens who are provided training and direction to direct the college community during drills and actual emergency events.

Public Safety Awareness & Crime Prevention Programs

The Department of Public Safety issues safety alert bulletins when deemed necessary and provides Timely Warning Notices (paper/electronic form) to the campus community when serious crimes occur in areas on or near the campus. The department maintains a relationship with the New York City police precincts that are responsible for the public safety of the campus and its surrounding areas. All persons reporting crimes to the Department of Public Safety are encouraged to promptly report the incident to the local police precinct concerned. A record of each report made to the local precincts is maintained as part of the Public Safety Department's annual statistical report.

All Members of the college community are encouraged to attend crime prevention seminars that are conducted by the New York City Police Department and the Department of Public Safety. Incoming first year students and all new employees are issued pamphlets on security procedures and attend a presentation by the Director of Public Safety at the Freshman Orientation and the New Employee Orientation. All members of the college community are encouraged to actively participate in their own safety and the safety of others. All incoming students receive information about campus crime prevention programs and in particular, sex crimes seminars sponsored by The Department of Public Safety in conjunction with the New York City Police Department. Public Safety personnel are available for on campus presentations, security assessments, and safety tips and in classroom discussions about security. Public Safety provides escorts to all areas of the campus during off hours or by special request. The escort service can be arranged by calling Public Safety at x 8228.

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

All public safety personnel, while on patrol, report potential safety and security hazards as well as entry door problems and elevator malfunctions.

Access to College Facilities

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

University Policy Relating to Drugs and Alcohol

The City University of New York 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. The following standards of conduct are in effect at CUNY:

The unlawful manufacture, distribution, dispensation, possession, or use of drugs or alcohol by anyone, on CUNY property (including residence halls), in CUNY buses or vans, or at CUNY-sponsored activities, is prohibited, except for special events sponsored by college officials. Such events must be approved by the President or his designee. 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. The legal age for drinking alcohol in New York State is 21, and State laws deal harshly with underage drinking. It is also against the law in New York State to sell or give away alcohol to anyone under the age of 21.

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 CUNY Board of Trustees Bylaws, 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.

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 reprimand, suspension without pay or termination.

Weapons Policy

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

College Regulations / Code of Conduct

RULES AND REGULATIONS FOR THE MAINTENANCE OF PUBLIC ORDER PURSUANT TO ARTICLE 129-A OF THE EDUCATION LAW (THE "HENDERSON RULES.")

The tradition of the University as a sanctuary of academic freedom and center of informed discussion is an honored one, to be guarded vigilantly. The basic significance of that sanctuary lies in the protection of intellectual freedom: the rights of professors to teach, of scholars to engage in the advancement of knowledge, of students to learn and to express their views, free from external pressures or interference. These freedoms can flourish only in an atmosphere of mutual respect, civility, and trust among teachers and students, only when members of the University community are willing to accept self-restraint and reciprocity as the condition upon which they share in its intellectual autonomy.

Academic freedom and the sanctuary of the University campus extend to all who share these aims and responsibilities. They cannot be invoked by those who would subordinate intellectual freedom to political ends, or who violate the norms of conduct established to protect that freedom.

Against such offenders the University has the right, and indeed the obligation, to defend itself.

We accordingly announce the following rules and regulations to be in effect at each of our colleges which are to be administered in accordance with the requirements of due process as provided in the Bylaws of the Board of Higher Education.

With respect to enforcement of these rules and regulations we note that the Bylaws of the Board of Higher Education provide that:

"THE PRESIDENT. The president, with respect to his education unit, shall:

- a. Have the affirmative responsibility of conserving and enhancing the educational standards of the college and schools under his jurisdiction;
- b. Be the advisor and executive agent of the Board and of his respective College Committee and as such shall have the immediate supervision with full discretionary power in carrying into effect the Bylaws, resolutions, and policies of the Board, the lawful resolutions of the several faculties;
- c. Exercise general superintendence over the concerns, officers, employees, and students of his educational unit."

1. RULES

1. A member of the academic community shall not intentionally obstruct and/or forcibly prevent others from the exercise of their rights. Nor shall he interfere with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, and community services.
2. Individuals are liable for failure to comply with lawful directions issued by representatives of the University/college when they are acting in their official capacities. Members of the academic community are required to show their identification cards when requested to do so by an official of the college.
3. Unauthorized occupancy of University/college facilities or blocking access to or from such areas is prohibited. Permission from appropriate college authorities must be obtained for removal, relocation, and use of University/college equipment and/or supplies.
4. Theft from, or damage to University/college premises or property, or theft of or damage to property of any person on University/college premises is prohibited.
5. Each member of the academic community or an invited guest has the right to advocate his position without having to fear abuse, physical, verbal, or otherwise, from others supporting conflicting points of view. Members of the academic community and other persons on the college grounds shall not use language or take actions reasonably likely to provoke or encourage physical violence by demonstrators, those demonstrated against, or spectators.
6. Action may be taken against any and all persons who have no legitimate reason for their presence on any campus within the University/college, or whose presence on any such campus obstructs and/or forcibly prevents others from the exercise of the rights or interferes with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, and community services.

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

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

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

10. The unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs or other controlled substances by University students or employees on University/college premises, or as part of any University/college activities is prohibited. Employees of the University must also notify the College 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/college premises or as part of any University/college activities is prohibited.

2. PENALTIES

1. Any student engaging in any manner in conduct prohibited under substantive Rules 1-11 shall be subject to the following range of sanctions as hereafter defined in the attached Appendix: admonition, warning, censure, disciplinary probation, restitution, suspension, expulsions, ejection, and/or arrest by the civil authorities.

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

3. Any visitor, licensee, or invitee, engaging in any manner in conduct prohibited under substantive Rules

1-11, shall be subject to ejection, and/or arrest by the civil authorities.

4. Any organization which authorized the conduct prohibited under substantive rules 1-11 shall have its permission to operate on campus rescinded.

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

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

In emergency or extraordinary circumstances, immediate suspension can be effectuated pending a hearing within seven (7) school days.

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

New York Westchester Square Medical Center	718- 430-7300 Main
North Central Bronx Hospital	718-519-3500 Main 718-519-3030 Psychiatric Emergency
Our Lady of Mercy Medical Center	718-920-9000 Main 718-920-9177 Psychiatric Emergency

Alcohol and Substance Abuse Program

The college's Alcohol/Substance Abuse Program is a part of the Department of Student Development/Student Affairs. The purpose of this program is to:

- Educate students about alcohol and substance abuse.
- Identify students with problems related to alcohol and substance abuse.
- Intervene in the lives of students who are affected by such abuse.
- Provide counseling and/or referral for students with problems.

Strategies for Education and Prevention of Alcohol and Substance Abuse

- College-wide workshops on substance abuse that focus on drugs, alcohol, cigarettes, and food.
- Ongoing availability of pamphlets, books, videos, and audios designed to heighten awareness and provide information on the subject.
- Individual and group counseling and referral.

College Resources

Counseling Center

Dr. Norma Cofresi, Director, Counseling Center

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

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

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

Student Health Center

Location: Building T-3, Room 118
Phone: 718-960-8900

Public Safety

Location: Gate #5, Central Communications Station
Phone: 718-960-8228 (On campus emergencies, ext 7777)

Self-Help and Referral Services

For all emergencies, call 911.

New York Hospitals

Hospital	Phone Numbers:
The Bronx Lebanon Hospital	718-590-1800 main 718-901-8222 Psychiatric Emergency
Bronx Children's Psychiatric Center	718-239-3600 Main
Bronx Psychiatric Center	718-931-0600 Main
Lincoln Medical and Mental Health Center	718-918-5000 Main 718-918-4850 Psychiatric Emergency
Montefiore Medical Center	718-920-4321 Main 718-920-7460 Psychiatric Emergency

Treatment Programs

Bronx Lebanon Hospital Center MMTP

Substance abuse services
3100 3rd Avenue
Bronx NY 10451
Phone: (718) 579-2600
Hotline: (718) 579-7769

Albert Einstein College of Medicine

Division of Substance Abuse
Next Steps North
1967 Turnbull Avenue
Bronx, NY 10473
Tel: 718/ 597-3888
FAX 718/ 597-8987

Montefiore Medical Center

Substance Abuse Treatment Program
3550 Jerome Avenue
Bronx NY 10467
Phone: (718) 920-4067
Hotline: (800) 522-5353

North Central Bronx Hospital

Growth and Recovery Program
3424 Kossuth Avenue Suite 10A-11
Bronx NY 10467
Phone: (718) 519-4687 ext. 6161

Reporting and Prevention of Sex Offenses

CUNY has adopted Policies and Procedures Concerning Sexual Assault, Stalking and Domestic and Intimate Partner Violence Against Students, which addresses the prevention of sexual assaults and other forms of violence against CUNY students, on and off CUNY campuses. Specifically, the goal of the Policy is to: 1) provide the most informed and up-to-date sexual assault, domestic/intimate partner violence and stalking prevention education information to CUNY students; 2) create a comprehensive plan for CUNY colleges to follow in the event that a student is the victim of a sexual assault or other act of violence; 3) provide clear and concise guidelines for students to follow in the event that they or someone they know has been the victim of a sexual assault or other act of violence; 4) ensure that all appropriate CUNY personnel receive education and training to assist victims of sexual assaults and other acts of violence; and 5) ensure that disciplinary procedures are followed in the event that the perpetrator is a CUNY student or employee.

Reporting Procedures

If a student wishes to report the occurrence of a sex offense, he or she should be guided by the following procedures:

- Report the incident to the Department of Public Safety (718) 960-7777. A formal report will be made of the allegation and a copy of the report will be forwarded to the Office of the Vice President for Student Affairs and or the Crime Victims Assistance Unit, Bronx District Attorney's Office.
- Report the incident to the College's Dean for Student Affairs/Student Development, who at the student's request, will contact the Department of Public Safety to commence an appropriate investigation; or
- A student can call the New York City Police Department or 911, or go directly to a hospital. It is important to note that if you are a victim of a sex offense, **do not destroy any evidence (including clothing) and do not take a shower or bath.**

4. It is important that such physical evidence be preserved in order to assist with any ensuing criminal investigation. If the student believes that she/he may be the victim of date rape by being drugged, she/he should go directly to a hospital to receive a toxicology examination since such drugs only remain in a person's system for a short period of time. The Department of Public Safety will assist with notification of other law enforcement authorities and/or medical professionals if the student so chooses.

Files relating to sex offenses are kept confidential by the Department of Public Safety and by the Office of Student Affairs/Student Development, unless otherwise required by law or CUNY policy.

Definitions of Sex Offenses

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

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

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

• Who is a perpetrator?

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

• Who is a victim?

Anyone can be a victim, regardless of gender, age, race, sexual orientation, religion, ethnicity, class or national origin. Though women and girls are primary targets of these crimes, men and boys are sexually victimized too, and have been found to suffer the same aftermath as women. Regardless of whether the victim was abusing alcohol and/or underage, she or he is still the victim of the sex offense.

• When is there lack of consent?

Under New York law, lack of consent to a sexual contact may be demonstrated in the following ways: (1) forcible compulsion including the use of physical force or threat (express or implied) which places the person in fear of physical injury to self or another; (2) incapacity to consent on the part of the victim; (3) circumstances in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or (4) circumstances in which the victim clearly expressed by words or actions that he or she did not consent to engage in such sexual act and a reasonable person would have understood such person's words or actions as an expression of lack of consent to such conduct.

A person is deemed incapable of giving consent if she/he is (a) under the age of 17, (b) mentally incapacitated (which may include incapacity due to the victim's ingestion of alcohol or drugs), (c) physically disabled or (d) physically helpless (asleep, unconscious or for any other reason physically unable to communicate unwillingness to act, which may also include incapacity due to the victim's ingestion of alcohol or drugs).

• Who is responsible for a sexual attack?

In the absence of consent, the attacker is *always* responsible for having committed the sexual assault regardless of the victim's appearance, behavior, or conduct on previous occasions. An attacker cannot assume that the way a

person dresses or acts is an invitation for sexual advances. A person may welcome some forms of sexual contact and be opposed to others. The more impaired a person is from alcohol or drugs, the less likely she/he can give consent; having sex with someone who is "passed out" or sleeping is rape. And regardless of previous sexual activity, if someone refuses sexual contact, the failure to respect that limit constitutes non-consensual sex.

Prevention Education Programs

Each CUNY College is required to develop materials and programs to educate its students, faculty and staff on the nature, dynamics, common circumstances and effects of sexual assault, domestic/intimate partner violence and stalking, and the means to reduce their occurrence and prevent them. The prevention education should seek to provide the most recent and relevant information, such as education pertaining to bystander intervention, the importance of peer networks and the significance of fostering a community of responsibility.

Prevention education materials and programs must be incorporated into campus orientation activities for all incoming undergraduate and graduate students (including transfers), and is required to be made available to all student activity groups, clubs and athletic teams. In addition, all residence halls are required to have a mandatory orientation on sexual assault, stalking and domestic/intimate partner violence prevention. Colleges are encouraged to assist in the organization of peer education groups and to provide resources to such groups so that the groups can provide training and outreach to other students throughout the academic year. Since the abuse of alcohol is frequently involved in occurrences of sexual assault and other forms of violence, it is important that the education program include education about the deleterious effects of alcohol abuse.

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

Disciplinary Procedure

The Colleges shall act promptly in response to information that a student has been sexually assaulted by another member of the CUNY community. Upon receipt of a complaint, the College shall undertake an appropriate investigation. If it appears that there is sufficient evidence to warrant disciplinary charges against a student, such charges shall be brought pursuant to Article 15 of the CUNY Board of Trustees Bylaws. If the matter is brought before a hearing, the victim and alleged perpetrator are entitled to the same opportunities to have others present and to be informed of the outcome of the proceedings. The victim is entitled to a report of the results of the proceeding at her/his request. If a student is found guilty of committing a sexual assault or other act of violence against another CUNY student or employee after a disciplinary hearing, the penalties may include suspension, expulsion from residence halls, or permanent dismissal from CUNY.

On-Campus Assistance

Victims of a sexual assault are encouraged to contact the Dean of Student Affairs/Student Development to obtain assistance in accessing medical and counseling services, or to make any necessary changes to the student's academic program or residential housing situation. Public Safety can assist the victim getting to and from campus safely, filing a police report and obtaining an order of protection against the perpetrator. The victim can also file a complaint with the College against a perpetrator who is a student or employee of the University with the Dean of Student Affairs/Student Development and the Public Safety Office.

In addition, the victim of a sexual assault will be provided with on-campus support in the form of an advocate from the Women's/Men's Center (if there is one on campus) or an appropriately trained counselor to assist the victim in handling the various aspects of his/her ordeal, such as: 1) explaining to the victim her/his options of whether to report the incident to campus or law enforcement authorities or not; 2) providing guidance if she/he requires medical attention; 3) providing guidance in obtaining crisis intervention and/or ongoing counseling services (or a referral to obtain the necessary services if such services are not available on campus); and 4) assisting the student throughout the College's disciplinary process if she/he chooses to file a complaint against the perpetrator.

College and Community Counseling and Support Services for Sex Offense Victims

Lehman College offers pastoral counselors and professional counselors; if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Public Safety

Location: Gate #5, Central Communications Station
Phone: 718-960-8228 (On campus emergencies, ext 7777)

Vice President for Student Affairs

Location: Shuster Hall, Room 204
Phone: 718 960-8241

Counseling Center

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

Dr. Norma Cofresi, Ph.D
Ms. Carmen Diaz, L.C.S.W.
Ms. Nicole Madonna, L.C.S.W.
Ms. Valerie Baker, L.M.H.C., R.Y.T.

Campus Ministry

Rev. Neil O' Connell, PhD.
Phone: 718 960-4979

In addition to on-campus help, sexual assault victims may also contact the following:

Crime Victims Assistance Unit
Bronx District Attorney's Office
215 East 161st Street, 4th Floor
Bronx, New York 10451
(212) 590-2115

The above unit offers crisis intervention, short-term counseling, advocacy and assistance to victims of sexual assault and domestic violence. It also provides referrals and publications.

24 Hour Rape Report Line

(Female answered) (212) 267-RAPE

Victim Services Agency

24 Hour Hotline (212) 577-7777

New York Women Against Rape

(NYWAR) (212) 777-4000

Pertinent Sex Offenses and Criminal Sanctions Under New York State Penal and Criminal Procedure Laws

<u>Rape in the second degree</u> (PL § 130.30)	A person is guilty when being 18 years old or more, he or she engages in sexual intercourse with another person less than 15, or with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated	Is a class D felony, with penalties up to 7 years in prison.
<u>Criminal sexual act in the first degree</u> (PL § 130.50)	A person is guilty when he or she engages in oral sexual contact or anal sexual contact with another person by forcible compulsion, or with someone who is incapable of consent by reason of being physically helpless, or with someone less than 11 or with someone less than 13 and the actor is 18 or older.	Is a class B felony, with penalties up to 25 years in prison.
<u>Forcible touching</u> (PL § 130.52)	A person is guilty when he or she intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire	Is a class A misdemeanor, with penalties up to 1 year in jail.
<u>Sexual abuse in the first degree</u> (PL § 130.65)	A person is guilty when he or she subjects another person to sexual contact: by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the person is less than 11 years old.	Is a class D felony, with penalties up to 7 years in prison.
<u>Aggravated sexual abuse in the first degree</u> (PL § 130.70)	A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11.	Is a class B felony, with penalties up to 25 years in prison.

<u>Aggravated sexual abuse in the third degree</u> (PL § 130.66)	A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11.	Is a class D felony, with penalties up to 7 years in prison.
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<u>Facilitating a sex offense with a controlled substance</u> (PL § 130.90)	A person is guilty when he or she knowingly and unlawfully possesses a controlled substance or any substance that requires a prescription to obtain to another person, without such person's consent and with intent to commit against such person conduct constituting a felony, and commits or attempts to commit such conduct constituting a felony defined in Article 30.	Is a class D felony, with penalties up to 7 years in prison.
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Crime	Illegal Conduct	Criminal Sanctions
<u>Rape in the first degree</u> (PL § 130.35)	A person is guilty when he or she engages in sexual intercourse with another person by forcible compulsion, with a person who is incapable of consent by reason of being physically helpless (e.g. being asleep, unconscious or due to alcohol or drug consumption), who is less than 11 years old or less than 13 and the actor is 18 or older.	Is a class B felony, with penalties up to 25 years in prison.

Campus Sex Crimes Prevention

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

- Contact the police department in the jurisdiction in which the offender resides and/or in which the college is located.
52 Precinct - Main Campus (718) 220-5811
50 Precinct - Parking Lots & HS of AS (718) 543-5700
- Contact Domenick A. Laperuta, Director of Public Safety, at 718-960-8593/4.
- Call the Division's sex offender registry at (800) 262-3257.

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

- Contact the Division's sex offender registry web site – http://www.criminaljustice.ny.gov/SomsSUBDirectorY/search_index.jsp
- Access the Division's Level 3 subdirectory electronically or via CD – ROM at the college's public safety department or the local law enforcement agency for the jurisdiction in which the offender resides.

Questions:

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

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

Or access Public Safety Department web page:

<http://www.lehman.edu/lehman/public-safety/>



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