Supplemental Guidelines and Resources for Sexual Misconduct Cases

Request for Accommodation and Interim Measures

Reporting parties, including complainants and respondents, have the right to request that College take steps to accommodate him/her. Such steps may include but not limited to:

- Requesting that the accused be moved to a different residence hall if he/she resides in the same residence hall as you.
- Requesting that the accused be assigned to a different class(es) if he/she and you are in any of the same classes.
- Requesting that the accused be formally directed to stay away from you and have no contact or communication with you.
- Requesting academic accommodations including requesting alternative testing dates, requesting additional time complete assignments and projects, and being permitted to withdraw from a class beyond the deadline date.
- Requesting that the accused be assigned to a different work location or shift if the individual is employed by the College.

Please immediately inform the Public Safety Department and Director of Diversity Investigations/Title IX Coordinator of any retaliation, by any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution.

Evidence Preservation

1. If applicable to your case and if you can, save any clothing worn by you during the incident.
2. Save any and all communications from the accused or third parties contacting you on behalf of the accused. For example, print any social media communications from the accused or third parties regarding the incident or incidents. The best way to do this is using the “screen shot”/print screen function on your computer or phone.
3. Save any and all text messages from the accused or third parties contacting you on behalf of the accused sent before and after the incident. As soon as possible, contact the Public Safety Department and Title IX Coordinator so that a record of these messages can be preserved.
4. Although it is your right to discuss the case with anyone, please consider refraining from discussing the case with anyone without first seeking input from the assigned investigator. Discussing the case with others can have a negative impact on the investigation including, conflicting witness statements, retaliation, and the destruction of evidence.

The City University of New York Students’ Bill of Rights

CUNY students and personnel who experience campus-related sexual or gender-based harassment or sexual violence, including sexual assault, stalking, domestic violence, intimate partner violence or dating violence, are entitled to the following rights:

- To report the incident to your campus.
- To report the incident to the University or campus Public Safety Department and/or to file a criminal complaint with the NYPD, or to choose not to report.
To receive assistance from your campus or others in filing a criminal complaint, which may include seeking an Order of Protection.

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 request that the campus file conduct charges against the respondent(s). The decision on whether to bring charges rests with the campus.

To be protected by your campus from retaliation for reporting the incident, and to have any allegations of retaliation addressed by the campus.

To receive assistance and resources from your campus, including confidential and free on-campus counseling, and to be notified of other available services on- and off-campus, including, among other resources, the New York State Office of Victim Services.

To receive assistance in seeking necessary medical services or treatment, including a Sexual Assault Forensic Examination (SAFE exam), on or off campus.

To obtain, where appropriate, changes with respect to campus academic and living arrangements, no-contact orders, and other interim remedial measures to enable you to continue your education without undue stress or trauma.

To have your complaints handled respectfully by the campus, and to be informed about how the campus will protect your privacy and confidentiality.

To have your complaint investigated in a prompt, impartial and thorough manner by individuals who have received appropriate training in conducting investigations and the issues related to sexual harassment and sexual violence, and to be accompanied by a person of your choice at all meetings or hearings related to the process.

To have your complaint against a student adjudicated by individuals who have received appropriate training on issues related to sexual harassment and sexual violence.

To report incidents of sexual harassment or sexual violence that you experience while under the influence of alcohol or drugs without receiving discipline for your alcohol or drug use.

To have the same opportunity as the respondent(s) to participate in a student disciplinary hearing before a faculty-student disciplinary committee, including the right to be present, to be represented by a person of your choice, including an attorney, to present evidence, call witnesses, cross-examine witnesses, have your prior sexual history with persons other than the respondent(s) excluded from the hearing, have your prior mental health diagnosis and/or treatment excluded from the hearing, receive written notice of the outcome of the hearing, and to appeal from the decision.

To participate in the investigative and disciplinary processes of the campus without interference with your civil rights or practice of religion.

**Other Rights, Requests and Information**

Rights of Students and Reporting Individuals – in accordance with NYS Education Law Article 129- B §§ 6443 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 institution 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. 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.
You have the option to file a criminal complaint. The College will assist you in filing a criminal complaint with the New York City Police Department or New York State Police. Filing a criminal complaint is not required in order for there to be a Title IX investigation. However, the criminal process and Title IX process are very different. If you have questions about how the two processes differ, you should ask your Title IX coordinator and ask for a copy of the Plain Language Explanation of Distinctions Between the New York State Penal Law and the College Disciplinary Processes.

Criminal and Family Court Orders of Protection. If you have obtained an order of protection from Family Court and/or criminal court, please provide the Brooklyn College Department of Public Safety and the Title IX coordinator with a copy.

CUNY Drug and Alcohol Use Amnesty Policy. The health and safety of every student at the Brooklyn College is of utmost importance. Brooklyn College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Brooklyn College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Brooklyn College officials or law enforcement will not be subject to Brooklyn College’s code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault. If you or witnesses were using or under the influence of drugs and/or alcohol at the time of the incident/incidents complained of, CUNY observes a policy which provides that students experiencing or observing violence or harassment that occurred while they were under the influence of drugs and/or alcohol will not be subject to campus discipline. A full text of the policy is available on the CUNY website.

Bystander Amnesty New York State Education Law 129- B §§ 6442 (4). A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Brooklyn College officials or law enforcement will not be subject to CUNY’s code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Confidentiality: Confidentiality may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092(f) and 20 U.S.C. 1681(a). Licensed mental health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality. Confidential individuals can disclose confidential information only where or authorization is provided, and then only with authorized individuals.

Privacy: Private information refers to personal information that should not be shared without authorization such as information identifying someone as the source of a complaint. Brooklyn College will not provide private information to anyone not involved with an investigation without authorization. Brooklyn College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

Disclosures at Public Awareness Events NYS Education Law Article 129- B § 6446 (1) (e). If an individual discloses information through a public awareness event such as candlelight vigils, protests, or other public
event, the institution is not obligated to begin an investigation based on such information. The institution may use the information provided at such an event to inform its efforts for additional education and prevention efforts.

**CUNY Anti Retaliation Policy**: Brooklyn College and the City University of New York strictly prohibit retaliation against any individual for cooperating with an investigation. If you believe anyone has retaliated against you or in any way attempted to discourage you from cooperating with an investigation, please report such behaviors to the Title IX Coordinator.

Received by ___________________________ Date: ___________________________

Questions about CUNY’s sexual misconduct policy and procedures may be directed to your campus Title IX Coordinator.

Information on resources and the process for filing a complaint is available on CUNY’s Title IX web page [http://www1.cuny.edu/sites/title-ix/campus/brooklyn-college/](http://www1.cuny.edu/sites/title-ix/campus/brooklyn-college/)

**Resources**

**Brooklyn College Title IX Coordinator/Investigator**
Patricia Jimenez, Esq.
(718) 951-5000 x6468/(718) 951 - 4128

patricia.jimenez@brooklyn.cuny.edu

**Brooklyn College Public Safety Director**
Donald Wenz
(718) 951-5511
(718) 951-5444
donald@brooklyn.cuny.edu

**Brooklyn College Chief Student Affairs Officer**
Ronald Jackson, Ed. D.
(718) 951-5352
rejackson@brooklyn.cuny.edu

For agencies listed below, services are provided free of charge unless otherwise indicated and all are confidential resources.

**Brooklyn College Personal Counseling Center**
0203 James Hall
Brooklyn College
Brooklyn, NY 11210
P: 718.951.5363
E: bcpersonalcounseling@gmail.com

**The Women's Center at Brooklyn College**
227 Ingersoll Hall Extension
Brooklyn College
2900 Bedford Avenue
Brooklyn, NY 11210
P: 718.951.5777
For 24-hour services, call 911; the New York City Domestic Violence Hotline, 800.621.HOPE (4673); or the NYC Youthline, 800.246.4646.

**New York City Alliance Against Sexual Assault – Alliance for Advocacy Program**
(212) 514 – SAFE (7233) M-F 9am – 6pm
survivorsupport@svfreenyc.org
AFA Provides:
• Information and referrals:
- Advocacy and accompaniment with social service agencies or the criminal justice system;
- Emergency assistance and funds;
- Counseling; and
- Assistance with Crime Compensation Benefits from the New York State Office of Victim's Services.

**Safehorizon**
1-855-234-1042
1-800-621-4673
Safe Horizon: Rape and Sexual Assault Hotline 855-234-1042* www.safehorizon.org
Safe Horizon: Domestic Violence Hotline 212-577-7777*

- Brooklyn Office
- Information and referrals:
- Advocacy and accompaniment with social service agencies or the criminal justice system;
- Emergency assistance and funds;
- Counseling;
- Assistance obtaining orders of protection through Family Court; and
- Assistance with Crime Compensation Benefits from the New York State Office of Victim’s Services.

**Wyckoff Heights Hospital Violence Intervention Program**
718-906-3846
The VITP at Wyckoff Heights Medical Center (WHMC) serves clients who are primary or secondary victims of domestic violence, sexual assault/rape or other crime. All services are free and confidential regardless of sex, gender expression or immigration status.

The program is proud to have Rape Crisis Advocate on call service to assist in the Emergency Department during the evenings, weekends and holidays. These advocates provide emotional support, advocacy, information and assistance to the victim (age 12 and above) in the Emergency Department.

**CAMBA's Violence Prevention and Intervention Services (VPIS)**
885 Flatbush Avenue 3rd Floor
Brooklyn, NY 11226
CAMBA cell: 347-525-8748
Office: 718-282-5575 Ext. 40262

**Sanctuary for Families Center for Battered Women's Legal Services**
30 Wall Street – 8th Floor
New York, NY 10005
212-349-6009x230

**Brooklyn Family Justice Center**
350 Jay Street
16th Floor
Brooklyn, NY 11201
718-250-5111

The **Brooklyn Family Justice Center (BFJC)** provides “one-stop shopping” for domestic violence survivors by placing lawyers, police, dedicated domestic violence prosecutors, counselors, clergy, and other service providers under one roof. Under the auspices of the Mayor’s Office to Combat Domestic Violence and the Kings County District Attorney’s Office, the BFJC is the first of 15 such centers planned under the President’s Family Justice Center Initiative. Sanctuary for Families provides children’s programming and legal services at the Brooklyn Family Justice Center.

**Children’s Program**: Sanctuary has two children’s counselors, who provide individual and group counseling, as well as phone and family assessments.

**Legal Services**: The BFJC’s Assigned Domestic Violence Counsel works collaboratively with the other members of the center to provide an array of comprehensive, efficient, and high-quality services to victims of domestic violence in Brooklyn County. Attorneys staff night court sessions in Brooklyn Family Court, assisting women seeking orders of protection, and continue to represent many of these clients with extensive child support, custody, and visitation matters. In addition, there is a full time Immigration Law attorney located at BFJC serving a large number of immigrant domestic violence victims in Brooklyn.

**Rape Crisis and Domestic/Intimate Partner Violence Services**
NYC Rape Crisis Hotline 212-673-3000*
Day One 800-214-4150 www.dayone.org
NYC Gay and Lesbian Anti-Violence Project 212-714-1141*
New York Women Against Rape 212-777-4000
Rape Crisis Centers (affiliated with hospitals)

**Bronx**
North Central Bronx Hospital: Sexual Assault Treatment Program 718-519-5722

**Brooklyn**
Coney Island Hospital: Rape Crisis Program
Long Island College Hospital: Rape Crisis Intervention/Victims of Violence Program 718-616-4209, or 800.tel.rape* 718-780-1459

**Manhattan**
Beth Israel Medical Center: Rape Crisis & DV Intervention Program
Bellevue Hospital Center: Rape Crisis Program
Columbia Presbyterian Hospital: Domestic and Other Violence Emergencies
Harlem Hospital: Center for Victim Support
Mt. Sinai Medical Center: Sexual Assault Violence Intervention (SAVI)
St. Luke’s Roosevelt Hospital: Crime Victims Treatment Center
St. Vincent’s Hospital: Rape Crisis Program 212-420-4516

**Queens**
Elmhurst Hospital: Borough Crisis Center
Queens Hospital Center 718-736-1288, 718-883-3090

**Staten Island**
St. Vincent’s Medical Center 718-876-3044
NYPD Sex Crimes Hotline 212-267-RAPE (24 hours)

**District Attorney’s Offices**
Bronx: Crime Victims Assistant Unit: 718-590-2115
Brooklyn: Victim Services Unit 718-250-3820
Manhattan: Victim Assistance Center 212-335-8900
Queens: Crime Victims Advocate Program 718-286-6818
Staten Island 718-876-6300

**New York State Office of Victim Services** ovs.ny.gov or call at 1-800-247-8035

Executive Law Section 631(13) provides for direct reimbursement by the Office of Victim Services (OVS) to providers of sexual assault forensic health care examination services. This measure provides for the personal privacy of sexual assault victims, while reimbursing providers when the victim does not have access to private health insurance or chooses not to use private health care insurance for the forensic examination. Some frequently asked questions (FAQs) about this program appear below. Important instructions for filing claims under this program can be found here. If you have a question that does not appear in this section, or you need more information about the direct reimbursement program, please contact OVS at ovs.ny.gov or call at 1-800-247-8035.