

# LIM COLLEGE

**2024 Annual Security and Fire Safety Report  
with Crime Statistics for 2021, 2022, and 2023**

*2024-2025 Academic Year Publication*

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**Notice about Housing Changes**

LIM College voluntarily discloses fire statistics and other fire safety policies and information (as well as missing student procedures) for the former residential facilities listed below. Although the College is not required to do so under the Clery Act (since these locations are Non-campus locations rather than On-Campus Residential Facilities), LIM has chosen to exceed the requirements of the law by providing our students and families with this information since the College has a relationship with these facilities to house LIM students.

**The Ludlow (located at 101 Ludlow Street) (discontinued use in May 2022)**

LIM established a partnership with the School of Visual Arts to allow students to access housing at The Ludlow residential facility. This location was more than a mile from the Fifth Avenue (545 5<sup>th</sup> Avenue)

location; therefore, the crime statistics are captured in the Non-campus category. Policy information regarding the Ludlow is included in this ASFSR, the location was in use for the 2021-2022 academic year.

**The New Yorker (located at 481 8th Avenue) (discontinued use in May 2022)**

LIM established a partnership with Educational Housing Services to allow students to access housing at The New Yorker residential facility. This location was more than a mile from the Fifth Avenue (545 5<sup>th</sup> Avenue) location; therefore, the crime statistics are captured in the Non-campus category. Policy information regarding the New Yorker has been included in the LIM ASFSR since the 2020-2021 academic year.

**FOUND Study – Midtown East (located at 569 Lexington Ave) (effective August 15, 2022)**

LIM established a partnership with FOUND Study Midtown East to allow students to access housing at the FOUND Study Midtown East Residence Hall. This location is less than a mile from the Fifth Avenue (545 5<sup>th</sup> Avenue) location, therefore, the crime statistics are captured in the On-Campus Residential Facilities category beginning with calendar year 2022 for any reportable crimes that occurred at this facility on or after August 15, 2022. Policy information regarding FOUND Study Midtown East is included in this ASFSR, the location is in use for the 2022-2023 academic year.

**FOUND Study – Turtle Bay (located at 525 Lexington Ave) (effective September 2 – December 31, 2023)**

LIM established a partnership with FOUND Study Turtle Bay to allow students to access housing at the FOUND Study Turtle Bay Residence Hall. This location is less than a mile from the Fifth Avenue (545 5<sup>th</sup> Avenue) location, therefore, the crime statistics will be captured in the On-Campus Residential Facilities category next year when the 2023 crime statistics are reported. Policy information regarding FOUND Study Turtle Bay is included in this ASFSR, the location is in use for the 2023-2024 academic year.

## **Section I: Security and Fire Safety Information**

### **About LIM College**

LIM College's Fall 2023 enrollment information: On-Campus Study: 933 Undergraduates and 148 Graduate Students. Online Study: 210 Undergraduates and 84 Graduate Students. The undergraduate student-faculty ratio is 6.76 to 1, and the average undergraduate class size is 14.1. The graduate on-campus student-faculty ratio is 6.82 to 1, and the average graduate class size is 11.9.

### **The LIM College Campus**

LIM College conducts primary operations in four locations in New York City. These are Maxwell Hall (216 East 45<sup>th</sup> Street); Fifth Avenue (545 Fifth Avenue); and student housing at FOUND Study Midtown East (569 Lexington Avenue).

The College leases space in all three active facilities. The LIM facilities are just steps from some of the world's most famous companies and retail stores. The facilities include a comprehensive 5,000-square-foot library with more than 18,000 volumes, slides, films, software, videos, periodicals, and online databases: state-of-the-art computer labs, learning centers, and studios, a concept store, and a café.

### **Security at LIM College**

LIM College is committed to working with all members of the community to make our campus facilities as safe and secure as possible. The College has developed a series of policies and procedures and annual training sessions to assist with these efforts. Members of the LIM College community should take reasonable precautions that would be appropriate in any large metropolitan area.

The following information has been prepared to increase your awareness of the current programs that exist to assist you in protecting your safety and well-being. Portions are also provided in compliance with federal law, specifically the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), Title IX, the Violence Against Women Act (VAWA), and the Higher Education Opportunity Act (HEOA). Additional information is provided in accordance with New York State law, specifically Article 129-A and Article 129-B of the Education Law. LIM College has been fortunate in that historically serious crimes have not often occurred in or around the College's facilities. However, past indications are no guarantee that such incidents could not occur in the future. Students, faculty, and staff are individually responsible for adopting measures to protect themselves and their possessions.

LIM College does not have a proprietary police or security department. The College hires contract security personnel to work in the College's buildings at 545 Fifth Avenue and 216 East 45<sup>th</sup> Street during normal business hours and into the evenings when the buildings are open and accessible to students and staff. The access control personnel responsibilities involve providing access control services for those facilities and providing general assistance to students, staff and visitors. LIM College does not have any student organizations that have off-campus housing facilities. At FOUND Study – Midtown East - the building management oversees security functions for the central building access point. The buildings are

controlled by turnstile access and have two staff members at the reception desks 24 hours a day, 7 days a week to manage security for the buildings.

None of the access control personnel working in any of the LIM College facilities have the authority to make arrests. The LIM contract security staff are not sworn officers, which hold Security Guard licenses in accordance with Article 7A of the New York General Business Law. The jurisdiction of the contract security staff while working for LIM is limited to the entryways of buildings and properties owned or controlled by the College. Unless directly related to an incident, they are not part of any investigation nor required to write reports. The College's Facilities Department and the Housing and Residence Life Department staff participate in the reporting and investigation of criminal and non-criminal offenses that may occur on-campus and in the Residence Halls respectively. These staff members are responsible for enforcing College policies and violations of the law that are also a violation of LIM College policies as indicated in the Student Code of Conduct. Access control personnel have the authority to enforce College policies as they relate to building access.

While there is no proprietary police or security department at LIM College, institutional representatives do work with the New York Police Department (NYPD) as needed and the College is continuing to build relationships with local precincts, including the 17<sup>th</sup> precinct and the Midtown South Precinct. If a criminal incident were to be reported to LIM College officials or the security personnel working in LIM College facilities, appropriate College personnel would investigate and assist – upon request - in filing the necessary report with the NYPD. There are no written agreements currently between LIM College and the NYPD therefore, there is no MOU that addresses the investigation of crimes.

### **General Procedures for Reporting a Crime or Emergency**

- Community members, students, faculty, staff, and guests are encouraged to report all crimes and emergencies, in an accurate and prompt manner, directly to the NYPD by dialing 911. During normal business hours, we encourage people reporting a crime or emergency to the NYPD, to also report the incident, as soon as practicable, to the College's Facilities Department, through the College's emergency phone number at 212-310-0660 or from an internal college phone by dialing 777 for all LIM facilities except the FOUND Study Midtown East Residence Hall.
- Housing students at the New Yorker Residence Hall were able to follow Educational Housing Services' emergency response protocol throughout the 2021-22 academic year.
- Housing students at the Ludlow were able to follow the School of Visual Arts' emergency response protocol throughout the 2021-22 academic year.

Members of the community are helpful when they immediately report crimes or emergencies to the NYPD and/or to the College's Facilities Department, the Vice President of Student Affairs/Title IX Coordinator, or the Office of Housing and Residence Life, for purposes of including them in the annual statistical disclosure and assessing them for issuing Emergency and Timely Warning Notices, when deemed necessary. Their contact information can be found below:

**Danny Trujillo**



Vice President of Student Affairs/Title IX Coordinator  
Maxwell Hall, Mezzanine Level  
216 East 45<sup>th</sup> Street  
New York, NY 10017-3620  
T: 646-388-8432  
F: 212-750-3702  
[danny.trujillo@limcollege.edu](mailto:danny.trujillo@limcollege.edu)

**Kwamina Afful**  
Manager of Facilities  
216 East 45th Street  
New York, NY 10017-3620  
T: 646-388-8426  
F: 212-750-3485  
[Kafful@limcollege.edu](mailto:Kafful@limcollege.edu)

### **Response to Reports**

In response to a call, the NYPD will take action it deems appropriate, generally either dispatching an officer to the caller's location or asking the caller to report to the nearest NYPD precinct to file a report. Internal reports involving a student, which are made to LIM College officials, as listed above, will also be forwarded to the Vice President of Student Affairs/Title IX Coordinator. The Vice President of Student Affairs /Title IX Coordinator or a designee, or the Assistant Vice President of Student Affairs or a designee for cases that occur in the residence hall, is responsible for reviewing all reports and determining if an investigation and any further action is warranted.

The NYPD is responsible for the investigation of any reported crimes and other public safety emergencies. If assistance is required from the New York City Fire Department, they will be sent by the 911 dispatchers upon receiving an emergency call.

Crimes should be accurately and promptly reported to the appropriate police agency, (NYPD by calling 911), when the victim of a crime elects to, or is unable to, make such a report.

### **Voluntary Confidential Reporting**

If you are the victim of a crime and do not want to pursue action within the College or criminal justice system, you may still want to consider making a confidential report. With your permission, one of the staff members listed above under **General Procedures for Reporting a Crime or Emergency** can file a report on the details of the incident without revealing your identity (except to the Title IX Coordinator in the event of a reported sex offense or sexual harassment). The purpose of a confidential report is to comply with your wish to keep the matter confidential while taking steps to enhance the future safety

of yourself and others. With such information, the LIM can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

### **Professional Counselors**

Campus “Professional Counselors,” when acting as such, are not considered to be a campus security authority for Clery Act purposes and are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, the professional counselors at LIM College are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary confidential basis to Campus Reporting Officials.

#### *Professional Counselor*

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community, and who is functioning within the scope of his or her license or certification.

LIM College does not have pastoral counselors.

This publication contains information about on- and off-campus resources and is made available to all LIM College community members. The information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for LIM College. Crimes should be reported to NYPD officials and LIM College as described above to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

For additional reporting procedures related to sexual misconduct and relationship violence see Section II of this document (*Policies, Procedures, and Resources for Preventing and Responding to Sexual Misconduct and Violence*).

### **Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations of Recognized Student Organizations**

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

### **Notification to the LIM College Community About Reported Crimes - Timely Warning Notices**

In an effort to provide timely notice to the LIM College community, and in the event a crime is reported within LIM’s Clery Geography (On Campus, Public Property, and non-campus property), that, in the

judgment of the Manager of Facilities or designee and in consultation with responsible authorities when time permits, which may pose a serious or ongoing threat to members of the LIM College community, a Timely Warning Notice which is referred to as a “Crime Alert” will be sent to all students and employees via blast email to all LIM College assigned email accounts. As a secondary system, as determined on a case-by-case basis, LIM may send a crime alert to all students and employees who are registered with the College’s Emergency Notification System via phone, text message, and/or email, depending upon which method(s) they have signed up for and which method(s) the institution determines is appropriate. These warnings will be prepared (written) and approved by at least one member of the Emergency Response Committee, which consists of the President, Executive Vice President of Finance and Operations, Treasurer, Vice President of Student Affairs/Title IX Coordinator, Provost, Chief Technology Officer, Vice President of Marketing and Communications, Senior Vice President/Chief Growth Officer, Director of Academic Support Services, Assistant Vice President of Student Affairs, and Manager of Facilities (or Facilities designee). Crime alerts will be distributed to the community by a member of the college’s Emergency Notification System Team, which includes:

- Vice President of Student Affairs/Title IX Coordinator
- Senior Vice President, Chief Growth Officer
- Vice President of Marketing and Communications
- Assistant Vice President of Student Affairs
- Director of Digital and Brand Marketing Strategy
- Student Affairs and Compliance Assistant

The appropriate member will be determined based on availability and the system(s) used to send the alert.

Crime Alerts are usually distributed for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications: major incidents of arson, murder/non-negligent manslaughter, and robbery. Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Crime Alert but will be assessed on a case-by-case basis) Incidents of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by LIM College. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other LIM College community members and a Crime Alert may not be distributed. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by LIM College. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Crime Alert Crimes reported to the Facilities Department or the Housing and Residence Life Office are documented, and those reports are forwarded to the Vice President of Student Affairs/Title IX Coordinator. The Vice President of Student Affairs/Title IX Coordinator or a designee reviews all internal reports and information received from the NYPD to determine if there is an ongoing threat to the community and if the distribution of a Crime Alert is warranted. Other Clery crimes as determined necessary by the Manager of Facilities or the Vice President of Student Affairs/Title IX Coordinator, or their designee. Crime Alerts may also be posted for

other crime classifications and non-Clery reportable geographic locations, even though that is not required by the law as deemed appropriate, by LIM College.

Crime Alerts will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

The institution is not required to issue a Crime Alert with respect to crimes reported to a professional counselor.

### **Daily Crime and Fire Log**

An electronic daily crime and fire log is available for review during normal business hours by contacting the Manager of Facilities (see contact information above), 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays, at Maxwell Hall, 3<sup>rd</sup> Floor. The information about crimes typically includes the classification, date reported, date occurred, time occurred, general location, and disposition of each crime. The information about fires typically includes the date reported, the date occurred, the time occurred, and the general location.

## **Emergency Response and Evacuation Procedures**

The LIM College Emergency Response Plan and evacuation procedures include information about the College's Emergency Response Committee; incident priorities and performance expectations; shelter-in-place and evacuation guidelines; crisis communications plans; and continuity of operations plans. The College, in conjunction with other emergency agencies, conducts a minimum of two Emergency Response tests per year. These tests may be in the form of an exercise, which includes a field exercise and a drill that tests a procedural operation or technical system. In addition, the College conducts tabletop exercises every year and holds a separate one at the residence hall for Resident Advisors. Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced. The tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

A list of tests is available upon request from the Vice President of Student Affairs/Title IX Coordinator. The College publicizes a summary of the emergency response and evacuation procedures via email at least once a year in conjunction with a test that meets all the requirements of the Higher Education Opportunity Act (HEOA).

LIM College administrators are familiar with all aspects of the Emergency Response Plan. If a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually the NYPD and/or the FDNY. These agencies work with LIM College staff to manage the incident.

Information about and updates to the College's Safety and Emergency Procedures are available on the LIM College website at <https://www.limcollege.edu/safety-emergency-response>.

## **Emergency Notification to the LIM College Community About an Immediate Threat**

LIM College has developed a process to notify the campus community in cases of emergency. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following identified situations are examples that may warrant an emergency (immediate) notification after confirmation: armed/hostile intruder; bomb/explosives (threat); communicable disease outbreak; severe weather; terrorist incident; civil unrest; natural disaster; hazardous materials incident and structural fire.

In the event of an emergency, LIM College will initiate and provide, without delay, immediate notification to the appropriate segment(s) of the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students, employees or visitors occurring in and around LIM College campus facilities. The Emergency Response Committee made up of key senior administrators, may receive information from various offices/departments on campus or external agencies, such as LIM College Security, the Vice President of Student Affairs/Title IX Coordinator, the NYPD, the FDNY, the national weather service and/or public health organizations. Any member of the Emergency Response Committee can confirm that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the LIM College community. The Emergency Response Committee will collaborate to determine if a notification

must be sent. If sending a notification has been determined necessary, a member of the committee will ensure the message is sent.

The Committee includes the President, Executive Vice President of Finance and Operations, Treasurer, Vice President of Student Affairs/Title IX Coordinator, Provost, Chief Technology Officer, Senior Vice President/Chief Growth Officer, Vice President of Marketing and Communications, Vice President of Finance and Compliance, Director of Academic Support Services, Assistant Vice President of Student Affairs, and Manager of Facilities (or Facilities designee).

The content of the messages and the appropriate segment(s) of the LIM College community, if the threat is limited to a particular building or segment of the population, will be determined by some or all of the members of the committee. LIM College will, without delay and considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of the responsible authorities including first responders, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event of a serious incident that poses an immediate threat to members of the LIM College community, the College has various systems in place for communicating information quickly.

Some or all these methods of communication may be activated in the event of an immediate threat to the LIM College campus community depending on the type of emergency. The College contracts with a third-party vendor, Everbridge, to provide a mass notification system, known internally as the Emergency Notification System (ENS). The ENS includes emails to LIM and non-LIM addresses, text messages, and outgoing phone messages. Other communication methods include campus-wide LIM College network email, fire alarm (where available), public address systems (where available), social media, digital signage (where available), local media, webpage, and/or in person communication. If any of these systems fail or the College deems it appropriate, in-person communication may be used to communicate an emergency.

The order to deploy LIM College's ENS must come directly from one of the members of the Emergency Response Committee listed below:

**Emergency Response Committee members are as follows:**

- President
- Executive Vice President of Finance and Operations, Treasurer
- Provost
- Chief Technology Officer
- Vice President of Financial Aid Compliance
- Senior Vice President, Chief Growth Officer
- Vice President of Student Affairs
- Assistant Vice President of Student Affairs
- Manager of Facilities
- Vice President of Marketing and Communications

**Emergency Notification System Team members are as follows:**

- Vice President of Student Affairs/Title IX Coordinator
- Senior Vice President, Chief Growth Office
- Vice President of Marketing and Communications
- Assistant Vice President of Student Affairs
- Student Affairs and Compliance Assistant

Three types of communications can be deployed. They are:

- Immediate Notifications
- Timely Warnings (ENS is an optional method of communication, see TWN section of ASR for more details)
- Bad Weather Closings

<b>System to use</b>	<b>Primary Message Creator</b>	<b>Backup Message Creator</b>	<b>Authority for approving and sending messages</b>	<b>Primary Message Sender/Distributor</b>	<b>Backup Message Sender/Distributor</b>
<b>ALL Systems</b>	Emergency Response Committee	Emergency Notification System Team	Emergency Response Committee	Emergency Response Committee	Emergency Notification System Team

**Bad weather closings** are determined separately by the Vice President of Student Affairs/Title IX Coordinator, and the Director of Academic Administration.

In any situation where an **immediate notification** needs to be initiated, the message will be developed by one of the members of the **Emergency Response Committee and will** be sent by one of the members of the **Emergency Notification System Team**. Follow-up communications will then be sent by some or all members of the Emergency Notification System Team under the direction of the Emergency Response Committee. In some cases, an Emergency Response Committee Member may direct a member of the Emergency Notification System Team to deploy the initial email message.

Once done, the person who gives the order to deploy the system, or who sends the immediate notification, will notify the other members of the Emergency Response Committee of the situation and decision.

A member of the Emergency Response Committee will contact one of the LIM College staff members on the Emergency Notification System Team listed below who is trained and authorized to activate the system and issue specific instructions as to:

- which methods of contact to deploy (outgoing phone message, incoming hotline message, email and/or text message, etc.)
- which audiences (entire community, faculty/staff, students, resident students) to send said messages to
- specific information as to the nature, time, and place of the emergency, as well as what, if any, instructions to relay to the recipients

LIM College staff and students are automatically registered to receive emergency messages through the Emergency Notification System. LIM will provide the community with follow-up information or updates until the threat has been resolved using some or all of the identified communication systems (except fire alarm). Another method of communication to provide follow-up information following an emergency on campus is posting any emergency notifications on the College's opening homepage in the form of a banner which can be accessed by any member of the LIM College community and the general public. The LIM College homepage is located at [www.limcollege.edu](http://www.limcollege.edu).

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents, and other interested parties. The larger community can also access relevant emergency information via the LIM College homepage, local or national news, and/or social media. In the event of an emergency around the campus buildings that impact the larger community, LIM would contact appropriate local authorities.

LIM College community members are encouraged to notify 911 and the Facilities Department or the Housing and Residence Life Office (as described in the Reporting Procedures section of this document) of any situation or incident in or around a LIM College facility that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus.

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

### **Emergency Evacuation Procedures**

During situations that present an immediate threat to the health and public safety of LIM College personnel, the preferred method of reaching all potentially affected parties is via the Emergency Notification System. A member of the Emergency Response Committee, and/or the Emergency Notification System Team must be notified to initiate an emergency notification.



During these extreme situations, the Emergency Response Committee can send quick notifications via the use of readily available systems which include phone, email, text message, social media, fire alarm, and/or the building public-address systems, where applicable.

Understanding that emergency events are dynamic, below are general evacuation guidelines that are meant to aid in effective communications during emergency events:

At **Maxwell Hall** (216 East 45th Street), upon the sound of the fire alarm, listen carefully for the instructions given over the building's public announcement system. Do not evacuate unless you are instructed to do so.

At **Fifth Avenue** (545 Fifth Avenue), upon the sound of the fire alarm, listen carefully for the instructions given over the building public announcement system. Do not evacuate unless you are instructed to do so.

***At FOUND Study Midtown East (569 Lexington Avenue) upon the sound of the fire alarm system, exit the building via the nearest stairwell. Do not use the elevator. Students should move to the designated muster point, across Lexington Avenue on 51<sup>st</sup> Street, between Lexington and Park Avenues.***

#### **General Procedures for Student Housing Evacuation**

If you are the first to recognize a fire situation or an emergency situation that requires a building evacuation, activate the alarm, evacuate to a safe location using the nearest exit, and dial 911.

1. Remain Calm
2. Do NOT use Elevators, Use the Stairs.
3. Assist the physically impaired. If he/she unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform NYPD or the responding Fire Dept. of the individual's location.
4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
5. Make sure all personnel are out of the building.
6. Do not re-enter the building.

Students who reside in a residence hall receive appropriate building information for emergency response training, including a building tour. Students are shown all exits from the building as well as the location of the in-building relocation area and the external evacuation relocation (mustering) point.

Emergency Response training sessions are given annually to new students, faculty and staff during New Student Orientation and New Faculty Orientations. Additionally, specific Emergency Response Training is provided annually to Emergency Response Building Teams.

Following New York Fire Department Building Code Regulations, at least four drills are held annually. Depending on the classification of each building, in some, evacuation occurs during all fire drills and in others, people gather at a pre-designated location and wait for instructions over the PA system as to whether or not to evacuate. (Note: the Fifth Avenue facility consists of two connected buildings that are separated by a fire-alarm activated roll-down door.) These drills include a test of the building emergency systems. The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. During these drills students, faculty and staff learn the types of evacuation, building emergency system components, and locations of the emergency exits in the building, and are provided with guidance about the direction they should travel when exiting the building. During evacuations, guidance may be provided by LIM College personnel, building management personnel, New York City first responders, resident staff, and/or resident advisors.

Annual Fire Safety Evacuation and Emergency Action Plan drills are monitored by the Facilities Department in all facilities to evaluate egress and behavioral patterns. When deficiencies are identified, they are reported immediately to the appropriate building staff or building owner for repair or correction. In all leased spaces, members of the facilities staff work with the building management to help ensure participation in drills.

### **Shelter-in-Place Procedures**

Students, faculty and staff receive information about evacuation and shelter-in-place procedures during their annual training meetings and during other educational sessions that they can participate in throughout the year.

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to seek shelter indoors. Thus, to “shelter-in-place” means to utilize the building that you are in as shelter from danger that is outside of the building or in other areas of the building. With a few adjustments, these locations can be made even safer and more comfortable until it is safe to go outside.

If an incident occurs and the building you are in is not damaged, stay inside an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, LIM College ID Card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, proceed to the pre-designated evacuation point or to a safe location. If police or fire department personnel are on the scene, follow their directions.

A shelter-in-place notification may come from several sources but will most likely be via the building public address system. Other methods of notification may include the LIM College’s Emergency Notification System which delivers emergency information to students, faculty and staff via several possible channels, including text, phone, and email; Residence staff or Advisors or building staff members; NYPD or FDNY personnel; or NYC government agencies/officials. All other LIM College facilities are equipped with PA systems.

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be an interior room; above ground level; and without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
3. Shut and lock all windows and close and lock exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able.
6. Put all phones on vibrate.
7. Cover all windows so that no one can see in.
8. Make a list of the people with you and ask someone to call the list into LIM College at 777 from internal phones or 212-310-0660 from outside lines.
9. If possible, turn on a radio or TV and listen for further instructions, keeping the volume low.
10. Remain calm and make yourself comfortable.

## **Security of and Access to Campus Facilities, Residence Hall, and Academic and Administrative Buildings**

### **Campus Facilities and Academic and Administrative Buildings**

The LIM College Campus resides in the City of New York, and although all entrances to LIM College buildings have either access control personnel or receptionists and require I.D. card-controlled access, it is impossible to monitor every one of those areas all the time. Unauthorized individuals could possibly gain entrance if they are determined to thwart the security of the College by timing their entries behind other entrants, or asking someone to hold a door open, etc. The academic and administrative buildings are not open to the public during normal business hours, except in the case of special events. Most facilities have individual hours, and the hours may vary at different times of the year. Access to some of these buildings is also controlled by access control personnel at a front desk during and/or after normal business hours, and all of the buildings have I.D. card-controlled access. Access control personnel conduct routine patrols of campus buildings to evaluate and monitor security related matters. Access control and contract security personnel do not patrol the buildings, they are focused on working at the front desk to monitor access to each facility.

### **Residence Halls**

Beginning in August 2022, students who contracted for housing at the FOUND Study Midtown East Residence Hall are able to follow the emergency response protocol of FOUND Study Midtown East.

Beginning in September 2023, students who contracted for housing at the FOUND Study Turtle Bay Residence Hall are able to follow the emergency response protocol of FOUND Study Turtle Bay.

### **Maintenance of Campus Facilities**

Facilities are maintained in a manner that minimizes hazardous conditions. The Facilities Department staff regularly inspects all LIM College facilities to assess and initiate repairs of malfunctioning lights and other unsafe physical conditions. Other members of the LIM College community are helpful when they report equipment problems to Facilities Management. In addition, the Manager of Facilities inspects all facilities each quarter and submits a written report to the Facilities Department and the Office of the President.

### **Security Awareness and Crime Prevention Programs**

The College's emergency response consultants and the Offices of Student Affairs and Human Resources coordinate emergency response training, which includes security and safety awareness, sexual assault, and/or crime prevention programs each academic year. During the 2023-2024 academic year, LIM College offered approximately 10 crime prevention and security awareness programs. Topics such as personal safety, residence hall security, drug and alcohol abuse awareness, and sexual assault prevention are some examples of programs offered during the prior academic year.

Additionally, campus security, fire safety, and emergency procedures are discussed during new student and new faculty orientations held at the start of every fall and spring semester. During these presentations, the following information is provided: crime prevention tips; statistics on crime at LIM College; fire safety information; information regarding campus security procedures and practices, including encouraging participants to be responsible for their own security/safety and for the security/safety of others on campus. All new hires receive a copy of the Employee Handbook on their first day of employment which includes information on crime prevention and fire safety.

Participants in these programs are asked to be alert, security-conscious, and involved and advised to call NYPD to report suspicious behavior. For additional questions regarding crime prevention, contact the Offices of Student Affairs at 646-388-8439, Human Resources directly at 212-310-0666, Facilities Department at 646-388-8426, or Housing and Residence Life at 212-310-0688.

### **Alcohol, Cannabis, and Controlled Substances Policy**

LIM College is committed to promoting the health and safety of its campus community through a program of alcohol education and the implementation of relevant policies. The College staff enforces compliance with the Student Code of Conduct, which, among other things, prohibits violations of NY State and City alcoholic beverage laws on campus and at College-sponsored activities. The College affirms its adherence to the following principles:

- The misuse and/or abuse of alcoholic beverages, cannabis, and illegal/controlled substances and related behavior, such as disorderly conduct, illness due to excessive consumption of alcohol or

drugs, and destruction of property, pose a danger to individual members of the College community and to the community at large.

- The promotion of alcoholic beverage consumption as the primary focus of on- or off-campus activities is inappropriate because it invites members of the College community to violate College regulations and NY law.
- Consumption of alcoholic beverages should only be by persons of legal age and by personal choice.
- Those individuals who choose to consume alcoholic beverages should do so responsibly and in moderation.
- Consumption of alcoholic beverages should not be the main focus of an event or the only means of refreshment at an event.
- The responsibility for proper consumption of alcoholic beverages and for compliance with NY laws rests with each individual member of the College community.
- The College will, at its discretion, contact by phone and/or letter, parents of underage students who violate the College's Alcohol, Cannabis and Controlled Substances Policy.

Each year, LIM College renews its commitment to the letter and spirit of the federal Drug-Free Schools and Communities Act of 1989 with an informational email to students and employees regarding the College's educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and College policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for LIM students and employees. A complete description of these topics, as provided in the College's annual notification to students is available online at: <https://www.limcollege.edu/life-at-lim/student-resources/policy-procedures>

In accordance with New York State Article 129-B, LIM College has an Alcohol and Drug Amnesty Policy, which reads: *The health and safety of every student at LIM College is of utmost importance. LIM 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, and sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. LIM 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 LIM College officials or law enforcement will not be subject to LIM College's Student 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.*

### **Alcohol, Cannabis, and Controlled Substances Policy**

Alcohol, cannabis, and illegal drugs in the workplace are a danger to us all. They impair safety and health, promote crime, lower productivity, and quality, and undermine public confidence in the work that we do. Employees who work while under the influence of alcohol or drugs present a safety hazard to themselves, their co-workers, and our students. In addition, employees who work under the influence of alcohol or drugs threaten the reputation and integrity of the College.

It is LIM College's policy to create a drug-free workplace in keeping with the spirit and intent of the Drug Free Workplace Act of 1988. The unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance in the workplace or while engaged in business off premises, is strictly prohibited.

To maintain a safe, efficient, and alcohol/drug-free work environment, drug and/or alcohol testing maybe required if LIM College has a reasonable suspicion, you are under the influence of alcohol or drugs in violation of this guideline. The results of any test conducted under this guideline will be treated in a confidential manner.

To educate employees on the dangers of drug abuse, employees may be periodically required to attend information and training sessions in the area of alcohol and illegal drug dangers, treatment resources, and workplace policy. Employees convicted of controlled-substance-related violations, including pleas of nolo contendere (i.e. no contest), must inform the Office of Human Resources within five days of such conviction or plea.

Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination. At its discretion, LIM College may require employees who violate this policy to successfully complete a drug abuse assistance or rehabilitation program as a condition of continued employment.

It is unlawful for individuals who have not attained the age of 21 to purchase, possess, or consume alcoholic beverages. It is also unlawful to deliver alcoholic beverages to a person under the age of 21 or misrepresent oneself as having attained the age of 21 to procure alcoholic beverages. There are no exceptions to these laws that are applicable to students at LIM College.

The sale or purchase of alcohol, in any form, is prohibited for students, faculty and all LIM College personnel on College premises except for official College-sponsored events. But in no event will any student under the age of 21 be permitted to possess alcohol at such events. Where alcohol is served at an LIM College-sponsored event, employees are expected to imbibe, if at all, in moderation and to act responsibly and professionally.

### **Disciplinary Action**

An employee who is in violation of LIM College's policies on drugs and alcohol shall be subject to sanctions in accordance with LIM College policies and procedures. Cases involving employees will result in disciplinary sanctions up to and including termination.

### **Criminal Sanctions Related to Alcohol, Cannabis, and Illegal Drug Abuse and Possession**

LIM College is committed to promoting the health and safety of its campus community through a program of alcohol education and the implementation of relevant policies. The College staff enforces compliance with the Student Code of Conduct, which, among other things, prohibits violations of NY State or City alcoholic beverage laws on campus and at College sponsored activities. The College affirms its adherence to the following principles:

- The misuse and/or abuse of alcoholic beverages and illegal/controlled substances and related behavior, such as disorderly conduct, illness due to excessive consumption of alcohol or drugs, and destruction of property, pose a danger to individual members of the College community and to the community at large.
- The promotion of alcoholic beverage consumption as the primary focus of on- or off- campus activities is inappropriate because it invites members of the College community to violate College regulations and NY law.
- Consumption of alcoholic beverages should only be by persons of legal age and by personal choice.
- Those who choose to consume alcoholic beverages should do so responsibly and in moderation.
- Consumption of alcoholic beverages should not be the main focus of an event or the only means of refreshment at an event.
- The responsibility for proper consumption of alcoholic beverages and for compliance with NY laws rests with each individual member of the College community.

The entire text of the Alcohol and Drug Education and Intervention Program for students, as well as the College's penalties for possession or distribution of controlled substances by students on College premises or at institutionally sponsored activities off-campus, is available from the Vice President of Student Affairs/Title IX Coordinator located at Maxwell Hall at 216 East 45<sup>th</sup> Street on the Mezzanine Level.

All new hires are provided with the College's Drug and Alcohol Policy and the Criminal Sanctions Related to Alcohol, Cannabis, and Illegal Drug Abuse and Possession Notice on their first day, as well as annually by email. LIM College intends to maintain compliance with the federal Drug-Free Schools and Communities Act of 1989. Each year LIM College renews its commitment to the letter and spirit of that law with an informational email to students and employees.

The College does not condone violations of laws proscribing possession, use, or sale of alcoholic beverages and possession, use, sale, manufacture, or distribution of controlled substances and illegal drugs. The NYPD has primary responsibility for the enforcement of State underage drinking laws as well as the enforcement of Federal and State drug laws.

Members of the LIM College community should know that violation of the laws concerning controlled substances and illegal drugs may lead to disciplinary action, which may include eviction from the residence hall, revocation of other privileges, educational sanctions, and/or suspension or expulsion from the College.

Disciplinary action may be taken in order to protect the interests of the College and the rights and safety of others.

Abuse of alcohol and drugs can have a dramatic impact on professional, academic, and family life. The College, therefore, encourages members of the community who may be experiencing difficulty with drugs or alcohol to contact one of the following resources.

### **Resources for Assistance**

For more information and help with alcohol or drug abuse for full-time employees and/or their family members, employees may contact the College's Employee Assistance Program (EAP) provided by Lincoln Financial Group at 1-888-628-4824. To learn more about the Lincoln Financial EmployeeConnect program [www.GuidanceResources.com](http://www.GuidanceResources.com) (username = LFGsupport; password = LFGsupport1).

#### ***Employees are eligible to receive:***

- In-person help for short-term issues; up to four sessions with a counselor per person, per issue, per year
- Toll-free phone and web access 24/7

#### ***The EmployeeConnect services also include:***

- Unlimited phone access to legal, financial, and work-life services
- A 25% discount on in-person consultations with network lawyers
- Financial consultations and referrals
- Work/life services for assistance with childcare, finding movers, kennels and pet care, vacation planning and more

#### ***Telephone Resources:***

- Alcohol and Drug Abuse Hotline (1-800-662-4357)/TTY (1-800-487-4889)
- Alcoholics Anonymous, New York Intergroup (212-647-1680)
- Narcotics Anonymous (1-800-777-1515)
- Marijuana Anonymous (1-800-766-6779)
- Cocaine Anonymous (212-262-2463)
- National Cocaine Hotline (1-800-662-4357)/TTY (1-800-487-4889)
- National Institute on Drug Abuse/Treatment Hotline (1-800-662-4357)/TTY (1-800-487-4889)
- Federal Drug, Alcohol and Crime Clearinghouse Network (1-800-788-2800)

#### ***Internet Resources:***

- A comprehensive source of information regarding substance abuse is the National Institute on Drug Abuse: <http://www.nida.nih.gov/>
- A meeting locator for all AA meetings in the down-state area: [https://www.nyintergroup.org/meetings/?tsml-attendance\\_option=active](https://www.nyintergroup.org/meetings/?tsml-attendance_option=active)

Additional resources can be found at the LIM College Counseling Office Located on the 14th Floor of Maxwell Hall.

***\*LIM makes no guarantee with regard to the quality of off-campus services; it merely lists these services as a convenience to students and staff.***

### **Drug and Alcohol Testing, Screening and Rehabilitation Programs**



LIM College reserves the right to require employees and prospective employees to submit to drug and/or alcohol testing within its sole discretion. Refusal to cooperate may result in disciplinary action, up to and including termination of employment.

LIM College reserves the right to require an employee to participate in a substance abuse assistance or rehabilitation program.

### **Health Risks**

Information detailing the uses and effects of controlled substances can be viewed on the United States Department of Justice, Drug Enforcement Administration's webpage at <https://www.dea.gov/factsheets>. The information contains description of health risks associated with various drugs covered by the Federal Controlled Substances Act.

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse.

Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Those who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

The abuse of drugs/controlled substances can result in a wide range of health problems. Illicit drug use can result in drug addiction, death by overdose, death from withdrawal, seizure, heart problems, liver disease, and chronic brain dysfunction. Other problems associated with illicit drug use include psychological dysfunctions such as memory loss, thought disorders (i.e. hallucinations, paranoia, and psychosis) and psychological dependency. Women who use drugs during pregnancy may give birth to infants who are drug addicted and may have health complications.

### **Notification of Arrest or Conviction for Alcohol and Drug Related Offense**

In the event an employee is arrested or convicted for the violation of any law related to drugs and alcohol while an employee of LIM College, the arrest and/or conviction must be reported to the Office of Human

Resources by the employee within five (5) calendar days of its occurrence. The employee must cooperate with all requests by the College for documents and information concerning the status of the arrest and any criminal proceeding.

### **LIM College Programs for Substance and Alcohol Abuse**

During onboarding, the Office of Human Resources provides the Employee Handbook which includes:

- The dangers of drug and alcohol abuse;
- LIM College's policies concerning drug and alcohol abuse;
- Resources for drug and alcohol counseling.

The College prohibits the violations of laws proscribing unlawful possession, use, or sale of alcoholic beverages and possession, use, sale, manufacture, or distribution of controlled substances and illegal drugs. The NYPD enforces federal and state laws and local ordinances regarding alcohol and drug law violations. Members of the LIM College community should know that violation of the laws concerning controlled substances and illegal drugs may lead to disciplinary action, which may include eviction from the residence hall, revocation of other privileges, educational sanctions, and/or suspension or expulsion from the College. Disciplinary action may be taken in order to protect the interests of the College and the rights and safety of others.

Abuse of alcohol and drugs can have a dramatic impact on professional, academic, and family life. The College, therefore, encourages members of the community who may be experiencing difficulty with drugs or alcohol to contact one of the following resources:

- For LIM College Students:
  - Office of Counseling Services, 646-218-6048, or extension 315
- For LIM College Staff and Employees:
  - The Office of Human Resources at 212-310-0620, or extension 620

For more information and help with alcohol or drug abuse for full-time employees and/or their family members, full-time employees may contact the Employee Assistance Program (EAP) by calling 1.888.628.4824. Full-time employees are eligible to receive in-person help for short-term issues and up to four sessions with a counselor per person, per issue, per year.

### **Off-campus services include\*:**

Phoenix House: 800-378-4435 (1-800-DRUG-HELP)

Daytop: 800-232-9867

Additional resources for students can be found at the Office of Counseling Services located on the 14th floor of Maxwell Hall.

***\*LIM makes no guarantee regarding the quality of off-campus services; it merely lists these services as a convenience to students and staff.***

**Crime Statistics for 2021 2022 and 2023**

<b>Primary Crimes</b>	<b>Year</b>	<b>On-Campus</b>	<b>Non-campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Residential Facilities*</b>
Murder/Non Negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Rape	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Fondling	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Incest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Statutory Rape	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Aggravated Assault	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Burglary	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Arson	2023	0	0	0	0	0

	2022	0	0	0	0	0
	2021	0	0	0	0	0

<b>Arrests and Referrals for Disciplinary Action</b>	<b>Year</b>	<b>On Campus</b>	<b>Noncampus</b>	<b>Public Property</b>	<b>Total</b>	<b>Residential Facilities*</b>
Liquor Law Violation Arrests	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Drug Law Violation Arrests	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Weapons Law Violation Arrests	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	5	0	5	0
Drug Law Violation Referrals for Disciplinary Action	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	2	0	2	0
Weapons Law Violation Referrals for Disciplinary Action	2023		0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

<b>VAWA Offenses</b>	<b>Year</b>	<b>On Campus</b>	<b>Noncampus</b>	<b>Public Property</b>	<b>Total</b>	<b>Residential Facilities*</b>
Domestic Violence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Dating Violence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Stalking	2023	0	0	0	0	0

	2022	0	0	0	0	0
	2021	0	0	0	0	0

*\*Residential Facility crime statistics are a subset of the On Campus category, i.e., they are counted in both categories.*

**Notes regarding crime statistics:**

**Maxwell Hall** (216 East 45<sup>th</sup> Street): Crime statistics are captured in the On-Campus category.

**Fifth Avenue** (545 5<sup>th</sup> Avenue): Crime statistics are captured in the On-Campus category.

**FOUND Study – Midtown East Residence** (569 Lexington Avenue): Crime statistics are captured in the On-Campus Residential Facilities category. LIM started using the FOUND Study – Midtown East Residence on August 15, 2022, and began reporting crime statistics as of that date.

**The New Yorker** (481 Eighth Avenue): Crime statistics are captured in the Non-Campus category. LIM started using the New Yorker June 11, 2020 and began reporting crime statistics as of that date. LIM discontinued use of the facility on May 25, 2022. Statistics are reported for this facility through May of 2022.

**The Ludlow Residence** (101 Ludlow Street): Crime statistics are captured in the Non-Campus category. LIM started using the Ludlow on August 7, 2021, and began reporting crime statistics as of that date. LIM discontinued use of the facility on May 25, 2022. Statistics are reported for this facility through May of 2022.

**The Townhouse** (12 East 53<sup>rd</sup> Street): Crime statistics are captured in the On Campus category through the 2021 calendar year, at which time LIM discontinued use of the facility. Statistics are reported for this facility through December of 2021.

**Unfounded Crimes**

There were no Unfounded Crimes in 2021, 2022 or 2023.

*If a crime is reported as occurring On Campus, in On-campus Residential Facilities, in or on Non-Campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."*

*Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.*

**Hate Crime Reporting**

There were no hate crimes reported for this campus in 2021, 2022, or 2023. There was one simple assault, which occurred in non-campus property with a sexual orientation bias.

**The information below provides context for the crime statistics reported as part of compliance with the Clery Act and the Violence Against Women Act (VAWA).**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the LIM College community obtained from the following sources: the New York City Police Department (NYPD), security staff hired by LIM College and Campus Security Authorities (as defined below). For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

A written request for statistical information is made on an annual basis to all Campus Security Authorities or Campus Security Authority Supervisors (as defined by federal law), appropriate department heads, and senior leaders.

All statistics are gathered, compiled, and reported to the LIM College community via the Annual Security and Fire Safety Report (ASFSR). The College submits the annual crime statistics published in the ASFSR to the U.S. Department of Education (ED). The statistical information gathered by the ED is available to the public through the ED website.

LIM College sends an email to every enrolled student and current employee on an annual basis, which includes a link to a digital copy of the ASFSR.

LIM College does not have a traditional “campus”. The College’s main campus building is located at 545 Fifth Avenue and is considered “on campus” property for purposes of the crime statistics reported in the ASFSR. While not contiguous properties, the other two LIM College buildings (Maxwell Hall at 216 East 45th Street and the FOUND Study - Midtown East Residence at 569 Lexington Avenue) are located less than a mile from the College's main building and are considered on-campus facilities in the report. LIM College sometimes leases other facilities for short term use, and the crime statistics for those facilities are also requested from the NYPD for the time periods that LIM College uses those facilities. LIM College reports the crimes required by the Clery Act that occurred on or within the institution’s Clery geography and that were reported to a Campus Security Authority (CSA).

**Statistical Disclosure of Reported Incidents**

Incidents reported to the Facilities Department, the Housing and Residence Life Office, an access control personnel hired by LIM College, a Campus Security Authority or the NYPD that fall into one of the required reporting classifications will be disclosed as a statistic in this ASFSR.

**Specific Information about Classifying Crime Statistics**

The statistics in the ASFSR are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and relevant federal law (the Clery Act).

**FBI Uniform Crime Reporting Handbook Definitions**

The FBI Uniform Crime Reporting Handbook uses the following definitions:

**Rape:** Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property, etc.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classified as motor vehicle theft are all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joy riding.)

**Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Manslaughter by Negligence:** The killing of another person through gross negligence.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force, violence, and/or causing the victim fear.

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons,

concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

**Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include, but are not limited to: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations:** The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

**Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**Vandalism:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

### **Geography Definitions from the Clery Act**

The following definitions are from the Federal Department of Education's Handbook for Campus Safety and Reporting (2016 Edition):

**On-Campus:** (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

**Non-Campus Building or Property:** (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational



purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. The LIM College crime statistics do not include crimes that occur in privately owned homes or businesses around LIM College facilities.

The number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/Non-Negligent Manslaughter, Manslaughter by Negligence, Rape, Fondling, Incest, Statutory Rape, and Aggravated Assault. For example, if an aggravated assault occurred and there were three victims, this would be counted as three aggravated assaults in the crime statistics chart.

The number reflected in the statistics for the following crime categories includes one offense per distinct operation: Robbery, Burglary, Larceny, Vandalism, and Arson. For example, if five students walking across campus together were robbed, this would count as one instance of robbery in the crime statistics chart.

In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic.

In cases involving Liquor Law, Drug Law, and Illegal Weapons violations, each person arrested is indicated in the arrest statistics. The statistics captured under the “Referred for Disciplinary Action” section for Liquor Law, Drug Law, and Illegal Weapons violations indicates the number of people referred for disciplinary action for violations of those specific laws.

The statistics for Hate Crimes will be described by the criminal violation, the general location and the category of prejudice. The numbers for most of the specific crime categories are part of the overall statistics reported for each year. The only exceptions to this are the addition of Intimidation, Vandalism, Larceny, Simple Assault or other bodily injury, as the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document. Note: A hate or bias related crime, under federal and New York State law, is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender’s bias. For example, a subject assault a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his/her bias against the victim based on the victim’s race, sexual orientation, or other protected status, the assault is then also classified as a hate/bias crime.

### **LIM College Policy on Violent Behavior**

LIM College seeks to provide a safe workplace for all faculty, staff and students. LIM College has established the following policy to which all employees must adhere:

LIM College will not tolerate conduct that harms, threatens to harm, intimidates or coerces members of the faculty, staff, student body, or LIM College's business partners. All members of the College community are prohibited from making threats or engaging in violent behavior. This list of behaviors, while not inclusive, provides examples of conduct that is prohibited under this policy:

- Physically assaulting, attacking or otherwise intentionally causing physical injury to another person with whom you interact in connection with your employment.
- Making threatening or intimidating remarks, including via email, the internet or any other electronic communication devices or medium.
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person.
- Intentionally damaging or threatening to damage College property or property of faculty, staff, students, or LIM College's business partners; possession or concealment of a weapon while on College property or while on College business, including bringing a weapon of any type into an LIM College building or to any College-sponsored or College-related function.

### **Types of Disciplinary Proceedings Utilized in Cases of Title IX, Article 129-B, or VAWA Offenses (Domestic Violence, Dating Violence, Sexual Assault and Stalking)**

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

- When both the reporting and responding parties are students, the process will follow the diagram represented in Appendix F. Further detail is described in the Student Code of Conduct (Appendix A).
- When both the reporting and responding parties are employees of the college, the process will follow the diagram represented in Appendix G. Further detail is described in the Employee Handbook (Appendix E).
- When the reporting party is an employee of the college, and the responding party is a student, the process will follow the diagram represented in Appendix F. Further detail is described in the Student Code of Conduct (Appendix A).
- When the reporting party is a student, and the responding party is an employee, the process will follow the diagram represented in Appendix G. Further detail is described in the Employee Handbook (Appendix E).

### **Violence or Threats of Violence (Students)**

Students should immediately report violence or a threat of violence to the Vice President of Student Affairs/Title IX Coordinator, or if time is of the essence, any staff member or faculty member available at the time of the incident. If any student believes his or her life or person is in immediate danger of harm, he/she should contact 911 immediately.

Any threat of violence about which the College becomes aware will be investigated. The College will follow the processes and procedures as set forth in the LIM College Student Code of Conduct.

### **Violence or Threats of Violence (Employees)**

Employees should immediately report violence or threats of violence, both direct and indirect, to a supervisor and/or to the Office of Human Resources at the earliest possible time. Reports should be as specific and detailed as possible. LIM College will promptly and thoroughly investigate all reports of violence or threats of violence. Reports of incidents may be made anonymously. The identity of the individual making a report will be protected as much as is practical and information will be disclosed to others only on a need-to-know basis in order for the College to investigate the matter and enforce this policy.

During the course of an investigation, LIM College may suspend employees, either with or without pay. Any employee who is found to have violated this policy will be subject to disciplinary action, up to and including termination, and may be subject to criminal prosecution.

Non-employees found to have violated this policy may be reported to the proper authorities.

### **(HEOA) Notification to Victims of Crimes of Violence**

The College will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

### **Sex Offender Registry**

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where to obtain law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Information regarding a registered sex offender can be obtained by calling:

New York State Sex Offender Registry Information Line at: 1-800-262-3257 or accessing it online at <https://www.criminaljustice.ny.gov/nsor/>

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

## **JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013**

### **Section II: Policies, Procedures, and Resources for Preventing and Responding to Sexual Misconduct and Violence**

*The information contained in this section is also available on the LIM College website at <https://www.limcollege.edu/academics/academic-resources/policies-procedures/sexual-misconduct-and-violence-prevention>*

#### **LIM College Mission**

LIM College's deep commitment to students and legacy of experiential education come to life through learning and working, in-person and virtually, in New York City and around the world. LIM continuously reimagines the student experience, in and out of the classroom, by being relevant, flexible, and inclusive. LIM's close-knit community connects students with alumni, industry partners, and professional networks, preparing them for lifelong success in the dynamic business of fashion and lifestyle industries. In support of this mission, LIM College lives by the following core values:

**Collaborative Spirit:** Foster a culture of shared understanding, trust, and belonging

**Academic Engagement:** Empower students to thrive academically, personally, and professionally

**Respectful Community:** Champion Diversity, Equity, Inclusion and Sustainability

**Ethical Mindset:** Act with honesty, integrity, and accountability

**Student Focus:** Keep students at the heart of everything we do

#### **Policy Against Discrimination and Harassment**

LIM College is committed to promoting a respectful and productive environment that emphasizes the dignity and worth of every member of the College community. Consistent with this end, LIM College prohibits discrimination and harassment on the basis of race, color, national or ethnic origin, sex, age, disability, religion, sexual orientation, gender identity or expression, genetic information, and any other characteristic protected by applicable law, in the administration of its programs and activities. No member of the LIM College community shall retaliate, intimidate, threaten, coerce or otherwise discriminate against a person who files a complaint under this policy or otherwise assists or participates in a proceeding related to such a complaint.

#### **Title IX, Article 129-B, and Related Laws**

It is the policy of LIM College to comply with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex, including sexual misconduct and violence. Title IX also prohibits intimidation, coercion, and retaliation against individuals for engaging in activities protected by Title IX including asserting claims of sex discrimination. In keeping with the mission and core values

of the institution, as well as being in compliance with responsibilities under Title IX, the Violence Against Women Reauthorization Act (VAWA), New York State Education Law Article 129-B (Enough is Enough), and other relevant laws, the College is committed to educating the entire campus community on preventing and responding to sexual misconduct.

LIM College views the safety and well-being of the LIM College community as a main priority and will not tolerate conduct that harms, threatens to harm, intimidates, or coerces students, staff, faculty, and other members of the LIM College community. LIM College policy prohibits the offenses of domestic violence, dating violence, sexual assault, stalking, sexual harassment, and other forms of sex-based discrimination, and reaffirms its commitment to maintaining a campus environment emphasizing the dignity and worth of all members of the LIM College community. Toward that end, LIM issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a College official.

In keeping with this commitment, LIM College has taken steps to help prevent and respond to sexual discrimination, relationship violence, sexual assault and other forms of sexual misconduct. These steps include thoughtful procedures for reporting and investigating incidents; educational programs; access to internal and external resources; and compliance with federal and state laws.

Furthermore, LIM College does not discriminate on the basis of race, color, religion, creed, sex, gender, gender identity or expression, sexual orientation, age, national origin, disability, veteran status, unemployment status, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, or any other status protected by law, in offering the rights and protections of Title IX, VAWA, and Article 129-B.

### **Reporting Procedures for Sexual Misconduct and Violence**

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

- When both the reporting and responding parties are students, the process will follow the diagram represented in Appendix F. Further detail is provided in the Student Code of Conduct (Appendix A).
- When both the reporting and responding parties are employees of the college, the process will follow the diagram represented in Appendix F. Further detail is provided in the Employee Handbook (Appendix E).
- When the reporting party is an employee of the college, and the responding party is a student, the process will follow the diagram represented in Appendix F. Further detail is provided in the Student Code of Conduct (Appendix A).
- When the reporting party is a student, and the responding party is an employee, the process will follow the diagram represented in Appendix F. Further detail is provided in the Employee Handbook (Appendix E).

All members of the College community are encouraged to report incidents of sexual misconduct and violence (including sexual assault, dating violence, domestic violence, and stalking) to the Title IX Coordinator or one of the Deputy Title IX Coordinators listed below.

All reports of Sexual Harassment between LIM College staff and faculty members should first be reported to the Office of Human Resources. Complaints of Workplace Sexual Harassment can proceed to the Title IX investigation process if, through the Sexual Harassment investigation process, it is identified that the harassment has created a hostile environment that is sufficiently serious (i.e., severe, pervasive or persistent) and objectively offensive so as to deny or limit an individuals' ability to obtain equal access to the College's programs or activities or when it has the purpose or effect of unreasonably interfering with an individual's education or employment. The Office of Human Resources may consult with the Title IX Coordinator to determine if Workplace Sexual Harassment complaints should proceed to the Title IX process and procedures.

**Title IX Coordinator**

Danny Trujillo  
Vice President of Student Affairs  
Maxwell Hall, Mezzanine Level  
216 East 45<sup>th</sup> Street  
New York, NY 10017  
646.388.8432 or x241  
[danny.trujillo@limcollege.edu](mailto:danny.trujillo@limcollege.edu)

**Deputy Title IX Coordinator**

Focrun Nahar  
Assistant Director of Diversity, Equity, Inclusion, and Accessibility  
Maxwell Hall, rm 310  
216 East 45<sup>th</sup> Street  
New York, New York 10017  
Direct: 212-310-0640 or x351

The responsibilities of the Title IX Coordinator and the Deputy Title IX Coordinators include:

- providing consultation and information regarding Title IX and College policies.
- overseeing investigations to ensure fairness, efficiency, and equity in practices.
- notifying all parties involved regarding the investigation and outcomes, as appropriate.
- ensuring appropriate training for Title IX investigators.
- ensuring all appropriate College policies are followed.
- providing appropriate internal and external referrals and support, including psychological and medical care.

Speaking to one of the Title IX Coordinators helps ensure that members of the community who have been affected by sexual misconduct and violence receive necessary support and allows the College to take appropriate action to investigate and resolve reports. In addition to the Title IX Coordinators, specific employees at LIM College receive annual training to be Title IX investigators. Any of the Title IX Coordinators can provide a list of Title IX investigators who can assist in the investigation of reports of sexual misconduct and violence, including sexual assault.

Members of the College community can also report incidents of sexual misconduct and violence to any employee of the College. All employees are considered mandated reporters, meaning they are obligated to report known incidents of sexual misconduct to one of the Title IX Coordinators. The one exception to mandated reporters are counselors within the Office of Counseling Services who can provide a higher degree of confidentiality. Additional information on confidentiality and privacy is provided in this document.

Individuals may also file reports with the New York Police Department (NYPD). The Title IX Coordinators are available to assist an individual in notifying the NYPD. Specific information on contacting the NYPD is provided in Appendix B of this document. Criminal and LIM College investigations are separate but may be conducted simultaneously. The College will not wait for the completion of a criminal investigation in order to respond.

### **Adjudication of Violations**

LIM College will handle reports of sexual misconduct, dating violence, domestic violence, sexual assault and violence in the following manner:

The College's disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the accuser and the accused. College officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
2. The accuser, the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused. Complaints will be investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, and impartiality.
4. LIM College will explain to the reporting party that information shared will be considered private, not confidential; explain to the reporting party what is meant by both privacy and confidentiality; and offer to connect them to a confidential reporting option.

5. LIM College will explain the reporting and investigation process to the reporting party, including information on timing and appeals.
6. LIM College will explain to the reporting party that making a report is a separate step from choosing to proceed with an investigation and that when a report is filed, there is no obligation for the reporting party to continue with an investigation. The College will also explain that the reporting party can choose whether or not to participate in related proceedings at any point, but that LIM College may need to act on reports of sexual misconduct violence when necessary to ensure the safety of the LIM College community, such as when there is a reason to believe that an individual who committed a violent act poses a physical danger to the College community. For additional information, see **Consenting to an Investigation**.
7. LIM College will inform the accuser and accused parties of the equal opportunity to have an advisor of their choice present at the initial meeting and any other meetings or disciplinary review. LIM College will inform the student reporting parties it is mandatory to have an advisor present at the disciplinary review. Student responding parties will also have the equal opportunity to have an advisor of their choice present at any meeting. LIM College will inform the student reporting parties it is mandatory to have an advisor present at the disciplinary review. Faculty and staff have the right to have an advisor of their choice present at the disciplinary review. LIM College will provide an advisor of the College's choice to any party unable to find an advisor. Any party may use an attorney as their advisor. The College will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, the role of the advisor is limited to cross-examination of witnesses, as well as advisement and support. The role of the advisor is silent in the hearing proceedings, except during cross-examinations.
8. LIM College will inform the reporting party that medical care is available, and at the request of the reporting party, offer assistance in obtaining medical care, as well as explain the importance of preserving evidence.
9. LIM College will inform the reporting party that support services are available on and off campus, provide the reporting party with a list of these resources, and offer to help connect the reporting party to resources.
10. LIM College will inform the reporting party that they have the right to file a report with the local police department that upon request the College is able to offer assistance with filing this report, as well as explain that the criminal justice process is different from the College's process; and that any questions about the criminal justice process should be addressed to law enforcement or the district attorney.
11. LIM College will inform the reporting party that they have the right not to file a report with the local police department and that filing a report with the police is not a requirement for LIM College to conduct an investigation.
12. LIM College will inform the reporting party that assistance will be provided with obtaining an order of protection from the local police department if the reporting party makes the request, although LIM College cannot guarantee the local police department will issue an order of protection.
13. Both the reporting party and the responding party will have the right to make an impact statement to the person or persons determining sanctions.



14. LIM College will inform both parties that all legally recognized privileges are respected during the grievance process unless a party waives the privilege to that information. Privileges include attorney client privilege, physician privilege, and/or any other legal privileges under the law.
15. LIM College will review the available facts and assess the need to implement interim supportive measures, to ensure the reporting party's equal access to the College's education programs and, if deemed appropriate, ensure such measures are taken.
  - i. Such supportive measures for students include but are not limited to: issuing a no-contact order, changes to housing, changes to class schedules, and PNG (persona non grata) orders (no trespassing).
  - ii. Such supportive measures for staff and faculty include but are not limited to: issuing a no-contact order, changes to an employee's work environment (e.g. reporting structure, office relocation), paid or unpaid leave, and PNG orders.
  - iii. At the reporting party's request, or if otherwise deemed necessary, LIM College will conduct an investigation into the complaint, following the specific procedures outlined in appendices. LIM College will inform both the reporting party and the responding party as to the specific procedures to be used and related rights, including the right to review and present evidence.
16. LIM College will inform the responding party of the complaint and give the responding party an opportunity to respond. Information to be shared includes the date, time, location, and factual allegations concerning the violation. LIM College will explain the reporting and investigation process to the responding party, information on timing, and how the process must end within a reasonably prompt time frame, and appeals; the right to review and present evidence; the right to a fair and impartial process that avoids conflicts of interest.
17. While the College has the burden to gather evidence from either party to reach a determination, the College gives both parties an equal opportunity to discuss, gather and present evidence of their own, which includes facts or witnesses.
18. Each party has 10 days to review and respond to all relevant evidence before the College can circulate an investigative report. After the initial review, both parties have an additional 10 days before the hearing or other grievance proceeding occurs. Parties have the right to submit a written response to the report during this time period and prior to the hearing or other grievance proceeding occurs.
19. The College will inform the respondent is not presumed to be accountable for the alleged conduct unless found responsible at the end of the grievance process.
20. The College, at the request of either parties' advisor, must hold a live hearing, in which both parties' advisors are given opportunity to question witnesses directly, orally, and in real time. Questions may challenge credibility. Both parties must be present during a live hearing. A live hearing may occur in-person or virtual, depending on the circumstances, but will occur in real-time. It is the College's responsibility to ensure a live hearing may occur. At the request of either party, the recipient must provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other.
21. Both the reporting party and the responding party will be informed that retaliation against either party will not be tolerated and can result in separate disciplinary action.
22. All questions on cross-examination pertaining to the complainant's prior sexual behavior or

predisposition shall be deemed irrelevant, unless such questions about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions or evidence sought concern specific incidents of the complainant's sexual behavior with respect to the respondent and are offered to prove consent. Past conduct findings, including domestic violence, dating violence, stalking, and sexual assault may be permissible in the disciplinary stage that determines sanctions. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

23. Both the reporting party and the responding party will be given a copy of this document, an explanation of the document's contents, and an offer to answer questions then or at a later time. A note will be made that this document was provided.
24. Notice: Off-campus conduct that is not within a program or activity of the College is not subject to the College's response under Title IX. New York state law requires institutions to respond to off-campus allegations under 129-B ("Enough is Enough") and the Violence Against Women Act (VAWA). The Student Bill of Rights is the list of rights students can expect when reporting or responding to sexual offenses and relationship violence at LIM College.

**LIM College will provide written notification to the reporting party regarding options available and how to request changes to academic schedule and take advantage of other protective measures.**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred.

- information about how the institution will protect the confidentiality of victims and other necessary parties.
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community.
- a statement regarding the institution’s provisions about options for, available assistance in, and how to request accommodations and protective measures.
- an explanation of the procedures for institutional disciplinary action.

**Procedures the College Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported**

The College has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The College will make such accommodations or protective measures, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to local law enforcement. Students and employees should contact any Title IX officer.

If a report of domestic violence, dating violence, sexual assault, or stalking is reported to the College, below are the procedures that the College will follow:

Incident Being Reported	Procedure Institution Will Follow
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<b>Sexual Assault</b>	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care.</li> <li>2. Institution will assess immediate safety needs of complainant.</li> <li>3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department.</li> <li>4. Institution will provide complainant with referrals to on and off campus mental health providers.</li> <li>5. Institution will assess the need to implement interim or long-term protective measures, if appropriate.</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options.</li> <li>7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate.</li> <li>8. Institution will provide written instructions on how to apply for Protective Order.</li> <li>9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution.</li> <li>10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is.</li> <li>11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</li> </ol>
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<b>Stalking</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant.</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department.</li> <li>3. Institution will provide written instructions on how to apply for Protective Order.</li> <li>4. Institution will provide written information to complainant on how to preserve evidence.</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options.</li> <li>7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate.</li> </ol>
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<b>Dating Violence</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> </ol>
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	<ol style="list-style-type: none"> <li>2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> </ol>
<b>Domestic Violence</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> </ol>

**Involvement of Law Enforcement and Campus Authorities**

Individuals may also file reports with the New York Police Department (NYPD). Although the college strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the Title IX Coordinators are available to assist an individual in notifying the NYPD, if the victim so desires. Students, faculty, staff, and guests of LIM College can report all crimes and emergencies directly to the New York Police Department (NYPD) by dialing 911. In response to a call, the NYPD will take action it deems appropriate, generally either dispatching an officer to the caller's location or asking the caller to report to the nearest NYPD precinct to file a report.

You may find specific information on precincts using the table below:

LIM College Building	Precinct #, Sector #	Phone #	Address
545 Fifth Avenue	Midtown South Precinct, Sector A	212-239-9811	357 West 35th Street
216 East 45 <sup>th</sup> Street, Maxwell Hall	17 Precinct, Sector B	212-826-3211	167 East 51st Street
569 Lexington Avenue, FOUND Study – Midtown East Residence Hall	17 Precinct, Sector B	212-826-3211	167 East 51st Street

You may also find information using the NYPD’s website: <https://www1.nyc.gov/site/nypd/index.page>

Criminal and LIM College investigations are separate but may be conducted simultaneously. The College will not wait for the completion of a criminal investigation in order to respond.

LIM College’s Student Code of Conduct and Employee Handbook specifically prohibit acts of sexual assault, sexual misconduct, and relationship violence. Reporting procedures, the disciplinary review process, potential sanctions, and information on appeals for incidents are contained in both the Student Code of Conduct and the Employee Handbook, located in Appendices A and E, respectively. The documents related to students are sent to students annually and posted online for 24/7 access. The documents for employees are given at new employee orientation and emailed annually.

**Confidentiality, Privacy, and the Right to Report**

Members of the LIM College community have the right to make a report to campus safety personnel, local law enforcement, and/or the state police or choose not to report; to be protected by LIM College from retaliation for reporting an incident; and to receive assistance and resources from LIM College. LIM College does not have a campus security department, however, employees in the facilities department are available as campus safety personnel to help report a crime and connect students and employees to internal and external resources such as a Title IX Coordinator and the New York City Police Department.

In addition to the aforementioned individuals, bystanders and/or survivors can contact any employee of the College to report an incident of sexual misconduct, however, all employees of the College are mandated reporters, with the exception of counselors within the Office of Counseling Services.

**Confidential Reporting for Students**

Counselors within the Office of Counseling Services may speak with bystanders and/or survivors in complete confidence and confidentiality. Information about counseling is confidential and counseling records are not part of a student’s academic or administrative records. The staff will not disclose information related to counseling without Pastoral Counselor written permission. This includes responding to questions from parents, friends, and faculty members.

An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is

functioning within the scope of that recognition as a pastoral counselor. LIM College does not have pastoral counselors.

However, there are a few exceptions to the general rule of confidentiality.

The counseling staff would be required to release information, and possibly contact appropriate people, under the following circumstances:

- There is a danger that an individual may harm her/himself or someone else.
- There is reason to believe a child or elderly person is being abused or neglected.
- A court or other official order is issued requiring the release of information.

Even LIM College employees who cannot guarantee confidentiality will maintain privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate, seek resolution, and keep the campus environment safe and free from discrimination.

Under the Family Educational Rights and Privacy Act (FERPA), educational institutions are allowed to share information with parents when there is a health or safety emergency. However, LIM College will not share information about a report of domestic violence, dating violence, stalking, or sexual assault with parents without the permission of the reporting individual.

Regardless of whether the reporting party has opted-out of allowing the College to share “directory information,” personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. The College does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

### **Confidential Reporting for Staff/Faculty**

Employees covered under Lincoln Financial Group’s policies are eligible for EmployeeConnect services provided by ComPsych Corporation. They offer confidential guidance and resources for you or an immediate household family member. Employees are eligible to receive:

- In-person help for short-term issues; up to four sessions with a counselor per person, per issue, per year
- Toll-free phone and web access 24/7
- Unlimited phone access to legal, financial and work-life services
- A 25% discount on in-person consultations with network lawyers

- Financial consultations and referrals
- Work/life services for assistance with childcare, finding movers, kennels and pet care, vacation planning, and more.

To learn more about the Lincoln Financial EmployeeConnect program, visit [www.Lincoln4Benefits.com](http://www.Lincoln4Benefits.com) or [www.GuidanceResources.com](http://www.GuidanceResources.com) (username = LFGsupport; password = LFGsupport1), or talk with a specialist at 888-628-4824.

### **Consenting to an Investigation**

LIM College will seek consent from the reporting party prior to conducting an investigation. Declining to consent to an investigation will be honored unless the institutions determine in good faith that failure to investigate does not adequately mitigate a potential risk of harm to the reporting party or other members of the community. Honoring such a request may limit the institution's ability to meaningfully investigate and pursue conduct action against an accused individual. Factors used to determine whether to honor such a request include whether the accused has a history of violent behavior or is a repeat offender; whether the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior; the increased risk that the accused will commit additional acts of violence; whether the accused used a weapon or force; whether the reporting individual is a minor; and whether the institution possesses other means to obtain evidence such as security footage; and whether available information reveals a patterns of perpetration at a given location or by a particular group.

### **Anonymous Disclosure**

Anonymous disclosures may be made to the New York State Hotline for Sexual Assault and Domestic Violence at 1-800-942-6906. Anonymous disclosure through the hotline is for crisis intervention, resources, and referrals and is not a reporting mechanism.

### **Reporting and Investigation Timeline**

LIM College will respond to reports of sexual misconduct and violence in as timely a manner as possible. LIM College will strive to investigate and resolve reports within 60 days. However, certain cases may take longer to investigate and resolve due to such facts as scheduling witnesses, school closings, and unforeseen circumstances. LIM College will keep both the reporting party and the responding party updated with written notice to the accuser and the accused of the delay and the reason for the delay.. If the investigation and resolution of a case will take longer than 60 days, LIM College will provide an updated timeline to both the reporting party and the responding party. LIM College does not have a time limit by which a member of the College community must report sexual assault and relationship violence. However, LIM College encourages reporting as soon as possible as delays in reporting can result in challenges such as contacting witnesses and verifying information.

### **Filing of False Information**



Any member of the LIM College community who knowingly provides false or otherwise misleading information to the College in connection with a report or investigation of sexual misconduct or violence will be subject to disciplinary action that can include dismissal or termination from the College.

### **Protection from Retaliation and Intimidation**

Retaliation against any member of the LIM College community who files a report on sexual misconduct or violence is strictly prohibited. Retaliation includes, for example, charging an individual with code of conduct violations that do not involve sexual harassment, but arise out of the same facts or circumstances as a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX. Likewise, intimidation of anyone who files a report or any witnesses to an incident is strictly prohibited. Members of the LIM College community found to have engaged in retaliation or intimidation, will be subject to disciplinary action that can include suspension, expulsion, separation, or termination from LIM College.

### **Accommodations for Individuals with Disabilities**

Any member of the LIM College community who requires accommodations on the basis of disability with regards to this document and related policies and procedures, may request such accommodations. Students can contact the Office of Diversity, Equity, Inclusion, and Accessibility Services directly or ask the Title IX Coordinator for assistance with contacting the office. Employees can contact the Office of Human Resources or ask the Title IX Coordinator for assistance with contacting the office. Examples of accommodations include sign-language interpreting services, materials in alternative format, and barrier-free access to campus buildings and spaces.

Accessibility Services  
Maxwell Hall, rm 310  
216 East 45<sup>th</sup> Street  
New York, New York 10017

Human Resources  
Maxwell Hall, ste 207  
216 East 45<sup>th</sup> Street  
New York, New York 10017

### **International Students**

Additional support is available to international students through the Office of International Student Services. Any international student who requires additional support with regards to this document and related policies and procedures, may contact the Office of International Student Services or ask a Title IX Coordinator for assistance.

### **Office of International Student Services**

216 East 45<sup>th</sup> Street – Mezzanine Level, M05  
New York, NY 10017  
646.388.8440 or x252

### **Sexual Orientation and Gender Identity**

Individuals can be victims of sexual misconduct and violence regardless of their sexual orientation, gender identity, or gender expression. All victims at LIM College receive the same services in reporting sexual misconduct and violence. Emotional support, counseling about options, information about resources related to legal issues and medical treatment are also available to assist all victims of sexual misconduct and violence regardless of identity.

### **Office for Civil Rights and Equal Opportunity Employment Commission**

In addition to seeking information from or filing a report with one of the College's Title IX Coordinators, inquiries regarding Title IX from members of the campus community may be directed to the United States Department of Education's Office of Civil Rights (OCR) as well as the United States Equal Employment Opportunity Commission (EEOC).

### **United States Department of Education, Office for Civil Rights Region 2 – New York**

Jacob Javits Federal Building 26 Federal Plaza, Suite 3312 New York, NY 10278

Voice Phone (800) 368-1019

FAX (202) 619-3818

TDD (800) 537-7697

### **U. S. Equal Employment Opportunity Commission - New York District Office**

33 Whitehall Street, 5th Floor New York, NY 10004

1-800-669-4000

TTY: 1-800-669-6820

Fax: 212-336-3790

ASL Video Phone: 844-234-5122

### **Transcription Notation**

Any time a student is found responsible for committing a violent act, including but not limited to sexual misconduct, Education Law Article 129-B requires a notation be made on the student's transcript. The notation may read, "suspended after finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." If a student withdraws from the institution while conduct charges are pending, and declines to complete the disciplinary process, as outlined in this document, a notation will be made on the transcript indicating the student "withdrew with conduct charges pending." Students suspended from the College for acts of violence, including but not limited to sexual misconduct, have the right to request that the disciplinary notation be removed from the transcript, one year from the date of their return to the College from suspension. This request needs to be made in writing to the Vice President of Student Affairs/Title IX Coordinator and is not a guarantee the notation will be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

### **No-Contact Orders, Other Interim Measures, and Orders of Protection**

Before or after the filing of a formal complaint, or if no formal complaint is filed, the College will provide non-disciplinary, non-punitive, reasonable interim support and protection to a Complainant and/or a Respondent against further acts of misconduct, harassment, or retaliation as needed, as well providing as services and resources to provide a safe educational and employment environment. In some cases the College may initiate these changes without a request to ensure the safety of all individuals in the campus community.

LIM College will assess the need to implement interim protective measures including but not limited to:

- No Contact Orders Either party may request communication and contact restrictions to prevent further potentially harmful interaction. This could include but is not limited to in-person contact, communication via telephone or other electronic communication, or communication via a third party.
- Referrals to Counseling Services the College can assist in providing counseling services through the Office of Counseling Services or will assist in providing a referral to off-campus support agencies.
- Changes to Work/Class Schedules Either party may request reasonable changes in their own academic or employment schedule after a report of sexual assault, sexual harassment, or other sexual misconduct by speaking with a Title IX Coordinator. The Title IX Coordinator can inform the complainant or the respondent of their options and will accommodate the request if those changes are reasonably available.
- Persona Non Grata (PNG/no trespassing) A PNG order may be requested or provided without request for individuals who are not affiliated with the campus community. This order bans individuals from accessing facilities managed by LIM College for a predetermined period of time.
- Interim Suspension: When the responding party is a student determined to present a continuing threat to the health and safety of the community, LIM College reserves the right to subject the responding party to an interim suspension. As with all other interim measures, both the reporting and the responding party will be offered a prompt review of the need for and terms of any interim suspension, including potential modification, and the right to submit evidence in support of the request. Decisions made as a result of this review will be reasonable under the circumstances and consistent with LIM College policies and procedures.

The reporting and responding parties have the right to receive a copy of any order of protection or equivalent received by LIM College, as well as the opportunity to meet or speak with a Title IX Coordinator about the order including information from the order about the responding party's responsibility to stay away from the protected person or persons, as well as an explanation of the consequences for violating the order such as arrest, additional conduct charges, and interim suspension. The person or persons protected by the order have the right to receive assistance from LIM College in contacting local law enforcement in effecting an arrest for violating the order.

Members of the LIM College community may also contact the New York Police Department to file an order of protection. While LIM College cannot make this request directly, LIM College can assist a member of the LIM College community in contacting the police and requesting an order of protection. The need to make any other interim measures will be made by a Title IX Coordinator based on a review of the available information and after talking with both the reporting party and the responding party.

Both parties are entitled to request a prompt review of the need for, terms of, or potential modification of any interim measure, and both parties are entitled to submit evidence in support of their request. LIM complies with NY State law in recognizing orders of protection. Any person who obtains an order of protection from New York or any reciprocal state (list reciprocal states) should provide a copy to Campus Police and the Office of the Title IX Coordinator. A complainant may then meet with Campus Police to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc.) The College cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s).

The victim is required to apply directly for these services and where applicable may obtain assistance in doing so from victim support services groups (see resources in Appendix C).. Protection from abuse orders may be available through:

**A Family Court order of protection** is issued as part of a civil proceeding. Its purpose is to stop violence within a family, or within an intimate relationship, and provide protection for those individuals affected. *All Family Court proceedings are confidential.*

To obtain an order of protection in the Family Court, your relationship to the other person must fall into one of the following categories:

- Current or former spouse;
- Someone with whom you have a child in common;
- A family member to whom you are related by blood or marriage;
- Someone with whom you have or have had an “intimate relationship.” An intimate relationship does not have to be a sexual relationship. A relationship may be considered intimate depending on factors such as how often you see each other, or how long you have known each other. After a petition is filed, the court will decide if it is an intimate relationship.

To start a proceeding in Family Court, you need to file a form called a Family Offense petition. The person filing the petition is called the “*petitioner*,” and the person the petition is filed against is called the “*respondent*.” You can contact the Family Court in your county for help completing and filing the petition. You may also wish to speak with an attorney or domestic violence advocate before filing.

For information specific to filing an order of protection in New York City visit the Family Court Website. This page also includes helpful information about what to expect in court no matter where in New York State you live. The website may be found here:

[http://www.nycourts.gov/courts/nyc/family/faqs\\_domesticviolence.shtml#op1](http://www.nycourts.gov/courts/nyc/family/faqs_domesticviolence.shtml#op1).

**A Criminal Court order of protection** is issued as a condition of a defendant’s release and/or bail in a criminal case. A criminal court order of protection may only be issued against a person who has been charged with a crime.

Criminal cases are prosecuted for the State of New York by the district attorney. Although the district

attorney may start a criminal case before a person is arrested, a criminal case usually begins with a person's arrest. The person charged with abuse is called a "*defendant*." The victim of abuse is called the "*complaining witness*." There does not need to be a relationship between the complaining witness and the defendant.

In a criminal case, the district attorney may request an order of protection for the victim or complaining witness. The judge decides whether to issue the order of protection and what terms and conditions will be included in the order.

A **Supreme Court order of protection** can be issued as part of an ongoing divorce proceeding. If you have an ongoing divorce case and would like to request an order of protection, you may do so by making a written request by Motion or Order to Show Cause; or you may make an oral request at a court appearance. If you are represented by an attorney, your attorney may make the written or oral request for you. The judge decides whether to issue the order of protection and what terms and conditions will be included in the order.

Orders of protection are valid in every county in New York State and are honored in every State throughout the country through the Full Faith and Credit provision of the U.S. Constitution.

**The New York State Family Protection Registry** was created as part of the Family Protection and Domestic Violence Intervention Act of 1994. The Registry, which became operational in October 1995, is the repository for orders of protection issued pursuant to articles four, five, six and eight of the Family Court Act, Section 530.12 of the Criminal Procedure Law, sections 240 and 252 of the Domestic Relations Law, and all arrest warrants issued pursuant to section 827 of the Family Court Act and Article 120 of the Criminal Procedure Law. The Registry was developed by the NYS Unified Court System in collaboration with the New York State Police, and links to the New York Statewide Police Information Network (NYSPIN). The Registry is a historical record; orders of protection remain in the database even after they expire. The Registry is helpful in locating outstanding or expired orders of protection against a person who may pose a threat of sexual misconduct, domestic violence, and/or stalking.

### **No Contact Order**

The College may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the College receives a report that such an institutional no contact order has been violated, the College will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

### **New York State Student Bill of Rights**

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

All students have the right to:

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

### **New York State Crime Victims Bill of Rights**

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

- A free copy of the police report, even if there was no physical injury.
- Payment waiver of fees for replacing a driver's license, permit, registration and license plates which were lost or stolen as a result of a crime.
- Have law enforcement and the District Attorney inform employers that the criminal case may require work absences. They can also explain the circumstances of the crime to creditors.
- Not to be penalized by an employer when appearing as a witness in a criminal proceeding, consulting with prosecutors or exercising other rights under the law. A violation of this law by an employer is a B misdemeanor. Employers, however, may withhold wages in these situations.
- File for victim compensation and assistance with the New York State Office of Victim Services. Victims of physical injury or relatives of murder victims are entitled to out-of-pocket expenses incurred as a result of the crime. These expenses may include the repair or replacement of damaged property, loss of earnings or support, medical and counseling bills, crime-scene cleanup or funeral expenses. Crime victims may also be eligible for transportation expenses incurred for necessary court appearances. Kidnapping, stalking and unlawful imprisonment victims may be eligible for an award to cover loss of earnings or support, unreimbursed costs for counseling, rehabilitative training and the costs of damaged essential personal property and security devices. Claims must be filed within one year of the crime or within one year of the victim's death. You can obtain a claim form from the police, the District Attorney, a hospital emergency room, the Office of Victim Services or from the Office of the Attorney General. Assistance is also available from other programs such as rape crisis centers and domestic violence and child abuse programs. Ask the District Attorney's office for referrals.

- Be notified of criminal proceedings. Victims who provide a current address and telephone number to the District Attorney have the right to be notified of the accused's: arrest; first appearance before a judge; release from jail while the criminal proceeding is pending; entry of a guilty plea, trial and sentencing; maximum and minimum terms of imprisonment if the offender is sentenced to prison and parole hearing date.
- Freedom from intimidation, threats or harassment. Intimidating a victim or a witness is a felony, apart from any charges the accused may already face. If you are threatened or your property is damaged by anyone connected to your case, you should contact the District Attorney's office and law enforcement immediately.
- Notice of discharge, release or escape of offender from a correctional facility. The District Attorney has a form to be completed in order to stay informed. The New York Victim Information and Notification Everyday (VINE) system provides up to date information about the custody status of offenders via the telephone or internet. Crime victims and other New Yorkers can call 888-VINE-4NY (888-846-3469) or go to [www.vinelink.com](http://www.vinelink.com) to secure information about incarcerated defendants. By providing an inmate's identification number or date of birth, which you can obtain from the District Attorney, you can learn sentencing and release information. You may also register with VINE for automatic notification by telephone when the inmate is released.

### **Student Alcohol and Drug Amnesty Policy**

The health and safety of every student at LIM College is of utmost importance. LIM 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, and sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. LIM 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 LIM College officials or law enforcement will not be subject to LIM College's Student 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.

### **Affirmative Consent**

LIM College follows New York Education Law Article 129-B's definition of affirmative consent which is:

*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.*

Furthermore, 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. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. 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 the lack of consciousness or being asleep, being involuntarily restrained, or if an 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. When consent is withdrawn or can no longer be given, sexual activity must stop.

### **Employee-Student Relationships**

Sexual or amorous relationships between employees (including both faculty and staff) and any student at the College are inappropriate and strictly prohibited. All interactions with students must be strictly professional.

### **Investigations and Sanctions for Employees**

Employees alleged to have committed sexual misconduct or violence against a member of the LIM College community, will be held to the standards and guidelines listed in the LIM College Employee Handbook and other relevant College policies. Any employee found responsible for committing sexual misconduct or violence against a member of the LIM College community, will be subject to disciplinary action that can include termination.

### **Important Definitions and Descriptions**

All forms of sexual misconduct, including bullying, intimidation, harassment, domestic violence, dating violence, cyber bullying, physical misconduct, sexual harassment, sexual assault, sexual exploitation, and stalking, by and against staff, faculty and students are violations of LIM College's policy. Definitions are provided directly in the Appendices.

In addition, New York State and/or the Federal government use the following definitions and descriptions:

1. **Accused:** A person accused of a violation who has not yet entered an institution's judicial or conduct process.
2. **Bystander:** A person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of an institution. Under the definitions in the statute, a bystander is an individual who witnesses or learns of violence or impending violence, but is not directly impacted as a victim or survivor of this violence. They do not have equivalent rights under federal or state law as a "reporting individual" (victim) who is directly impacted by the violence. A bystander does not become a "reporting individual" when they bring forth a report. They remain a bystander.
3. **Code of Conduct:** The written policies adopted by an institution governing student behavior, rights, and responsibilities while such student is matriculated in the institution. The Code of Conduct is intended as the main document by which an institution uses to govern student behavior.
4. **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. Licensed mental health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality.

5. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
6. **Privacy:** An employee may have to share information pursuant to federal or state law or college policy with certain other college employees, but they will not share the private information beyond what is required or needed to comply with law and policy and will otherwise limit disclosure as much as possible. They may not however, offer true confidentiality.
7. **Reporting individual:** Encompasses the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation. (LIM College uses the term reporting party.)
8. **Respondent:** A person accused of a violation who has entered an institution's judicial or conduct process. (LIM College uses the term responding party.)
9. **Sexual Activity:** Contact between the penis and the vulva or the penis and the anus, and for purposes of this definition contact involving the penis occurs upon penetration, however slight; contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; the penetration, however slight, 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 the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
10. **Sexual Contact:** The 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.
11. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others and/or suffer substantial emotional distress.

Additional definitions and the web address to the New York State Penal Code are provided in Appendix D.

### **Education and Prevention**

The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, stalking, sexual assault, and other forms of sexual misconduct that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome.
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

- Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:
  - Identify domestic violence, dating violence, stalking, sexual assault, and other forms of sexual misconduct and violence as prohibited conduct.
  - Use definitions provided both by the Department of Education as well as New York State as to what behaviors constitute domestic violence, dating violence, sexual assault, and stalking.
- What behavior and actions constitute consent, in reference to sexual activity, in the State of (New York).
- The institution’s definition of consent AND the purposes for which that definition is used.
- A description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
- Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Information regarding:
  - procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document).
  - how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document).
  - existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
  - options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document)

The College has developed an educational campaign consisting of multiple presentations that include in-person workshops and educational materials for students and employees.

The following is a list of programs offered by LIM College during the academic year:

- Workshops on Alcohol and Drug Abuse Prevention and Awareness
- Students Challenging Realities and Educating Against Myths (SCREAM) Interactive Theater Presentation
- Workshops on Sexual Health and Responsibility
- Workshops on Understanding Title IX and NYS Enough is Enough (129-B)
- Workshops on Safety and Self Defense

Each year, all new students and new employees receive training on Title IX, 129-B, the Violence Against Women's Act, and related prevention and response information. Special training is provided to student leaders, student mentors, orientation leaders, and residential community advisors. The training also takes into consideration the needs of the entire community including international students, lesbian, gay, bisexual, or transgender (LGBT) students, and students with disabilities. Educational programs are also offered for returning students.

### **Campus Climate Assessment**

At least bi-annually, LIM College conducts a Campus Climate Assessment to ascertain general awareness and knowledge of the College's policies and procedures on preventing and responding to sexual assault and relationship violence. The survey includes questions on:

- the role of the Title IX Coordinator.
- the College's policies and procedures addressing sexual assault.
- how and where to report domestic violence, dating violence, stalking, and sexual assault as a victim, bystander, or witness.
- the availability of resources both on and off campus, such as counseling and medical assistance.
- the prevalence of victimization and perpetration of domestic violence, dating violence, stalking, and sexual assault on and off campus during a set period of time.
- bystander attitudes and behavior.
- whether reporting individuals disclosed to the institution and/or law enforcement experience with reporting and processes, and reasons why they did or did not report.
- the general awareness of the difference, if any, between the institution's policies and the penal law.
- general awareness of the definition of affirmative consent.

The results of the [most recent climate survey can be found by clicking here.](#)

### **Reporting of Crimes and Related Statistics**

Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Security Act (Clery Act), LIM College provides crime statistics in the Annual Security and Fire Safety Report (ASR). The ASR is published on the LIM College website and notice is sent to students, faculty, and staff. Under New York State Education Law 129-B, New York State colleges will begin providing statistics on sexual assault, relationship violence, and other forms of sexual misconduct in 2018. The 129-B statistics will be made available to the LIM College community. Statistical reporting does not include any information that

would identify a student or employee. Any member of the College community wanting a copy of the ASR or crime statistics, may contact one of the Title IX Coordinators for assistance.

### **Timely Warning Notifications**

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Security Act (Clery Act), LIM College will issue a timely warning notification if there is a report of a Clery crime that poses a serious or continuing threat to the LIM College community.

### **Public Awareness and Advocacy Events**

LIM College is not obligated to begin an investigation based on information about or from public awareness and advocacy events, such as candle-light vigils, including individual disclosures of information through a public awareness or advocacy event. The institution may use the information provided at such an event to develop additional education and prevention efforts.

### **Questions and Comments**

Any member of the LIM College community who has questions or concerns regarding any of the information contained in this document should contact one of the Title IX Coordinators listed on page 38.

**Education and Prevention Programs and Initiatives**

LIM College offers opportunities for the community to participate in programming, initiatives and strategies that support prevention and awareness. These endeavors are offered to all new and returning students and employees. Please see chart below for a listing of endeavors, inclusive of the targeted demographic:

The College offered the following **primary prevention and awareness programs** for **all new incoming** students in the 2023-2024 academic year.

<u>Name of Program</u>	<u>Date(s) Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
New Graduate Student Orientation	8/30/2023 1/11/2024	Maxwell Hall 216 E. 45 St NYC	DoV, DaV, SA and S – (Bystander Intervention also covered)
New Student Orientation Undergraduate Students	8/31/2023 1/12/2024	NYC Bar Association 42 W 44th St, New York, NY 10036	DoV, DaV, SA and S – (Bystander Intervention also covered)
All Student Welcome (all students / parents & families)	8/31/2023	NYC Bar Association 42 W 44th St, New York, NY 10036	DoV, DaV, SA and S – (Bystander Intervention also covered)
Consent 101 for International Students	8/30/2023	Maxwell Hall 216 E 45 St NYC	DoV, DaV, SA and S – (Bystander Intervention also covered)

- ❖ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault, and S means Stalking.

The College offered the following **primary prevention and awareness programs** for **all new employees** in the 2023-2024 academic year:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
Overview to Title IX and NY State Enough if Enough	8/28/2023	FOUND Study	DoV, DaV, SA and S
NY State Required Annual Sexual Harassment Training	After hiring or once annually with proof of completion	Virtual Program	DoV, DaV, SA and S

	provided to HR		
Responsible Employee Training	8/28/2023	FOUND Study	DoV, DaV, SA and S
Overview of Student Affairs which included overview to Title IX and NY State Enough is Enough	Conducted routinely as new staff were onboarded Fall 2023 and Spring 2024	Hybrid	DoV, DaV, SA and S

- ❖ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking.

**Ongoing Prevention and Awareness Campaigns**

The College has developed an annual educational campaign consisting of programs, initiatives targeted to students and employees on an ongoing basis. Please see the chart below for a listing of endeavors:

The College offered the following **ongoing awareness and prevention programs** for students in the 2023-2024 academic year:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
Self Defense Workshop	9/20/2023	FOUND Study – Midtown East	DoV, DaV, SA and S – (Bystander Intervention also covered)
Self Defense Workshop	1/30/2024 & 4/16/2024	Maxwell Hall	DoV, DaV, SA and S – (Bystander Intervention also covered)
You & Your Rights	09/02/2022	Director’s Guild of America	DoV, DaV, SA and S – (Bystander Intervention also covered)
Sexual Assault Prevention Training	Ongoing training available through Vector for the 2023/2024 academic year	Virtual	DoV, DaV, SA and S – (Bystander Intervention also covered)

It's On Us	11/14/2022	Maxwell Hall Student Center and Fifth Avenue	DoV, DaV, SA and S – (Bystander Intervention also covered)

- ❖ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking.

The College offered the following **ongoing awareness and prevention programs** for existing employees in the 2023-2024 academic year:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
Minors on Campus Training	6/11/2024	Virtual	DoV, DaV, SA and S
Campus Security Authority/Club Advisor Training	9/11/2023 1/23/2024	Virtual	DoV, DaV, SA and S
Responsible Employee Training	828/2023	FOUND Study	DoV, DaV, SA and S
Executive Team Table Top Exercise	11/3/2023	Fifth Avenue Executive Conference Room	DoV and S
Sexual Harassment Prevention Training	Ongoing program provided by NYC: <a href="https://www.nyc.gov/site/cchr/law/sexual-harassment-training.page">https://www.nyc.gov/site/cchr/law/sexual-harassment-training.page</a>	Virtual	DoV, DaV, SA and S

- ❖ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault, and S means Stalking.

In addition to the aforementioned, all Residential Community Advisors were trained in the fall term on sexual violence prevention and Title IX related matters. This training, for the student leaders, occurred August 29, 2022(fall).

### **LIM-Initiated Protective Measures**

In addition to those protective measures previously described the Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include but are not limited to: a College order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by LIM.

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, LIM will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, protective orders and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the victim's request, and to the extent of the victim's cooperation and consent, College offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, protective measures or transportation situations regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should see any Title IX Coordinator (for students, faculty, and staff). Title IX Coordinator will share written resources that include all options for accommodations, discuss those with the victim, and provide assistance upon request.



## **How to Be an Active Bystander**

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

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

## **Risk Reduction**

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

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don’t know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cab money.
7. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone

- call. If you've left your drink alone, just get a new one.
12. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
  13. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
  14. If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
  15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
    16. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
    17. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
    18. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
    19. Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
  20. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
  21. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

# Appendices

# ***Appendix A***

## **APPENDIX A – STUDENT CODE OF CONDUCT**

### **STUDENT CODE OF CONDUCT**

#### **PREAMBLE**

Admission to LIM College carries with it the expectation that students will conduct themselves as responsible members of the LIM College community and in a professional manner while representing LIM College. This includes an expectation that students will obey all applicable laws; comply with the rules and regulations of LIM College; maintain a high standard of integrity and honesty; will respect the rights, privileges and property of LIM College and members of the LIM College community; not interfere with legitimate LIM College affairs; and be respectful at all times to members of the LIM College community, which includes but is not necessarily limited to students, faculty, staff, guests, and vendors of LIM College.

LIM College may take appropriate disciplinary action as outlined in this policy when a student's conduct violates any section of the Student Code of Conduct or other LIM College policies. The Student Code of Conduct covers inappropriate or unprofessional behavior at LIM College sponsored events and programs, in the classroom, on the Internet, in LIM College facilities, in LIM College student housing, or while participating in internships, study abroad, or exchange programs. Further, the Student Code of Conduct covers student behavior that is determined to interfere with LIM College's educational responsibilities, its subsidiary responsibilities, or with the health and/or the safety of members of the LIM College community. Violation of other LIM College policies and procedures are incorporated within the Student Code of Conduct, even if not specifically mentioned. For policies and procedures that have their own disciplinary procedures, LIM College, at its sole discretion, may choose to take action under either the Student Code of Conduct, the individual policy, or both.

LIM College believes in the open exchange of ideas through the appropriate use of speech. LIM College strongly discourages the quashing of student speech both in and out of the classroom, when that speech furthers the educational purpose and mission of the institution and is presented in an appropriate and respectful manner.

#### **PURPOSE**

The Student Code of Conduct provides a framework of standard acceptable behavior for students at LIM College. The Student Code of Conduct is set forth to give students general notice of prohibited conduct and their rights and responsibilities. The Student Code of Conduct should not be regarded as an exhaustive list of prohibited conduct. Students are responsible for understanding and complying with

both the letter and spirit of the Student Code of Conduct. The Student Code of Conduct applies to any student registered for classes at LIM College, whether physically attending or taking online classes. The College reserves the right to make changes to this code, as necessary. Once changes are posted online, they are immediately in effect.

## **SECTION I. PROCEDURAL STANDARDS AND VIOLATIONS OF LAW**

- 1. Preponderance of the Evidence:** Burden of proof will be established by a preponderance of the evidence in all informal and formal proceedings under the Student Code of Conduct. Preponderance of the evidence is the standard of proof that the evidence is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not.
- 2. Disciplinary Procedures:** The disciplinary procedures for infractions of the Student Code of Conduct are intended to ensure fairness and consistency. Any student who is the subject of a complaint will be notified by LIM College as to the nature of the complaint and allowed a fair opportunity to respond to the complaint.
- 3. Violations of Law:** A student may be held accountable for violations of law under LIM College's disciplinary proceedings outlined in the Student Code of Conduct and also by law enforcement officials. If the violation of law occurs on LIM College property or at an LIM College sponsored program or event, LIM College may institute its own proceedings against the offender and, in addition, may refer the violation to the appropriate law enforcement authorities. If a student is the subject of a drug related arrest, regardless if the student's arrest was associated with the student's LIM College attendance, the student must notify the College, in writing, within 48 hours.

## **SECTION II. JURISDICTION**

Students and student organizations will be considered for disciplinary action under the Student Code of Conduct whenever it is alleged that their conduct may be in violation of the Student Code of Conduct. The Student Code of Conduct covers violations that occur on the LIM College campus and violations that occur off-campus when LIM College reasonably decides that the offcampus conduct has an impact on LIM College. Disciplinary action may be taken by LIM College for any act constituting a violation of the federal, state or city law or other government regulations when the act is believed to be contrary to LIM College's interests, including acts that threaten the lives, health, safety, property, reputation, or academic success of the LIM College community. LIM College students and student organizations will be held responsible for the actions of their guests under the Student Code of Conduct. Approved constitutions or charters governing organizational behavior may be subject to dual action under the Student Code of Conduct and the constitution or charter of the organization, depending on the alleged violation. The Vice President of Student Affairs, or a designee, will make a determination as to which document to use, or both.

The College retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated, for any misconduct that occurred prior to the leave, withdrawal, or graduation. If sanctioned, a hold may be placed on the student's account which will affect the individual's ability to re-enroll and/or obtain official transcripts. All sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed by a graduate, while still enrolled but reported after

graduation, the College may invoke procedures and should the former student/graduate be found responsible, the College may revoke the student's degree.

### **SECTION III. STANDARDS & OFFENSES**

All LIM College students are required to familiarize themselves with and conform to all LIM College rules and regulations governing personal conduct on and off campus. The following represents conduct that may lead to disciplinary action. This list is not exclusive.

**1. Professionalism and Respect Towards Others:** Students are in violation of this standard when they fail to act in a professional and respectful manner towards a member of the LIM College community.

**2. Alcohol:** Students are prohibited from using, selling, sharing, or possessing alcohol on LIM College property or at LIM College events and activities. The only exception to this rule is for students of legal drinking age in New York State at LIM College events where pre-approval for alcohol use has been granted. (See section at end of document on the Amnesty Policy.)

**3. Cannabis:** Students are prohibited from using, selling, sharing, or possessing cannabis on LIM College property or at LIM College events and activities. (See section at end of document on the Amnesty Policy.)

**4. Illegal and Controlled Substances:** Students are prohibited from using, selling, sharing, or possessing illegal and controlled substances on LIM College property or at LIM College events and activities. Students are prohibited from abusing prescription medications and from giving those medications to others.

**5. Drug Paraphernalia:** Students are prohibited from using, selling, sharing or possessing drug paraphernalia. Drug paraphernalia includes: hookahs, bong, needles, or any device used to introduce a substance into the human body.

**6. Smoking and Tobacco Use:** The smoking of tobacco or related products is prohibited on LIM College property, including the front entrances to College buildings and at LIM College sponsored activities and events. This ban also includes the use of tobacco and related products through means other than smoking, such as, but not limited to, the use of vaporizers, e-cigarettes, and chewing tobacco.

**7. Breach of Campus Safety:** Students are in violation of this offense when LIM College reasonably determines there is a breach of campus safety and security; inappropriate and unauthorized use of equipment or services; unauthorized entry or use of college property; and/or obstruction of LIM College operations. Vandalism, destruction, or misuse of property is prohibited. Vandalism occurs when a student causes damage or destruction to College property. Animals, with the exception of service animals approved by the Office of Student Affairs, are prohibited. Emotional support animals, if approved, are only permitted in the residential community; not in any other campus building. Skateboards, rollerblades, roller-skates, bicycles, scooters and similar wheeled devices are not permitted inside buildings, with the exception of those approved by the Office of Student Affairs. Additionally, all students are required to carry their LIM College identification at all times to prove identity and access campus buildings

**8. Disorderly Conduct and/or Disruptive Behavior:** Disorderly conduct or disruptive behavior is any activity that interferes with or obstructs LIM College activities, systems, or services, as well as activity that interferes with the rights of other members of the LIM College community.

**9. Theft:** Theft includes unauthorized use or possession of LIM College property or services, or the property or services of members of the LIM College community.

**10. Possession of Weapons:** The possession or use of unauthorized firearms or other weapons at LIM College is prohibited. A weapon is broadly defined to include items such as, but not limited to, firearms, BB guns, knives, explosives, toys that resemble weapons, explosive fuels, dangerous chemicals, clubs, and fireworks. Any object that is intended to, or is used in such a manner that it could, hurt or harm a person or destroy property is considered a weapon.

**11. Complicity:** Complicity is defined as aiding, abetting, attempting, conspiring, hiring, willfully encouraging or being an accessory to any violation of the LIM College Student Code of Conduct, or any federal, state or local law.

**12. Non-Compliance:** A student is found to be in violation of this offense when the student fails to comply with the directives of an LIM College official or those of federal, state, or local officials in the performance of their duties, or when a student ignores established health and safety procedures. This includes a failure to identify oneself and show proper identification upon request by an LIM College or government official.

**13. False Information:** Students are prohibited from providing false information to any member of the LIM College community or in relation to their studies at LIM College, as well as from forging or altering school related documents.

**14. Gambling:** Gambling, the wagering of money or items of value, is not permitted on LIM College property.

**15. Solicitation:** LIM College prohibits the distribution or posting of advertisements, samples, and products, as well as any form of sales of goods or services, on LIM College property or at LIM College sponsored events or activities. Students and student organizations must obtain prior written authorization by the Vice President of Student Affairs or a designee to post or otherwise distribute posters, flyers, brochures, or related materials on the LIM College campus. LIM College prohibits students from operating businesses and/or services with or without a professional services license.

**16. Unauthorized or Inappropriate Use of LIM College Name:** Students are prohibited from the unauthorized or inappropriate use of the LIM College name, logo, and related LIM College property.

**17. Infringement of Copyright or Trademark Laws:** The unauthorized reproduction and distribution of copyrighted material and trademarks is a violation of LIM College policy and puts the student at risk for violating the law. See LIM College's Peer-to-Peer File Sharing Policy in the Information Technology Department section for more detailed information and restrictions.

**18. Misuse of Housing Services:** Students living in or visiting the FOUND Study Midtown East Residence Hall are bound by FOUND Study's housing policies and procedures; These various policies and procedures, as well as the Student Code of Conduct, will be used in investigating and adjudicating alleged violations.

**19. Improper Computer Use:** Improper computer use is any act involving LIM College computers and related systems that violates the LIM College Computer Use Policy and/or is otherwise deemed improper by LIM College.

**20. Failure to Carry LIM College ID:** All students must carry their LIM College ID card at all times, while on LIM College property. LIM College Identification Cards (ID) are the property of LIM College and their use is governed by the College in its sole discretion. The ID card is

nontransferable; lending the ID card to anyone for any purpose is prohibited and may result in disciplinary action. ID cards must be surrendered to College officials, including access control personnel, upon request; failure to comply may result in disciplinary action.

**21. Student Clubs and Organizations Policy Violations:** LIM College approved clubs and organizations are fully expected to abide by the Student Code of Conduct. Failure to do so can result in disciplinary action against the club or organization, as well as individual members. LIM College reserves the right to sanction clubs and organizations that are not officially recognized by the College.

**22. Bullying and Cyberbullying:** Bullying and cyberbullying are repeated and/or aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression. Cyberbullying, specifically, is harassing behavior where communication is not carried out face-to-face, but takes place via any electronic or cyber technology. This includes, but is not limited to, internet or cell phone emails, instant messaging, social networking websites, and/or video.

**23. Inappropriate, Defamatory, or Disruptive Use of Social Media and Other Internet Based Communications:** The inappropriate, defamatory, or disruptive use of social media or internet-based communications, including but not limited to email, is a violation of the Student Code of Conduct.

**24. Discrimination:** Any act or failure to act that is based upon an individual or group's actual or perceived status, which includes, but is not limited to sex, gender, gender identity, gender expression, age, race, color, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, sexual orientation, religion, or other protected status, that is sufficiently severe that it limits or denies the ability to participate in or benefit from LIM's educational program or activities.

**25. Harassment:** Harassment is any verbal, physical, violent, unwanted, and/or threatening behavior, either a single incident or a series of incidents, including hazing.

**26. Physical Misconduct:** Physical misconduct includes threats and acts of physical violence, including but not limited to acts of domestic and dating violence.

**27. Sexual Harassment:** Sexual Harassment includes any unwelcome sexual threat, demand, advances, requests for sexual favors, and/or verbal or physical conduct of a sexual nature regardless of the sex of the person or who it originates from. Sexual Harassment as conduct on the basis of sex that satisfies one or more of the following: (i) An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo); (ii) Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; or (iii) Sexual assault (as defined in the Clery Act), or dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

**28. Sexual Assault:** Sexual assault is any non-consensual sexual act. LIM College follows New York Education Law Article 129-B's definition of affirmative consent which 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 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. A detailed definition of consent, as well as



additional information and resources related to sexual assault, are available in the LIM College Annual Security and Fire Safety Report located at: <http://www.limcollege.edu/safety>.

**29. Sexual Exploitation:** Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for personal gain. Sexual exploitation includes but is not limited to the non-consensual taking and/or sharing of sexual images or activity.

**30. Stalking:** Stalking is a course of persistent, unwanted conduct towards another. Stalking behavior includes but is not limited to unwanted phone calls, e-mails, and texts; showing up unwanted at someone's home, school, or place of employment; and sending unwanted gifts, cards, or letters. See the LIM College Annual Security and Fire Safety Report, located at <http://www.limcollege.edu/safety>, for more detailed definitions and additional information.

**31. Failure to Meet Terms of Sanctions and Mediation:** A student found in violation of the Student Code of Conduct, who is sanctioned and then violates the terms of the sanctions, is in further violation of the Student Code of Conduct and faces additional disciplinary action. Students who agree to the terms of a mediation and then violate those terms, will be in violation of the Student Code of Conduct.

#### **SECTION IV. MEDIATION**

Mediation is a confidential process for resolving disputes. The Vice President of Student Affairs, or their designee, will appoint a mediator to assist students in finding a mutually acceptable solution to their dispute. Mediation can be required by the Vice President of Student Affairs, or a designee, when an incident report is generated. Any outcomes and agreements are binding for all parties involved. Mediation will not be used to adjudicate or otherwise resolve complaints of sexual harassment, sexual assault, sexual exploitation, stalking, bullying, harassment, and acts of physical violence. LIM College reserves the right not to use mediation for resolving disputes when it is determined mediation is not in the best interest of either party or the LIM College community.

#### **SECTION V. INTERIM SUSPENSION**

LIM College reserves the right to suspend students on an interim basis from LIM College property, programs, and functions pending the outcome of a disciplinary review, where there is reasonable cause to believe the student's alleged behavior or continued presence at the institution poses a danger to the health, safety, or general welfare of the LIM College community. Further restrictions, including but not limited to not contacting other members of the LIM College community, can be added as part of the interim suspension. The student will be notified of the interim suspension and related terms in writing by the Vice President of Student Affairs or a designee. Recognizing the impact an interim suspension has on a student, LIM College will make a reasonable effort to expedite the disciplinary review process. LIM College also reserves the right to suspend students on an interim basis from specific classes. Any student who poses a disruption to a class or program may be asked to leave that class or program immediately, pending further review by the Vice President of Student Affairs or a designee.

#### **SECTION VI. DISCIPLINARY REVIEW PROCEDURES**

**1. Reporting an Incident:** Any member of the LIM College community may report an alleged violation of the Student Code of Conduct, other college policy, or law with the Vice President of

Student Affairs. The Vice President of Student Affairs, or a designee, may meet with the reporting party and may request the report be made in writing. The intentional filing of a false report will subject the person filing the report to disciplinary action.

**2. Definitions:** The person filing the report is referred to as the reporting party. The person alleged to have violated the Student Code of Conduct, other college policy, or law is referred to as the responding party.

**3. Preliminary Review:** Upon receiving a report or otherwise learning of an alleged violation of the Student Code of Conduct or other college policy, the Vice President of Student Affairs, or a designee, will conduct a preliminary review of the complaint to determine if there is sufficient information or basis to conduct a disciplinary review.

**4. Meeting with Reporting Party:** The Vice President of Student Affairs, or a designee, may meet with the reporting party to review the complaint and request additional information. The Vice President of Student Affairs, or a designee, may also meet with other members of the LIM College community who may have information to share in relation to the complaint. The reporting party will be given a copy of LIM College's Student Code of Conduct and and/or any other relevant policies and procedures.

**5. Dismissal of Complaint:** If the Vice President of Student Affairs, or a designee, finds insufficient information or basis to support the complaint, they are authorized to dismiss the complaint.

**6. Notification to Responding Party:** If the Vice President of Student Affairs, or a designee, determines there is sufficient information or basis to support the complaint, the responding party will be notified in writing as to the receipt of the complaint, the opportunity to respond to the complaint, and the need to meet with the Vice President of Student Affairs or a designee. Upon meeting with the Vice President of Student Affairs, or a designee, the reporting party will be given access to LIM College's Student Code of Conduct and/or any other relevant policies and procedures.

**7. Disciplinary Review by Vice President of Student Affairs or Designee:** The Vice President of Student Affairs or a designee will meet with the responding party to review the allegations. The responding party will be given the opportunity at this meeting to respond to the allegations. The Vice President of Student Affairs, or a designee, may also meet with other members of the LIM College community who may have information to share in relation to the complaint. The Vice President of Student Affairs, or designee, will determine at this meeting if the matter is to be referred to a Disciplinary Hearing Board (DHB). If the matter is not to be referred to the DHB, the Vice President of Student Affairs, or designee, will make a determination after the disciplinary review meeting as to whether the student violated the Student Code of Conduct or other college policy, and if so, determine appropriate sanctions. The responding party will be notified as to this decision and related sanctions in writing. The responding party will have the right to appeal the decision and related sanctions under the appeal procedures listed in the Student Code of Conduct.

**8. Disciplinary Review by Disciplinary Hearing Board:** The Vice President of Student Affairs or designee will determine what incidents are to be referred to the Disciplinary Hearing Board (DHB) for review. Complaints of sexual harassment, sexual assault, sexual exploitation, stalking, bullying, harassment, and acts of physical violence will always be referred to the DHB, unless the responding party in the matter options for an administrative determination, if given a choice. Both the reporting party and the responding party will be notified in writing as to the date, time,

and location of the DHB review. The reporting and responding parties will not meet with the DHB at the same time. Both parties may bring an advisor of her/his choice to the review, although this advisor may not actively participate in the process. The advisor can be present to serve as support for the party, however, will not be permitted to ask or answer questions on the student's behalf. Both parties may present testimony and evidence to the DHB for review. Both parties are entitled to review available evidence held in the College's possession prior to the hearing. Parties will be required to submit a written request in order to review available evidence. The DHB will be comprised of, at least, three members. A chair will be chosen at the time the board is convened. Hearings are closed to the public and all deliberations of the DHB are confidential. Character witnesses are not allowed; only witnesses with direct knowledge of the incident in question may be called. The DHB may call its own witnesses, request additional information from any source, or postpone the hearing at any time prior to their official written decision being rendered. If the reporting party or the responding party fails to attend the disciplinary hearing, the DHB may choose to conduct the hearing or postpone the hearing at their sole discretion.

**9. Notification of Outcome:**

A. For violations concerning alleged sexual offenses, stalking, domestic violence, and dating violence, both the reporting party and the responding party will be notified in writing of the final outcome of the disciplinary hearing process as well as any sanctions and a rationale for the DHB's decision. These notifications will occur at the same approximate time. Both the reporting party and the responding party have the right to appeal the decision and sanctions.

B. For all other violations, the responding party will be notified in writing of the final outcome of the disciplinary hearing process as well as any sanctions.

**10. Appeals:** For violations concerning alleged sexual offenses, stalking, domestic violence, and dating violence, both the reporting party and the responding party have the right to appeal. For all other violations, only the responding party has the right to appeal.

Appeals may only be made on one or more of the following grounds:

- It can be clearly and specifically demonstrated that the student was denied a fair review;
- The sanctions imposed were disproportionate to the offense for which the student was found responsible; and/or
- New information that was not available and could not have been available at the time of the hearing has surfaced, the consideration of which would likely have resulted in a different conclusion or sanction.

Appeals must be in writing and include the grounds for the appeal. Appeals must be made within 10 (ten) calendar days, not to include days LIM College is closed, of the date of the outcome letter. The appeal must be addressed to the college official indicated in the outcome letter as responsible for reviewing appeals. The party filing the appeal will be notified in writing as to the outcome of the appeal. For violations concerning alleged sexual offenses, stalking, domestic violence, and dating violence, both the reporting party and the responding party will be notified. These notifications will be sent at the same approximate time. Any, and all, appeal decisions are final.

**SECTION VII. SANCTIONS ADMINISTERED BY A JUDICIAL BODY FOR VIOLATIONS OF THE CODE OF CONDUCT AND OTHER COLLEGE POLICIES**

- 1. Written Reprimand:** The responding party is issued a written reprimand to be placed in the student's disciplinary file. (This sanction may not be used for cases of sexual offenses, stalking, domestic violence, and dating violence.)
- 2. Disciplinary Probation:** The responding party is issued a written reprimand with the added condition that if the student is found responsible for a future violation of the Student Code of Conduct during a specified period of time, LIM College may, within its discretion, suspend or expel the student.
- 3. Disciplinary Suspension:** The responding party is suspended from LIM College for a specified period of time. Approval to return to LIM College after the suspension is at the discretion of the Vice President of Student Affairs or a designee.
- 4. Financial Restitution:** The responding party is charged for loss or damage to property of LIM College. The responding party may also be held accountable for reimbursing the reporting party for damage caused to property. This is not a fine but, a repayment for property destroyed, damaged, consumed or stolen.
- 5. Restrictions and Loss of Privileges:** The responding party is subject to specific restrictions and loss of privileges including but not limited to removal from college property. LIM College reserves the right to change a student's housing and class schedule prior to the outcome of a hearing when it is determined that such actions are in the best interest of the LIM College community.
- 6. Expulsion:** The responding party is permanently removed from LIM College.
- 7. Fines:** Reasonable fines may be imposed for specified violations, which include smoking, alcohol, cannabis, and/or other drug related violations.
- 8. Confiscation of Prohibited Property:** Item(s) in violation of policy will be confiscated and will become the property of the College. Prohibited items confiscated will not be returned.
- 9. Behavioral Requirement Contract:** The responding party will be required to adhere to certain standards of behavior while on campus and/or participating in College sponsored activities. Additional requirements may be put into place to include academic counseling, substance abuse screening, etc.
- 10. Educational Program:** The responding party may be required to attend, present, or participate in a program related to the violation.
- 11. Restriction of Visitation/Guest Privileges:** The responding party may be prohibited from bringing guests on campus and/or to any LIM College leased building.
- 12. Other Sanctions:** Additional or alternate sanctions may be created, designed and imposed as deemed appropriate to the offense.

Note: Any time a student is found responsible for committing a violent act, including but not limited to sexual misconduct, Education Law Article 129-B requires a notation be made on the student's transcript. The notation may read, "suspended after finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." If a student withdraws from the institution while conduct charges are pending, and declines to complete the disciplinary process, as outlined above, a notation will be made on the transcript indicating the student "withdrew with conduct charges pending."

## **SECTION VIII. THE STUDENT'S BILL OF RIGHTS**

The following student's Bill of Rights lists the rights students can expect when reporting sexual offenses and relationship violence to LIM College.

All students have the right to:

- Make a report to the College
- Be protected by the College from retaliation for reporting an incident
- Receive assistance and resources from the College
- Make a report to local law enforcement, and/or the state police
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard
- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations
- Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident
- Be protected from retaliation by the institution, any student, the accused, and/or the respondent, and/or their friends, family, and acquaintances, within the jurisdiction of the institution
- Access at least one level of appeal of a determination
- Be accompanied by an advisor of choice who can serve as support for a reporting individual, accused, or respondent throughout the conduct process, however is unable to actively participate in the process by asking or answering questions on the student's behalf
- Have the institution's judicial/student conduct process run concurrently with any criminal justice investigations and proceedings
- Be presumed to be not responsible until a determination is reached
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution

#### **SECTION IX. AMNESTY POLICY**

The health and safety of the LIM College community is of utmost importance. LIM 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. LIM 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 who discloses any incident of domestic violence, dating violence, stalking, or sexual assault to LIM College officials or law enforcement will not be subject to LIM College's Code of Conduct section for violation of alcohol and/or drug use policies occurring at or near the time of the commission of domestic violence, dating violence, stalking, or sexual assault.

For additional information, please see LIM College's Sexual Misconduct and Violence Prevention resources available at:

<https://www.limcollege.edu/academics/advising-support/policies-procedures/sexual-misconduct-and-violence-prevention>

Any member of the LIM College community who has questions or concerns regarding the LIM College Student Code of Conduct may contact the Vice President of Student Affairs.

# ***Appendix B***

### **General Procedures for Reporting a Crime or Emergency**

Students, faculty, staff, and guests of LIM College can report all crimes and emergencies directly to the New York Police Department (NYPD) by dialing 911. Reports can also be made to LIM College's facilities department during normal business hours, and by calling the College's emergency phone number at 212-310-0660 or dialing 777 on an internal phone for all LIM facilities with the exception of the FOUND Study Midtown East and FOUND Study Turtle Bay Residence Halls.

At FOUND Study – Midtown East and FOUND Study – Turtle Bay, all crimes and emergencies can be reported directly to the New York Police Department (NYPD) by dialing 911. Reports can also be made to the LIM College Housing and Residence Life staff at 646-388-8428 during normal business hours. Outside of business hours, individuals should call the FOUND Study Midtown East Main Desk for reports regarding residential students at 212-350-6149 or the FOUND Study Turtle Bay Main Desk at (866) 341-2818.

In response to a call, the NYPD will take action it deems appropriate, generally either dispatching an officer to the caller's location or asking the caller to report to the nearest NYPD precinct to file a report. Internal reports involving a student made to LIM College officials will also be forwarded to the Office of Student Affairs. The Vice President of Student Affairs/Title IX Coordinator, the Assistant Vice President of Student Affairs or a designee for cases that occur in the residence hall, is responsible for reviewing all reports and determining if an investigation and any further action is warranted.

It is important to know that LIM College does not have a proprietary police or security department. The College hires contract access control personnel to work in the College's buildings at 216 East 45<sup>th</sup> Street during normal business hours and into the evenings when the buildings are open and accessible to students and staff. The access control personnel's responsibilities involve providing access control services for those facilities and providing general assistance to students, staff and visitors. The College also has long-term leased space at 545 Fifth Avenue where access control personnel staff the lobby and card access is required. LIM College does not have any student organizations that have off-campus housing facilities.

None of the access control personnel working in any of the LIM College facilities have the authority to make arrests. The LIM security staff are not sworn officers, but staff members from a contracted service, holding Security Guard licenses in accordance with Article 7A of the New York General Business Law. Their jurisdiction is limited to the entryways of buildings and properties owned or controlled by the College. Unless directly related to an incident, they are not part of any investigation or are required to write up reports. Other employees at the College, including facilities and residence life staff, will assist in the reporting and investigation of criminal and non-criminal offenses that may take place on-campus



and in the residence hall. These staff members are responsible for enforcing College policies. Violations of the law are also violations of LIM College policies as indicated in the Student Code of Conduct.

While there is no proprietary police or security department at LIM College, institutional representatives do work with the NYPD as needed and the College is continuing to build relationships with local precincts. If a criminal incident were to be reported to LIM College, appropriate College personnel would investigate and offer to assist in filing the necessary report with the NYPD. There are currently no written agreements regarding the investigation of alleged criminal incidents between LIM College and the NYPD.

In the event of an **emergency**, you should call **9-1-1**.

If you would like to report a **non-emergency**, you can contact the local law enforcement precinct in your neighborhood or in LIM College's neighborhood. The local precinct near campus is:

**NYPD 17<sup>th</sup> Precinct**

167 E.51<sup>st</sup> Street, New York, NY 10022

Main Telephone: 212-826-3211

Domestic Violence Unit: 212-826-3210

You can also make reports to the **New York State Police's Campus Sexual Assault Unit**: Hotline (24/7):  
1-844-845-7269

# ***Appendix C***

## Emergency Medical Care and Other Community Resources

### **Mount Sinai Adolescent Health Center:**

Mount Sinai Adolescent Health Center (MSAHC) provides an array of services to college students, including:

- Medical care for victims of sexual assault, domestic violence, dating violence, and stalking;
- Counseling and mental health care for victims of sexual assault, domestic violence, dating violence, and stalking;
- Prevention and intervention services for sexual assault, domestic violence, dating violence, and stalking;
- Sexual and reproductive health care;
- Specialized services for the LGBT community; and
- Specialized services for victims of sexual, dating, and domestic violence including trauma focused counseling, victim support groups, family therapy, and advocacy and legal help.

The facility is located on East 94<sup>th</sup> Street. Students may contact MSAHC directly at:

312-320 East 94<sup>th</sup> Street

New York, NY 10128

Phone: 212.423.3000

<https://teenhealthcare.org/>

Any student who wants assistance contacting MSAHC can ask one of the Title IX Coordinators.

### **New York Department of Health Certified Sexual Assault Forensic Examiner (SAFE) Centers of Excellence**

In addition, many other area hospital emergency rooms are certified by the New York State Department of Health as Sexual Assault Forensic Examiner (SAFE) Centers of Excellence, which offer a victim-centered approach to acute health care for sexual assault patients.

The SAFE Centers listed below provide sexual assault patients with:

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

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

### **Manhattan**

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

### **Brooklyn**

- Woodhull Medical and Mental Health Center (HHC) 760 Broadway
- Coney Island (HHC) 2601 Ocean Parkway
- Kings County Hospital Center (HHC) 451 Clarkson Avenue

### **Bronx**

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

### **Queens**

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

### **Staten Island**

- Richmond University Medical Center (IN) 355 Bard Avenue

In addition to the SAFE Centers, Lenox Hill Hospital, 100 East 77<sup>th</sup> Street (off of Park Avenue) and NYU Medical Center, 550 First Avenue (at 33<sup>rd</sup> Street) are near LIM College.

Also, there are multiple walk-in medical clinics in Manhattan:

- DR Walk-In ([www.drwalkin.com](http://www.drwalkin.com))
- City MD Urgent Care ([www.citymd.com](http://www.citymd.com))

### **Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs**

If you are the victim of sexual assault, dating violence or domestic violence, the victim should:

- Get to a safe place. (For example, someone's home, the nearest hospital or police precinct.)
- Call 911 to be taken to an emergency room for medical care and/or for immediate police protection and assistance. A complete medical evaluation will include a physical examination, treatment, evidence collection, and counseling. Remember, you will not be made to do anything you do not want to do and may decline any part of the evaluation.
- If you have been sexually assaulted, it is important to seek medical care, especially if you have been physically injured. Even if you do not have any visible physical injuries from the assault, there may be physical injuries that you cannot see, and medical and health centers can provide additional services such as testing for sexually transmitted diseases and emergency contraception.
- When you call 911, explain what has happened and request to be sent to an emergency department that is a certified SAFE Center of Excellence.
- Do not change clothes, bathe, douche, or brush your teeth. This is important for the evidence collection process that will occur at the hospital.
- If you seek to place a report with the police or press charges, it is best for evidence collection to occur within 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order
- Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to College adjudicators/investigators or police.
- Evidence collection does not require you to place a report with the police or press charges, but preserves evidence if you wish to place a report or press charges in the future.
- As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Public Safety or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the College at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

### **Other Community Resources**

In addition to the medical, emergency, sexual health and family planning, mental health, and intervention services provided by the Mount Sinai Adolescent Health Center and the other organizations listed on the previous pages, there are many other resources in our community that provide important services and assistance to individuals who might need help.

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

#### **Safe Horizon NYC:**

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

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

#### **Sylvia Rivera Law Project:**

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

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

#### **Immigrant Defense Project:**

40 W. 39<sup>th</sup> Street, Suite 501, New York, NY 10018 212-725-6422 [www.immdefense.org](http://www.immdefense.org)

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

### **On and Off Campus Services for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, LIM College will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

<b>ON CAMPUS</b>	<b>Type of Services Available</b>	<b>Service Provider</b>	<b>Contact Information</b>
Counseling	Students: Personal Psychological	LIM College's Office of Counseling Services	646-218-6048
Health	N/A	N/A	N/A
Mental Health	Students: Psychological	LIM College's Office of Counseling Services	646-218-6048
Victim Advocacy	Students: Support and Referrals	LIM College's Office of Student Affairs	646-388-8439
Legal Assistance	N/A	N/A	N/A
Visa and Immigration Assistance	Students: Referrals and Maintaining Status	LIM College's Office of International Student Services	646-388-8440
Student Financial Aid	Students: Counseling, FAFSA, etc.	LIM College's Office of Student Financial Services	212-310-0693
Other	N/A	N/A	N/A

<b>OFF CAMPUS</b>	<b>Type of Services Available</b>	<b>Service Provider</b>	<b>Contact Information</b>
Counseling	Employees: EAP	Lincoln Financial Group	888-628-4824
Health	Students: Medical and Dental Care	Mount Sinai Adolescent Health Center	212-423-3000
Mental Health	Employees: EAP	Lincoln Financial Group	888-628-4824 646-218-6048

	Students: Psychiatric Care	Dr. Michelle Rottenstein (private provider)	
Victim Advocacy	Employees: EAP  Students: Support and Referrals	Lincoln Financial Group  Mount Sinai Adolescent Health Center	888-628-4824  212-423-3000
Legal Assistance	Employees: EAP	Lincoln Financial Group	888-628-4824
Visa and Immigration Assistance	Students: Legal Assistance	Goldstein and Cheung, LLP	212-374-1544
Student Financial Aid	Students: Financial Aid Information	NYS Higher Education Services Corporation	888-697-4372
Student Financial Aid	Students: Financial Aid Information	U.S. Department of Education	800-433-3243
Other	N/A	N/A	N/A

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

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

<https://www.justice.gov/ovw/sexual-assault> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights



# ***Appendix D***

## Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- **Domestic Violence:**
  - i. A Felony or misdemeanor crime of violence committed—
    - A) By a current or former spouse or intimate partner of the victim;
    - B) By a person with whom the victim shares a child in common;
    - C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
    - D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
    - E) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
  - ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
  
- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  - i. The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - ii. For the purposes of this definition—
    - A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - B) Dating violence does not include acts covered under the definition of domestic violence.
  - iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
  
- **Sexual Assault** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”
  
- **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the

victim.

- **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.
- **Stalking:**
  - i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
    - A) Fear for the person’s safety or the safety of others; or
    - B) Suffer substantial emotional distress.
  - ii. For the purposes of this definition—
    - A) *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
    - B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
    - C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - iii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### **New York State Penal Code Definitions**

The following definitions, unless otherwise noted, are from the New York State Penal Code. The web address for the Penal Code is included at the end of this section.

**Aggravated Sexual Abuse in the Fourth Degree:** A person is guilty of aggravated sexual abuse in the fourth degree when he or she inserts (1) a foreign object in the vagina, urethra, penis, rectum or anus of another person and the other person is incapable of consent by reason of some factor other than being less than seventeen years old; or (2) a finger in the vagina, urethra, penis, rectum or anus of another

person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than seventeen years old.

Conduct performed for a valid medical purpose does not violate the provisions of this section.

**Aggravated Sexual Abuse in the Third Degree:** A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person (1) by forcible compulsion; (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old; or (4) causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated. Conduct performed for a valid medical purpose does not violate the provisions of this section.

**Aggravated Sexual Abuse in the Second Degree:** A person is guilty of aggravated sexual abuse in the second degree when he or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person (1) by forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old. Conduct performed for a valid medical purpose does not violate the provisions of this section.

**Aggravated Sexual Abuse in the First Degree** A person is guilty of aggravated sexual abuse in the first degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person (1) by forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old. Conduct performed for a valid medical purpose does not violate the provisions of this section.

**Criminal Sexual Act in the Third Degree:** A person is guilty of criminal sexual act in the third degree when he or she engages in oral or anal sexual conduct (1) with a person who is incapable of consent by reason of some factor other than being less than seventeen years old; (2) being twenty-one years old or more, with a person less than seventeen years old; (3) with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

**Criminal Sexual Act in the Second Degree:** A person is guilty of criminal sexual act in the second degree when he or she engages in oral or anal sexual conduct with another person (1) and is 18 years or more

and the other person is less than fifteen years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

**Criminal Sexual Act in the First Degree:** A person is guilty of criminal sexual act in the first degree when he or she engages in oral or anal sexual conduct with another person (1) by forcible compulsion; (2) who is incapable of consent by reason of being physically helpless; (3) who is less than eleven years old; or (4) who is less than thirteen years old and the actor is eighteen years old or more.

**Dating Violence:** New York State does not have a definition for dating violence. However, acts of dating violence can potentially be violations of sections of the New York Penal Code. Under the Violence Against Women Act, dating violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

**Domestic Violence:** The State of New York defines domestic violence as a pattern of coercive tactics, which can include physical, psychological, sexual, economic and emotional abuse, perpetuated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim. Acts of domestic violence can potentially be violations of sections of the New York Penal Code including harassment, assault, and aggravated sexual abuse. See [www.nycourts.gov](http://www.nycourts.gov) for additional information.

**Family or Household Member and Intimate Relationship:** Under New York Criminal Procedure Law Section 530.11, members of the same family or household with respect to a proceeding in the criminal courts shall mean the following: (1) persons related by consanguinity or affinity; (2) persons legally married to one another; (3) persons formerly married to one another regardless of whether they still reside in the same household; (4) persons who have a child in common, regardless of whether such persons have been married or have lived together at any time; and (5) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors the court may consider in determining whether a relationship is an “intimate relationship” include but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an “intimate relationship”.

**Forcible Touching:** A person is guilty of forcible touching when such person intentionally, and for no

legitimate purpose (1) forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or (2) for the purpose of gratifying the actor's sexual desire; (3) subjects another person to sexual contact for the purpose of gratifying the actor's sexual desire and with intent to degrade or abuse such other person while such other person is a passenger on a bus, train, or subway car operated by any transit agency, authority or company, public or private, whose operation is authorized by New York State or any of its political subdivisions. For the purposes of this section, forcible touching includes squeezing, grabbing or pinching.

**Immediate Family:** Immediate family means the spouse, former spouse, parent, child, sibling, or any other person who regularly resides or who has regularly resided in the household of a person.

**Lack of Consent:** Whether or not specifically stated, it is an element of every sexual act committed without consent of the victim. Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances. A person is incapable of consent when he or she is: less than seventeen years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services, a hospital, the office of children and family services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the office of mental health, the office for people with development disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

**Persistent Sexual Abuse:** A person is guilty of persistent sexual abuse when he or she commits a crime of forcible touching, or second or third degree sexual abuse within the previous ten-year period, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of one of the above mentioned crimes or any offense defined in this article, of which the commission or attempted commissions thereof is a felony.

**Rape in the Third Degree:** A person is guilty of rape in the third degree when he or she (1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than seventeen years old; (2) being twenty-one years old or more, engages in sexual

intercourse with another person less than seventeen years old; or (3) engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

**Rape in the Second Degree:** A person is guilty of rape in the second degree when he or she (1) being eighteen years old or more, engages in sexual intercourse with another person less than fifteen years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree the defendant was less than four years older than the victim at the time of the act.

**Rape in the First Degree:** A person is guilty of rape in the first degree when he or she engages in sexual intercourse with another person (1) by forcible compulsion; or (2) who is incapable of consent by reason of being physically helpless; or (3) who is less than eleven years old; or (4) who is less than thirteen years old and the actor is eighteen years old or more.

**Sexual Misconduct:** A person is guilty of sexual misconduct when he or she (1) engages in sexual intercourse with another person without such person's consent; or (2) engages in oral sexual conduct or anal sexual conduct with another person without such person's consent; or (3) engages in sexual conduct with an animal or a dead human body.

**Sexual Abuse in the Third Degree:** A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that (1) such other person's lack of consent was due solely to incapacity to consent by reason of being less than seventeen years old; and (2) such other person was more than fourteen years old and (3) the defendant was less than five years older than such other person.

**Sexual Abuse in the Second Degree:** A person is guilty of sexual abuse in the second degree when he or she subjects another person to sexual contact and when such other person is (1) incapable of consent by reason of some factor other than being less than seventeen years old; or (2) less than fourteen years old.

**Sexual Abuse in the First Degree:** A person is guilty of sexual abuse in the first degree when he or she subjects another person to sexual contact (1) by forcible compulsion; (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old; or (4) when the other person is less than thirteen years old and the actor is twenty-one years old or older.

**Stalking in the Fourth Degree:** A person is guilty of stalking in the fourth degree when he or she intentionally, and for not legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct: (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 (2) 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, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her 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.

**Stalking in the Third Degree:** A person is guilty of stalking in the third degree when he or she (1) commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or (2) commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) with an intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or (4) commits the crime or stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

**Stalking in the Second Degree:** A person is guilty of stalking in the second degree when he or she (1) commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, sligshot, slungshot, shirken, "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapons; or (b) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) commits the crime of stalking in the fourth degree and has previously

been convicted of stalking in the third degree; or (4) being twenty-one years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts



over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or (5) commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

**Stalking in the First Degree:** A person is guilty of stalking in the first degree when he or she commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she: (1) intentionally or recklessly causes physical injury to the victim of such crime; or (2) commits a class A misdemeanor, or a class E felony, or a class D felony.

The New York State Penal Code can be found at <http://ypdcrime.com/penal.law/>.

# ***Appendix E***

## **EMPLOYEE HANDBOOK**

### **RESPECTFUL COMMUNITY AND ETHICAL MINDSET**

LIM College continually strives to foster an environment characterized by respectful community and ethical mindset. The policies below aim to support our commitment to embrace trust, diversity, and respect while acting with honesty, integrity, and accountability.

The following policies and procedures apply to sexual harassment in and/or affecting the workplace. LIM College also complies with all applicable provisions of Title IX, The Violence Against Women Act and New York State Education Law Article 129-B (Enough is Enough). For information regarding these policies, please refer to “Policies, Procedures, and Resources for Preventing and Responding to Sexual Misconduct and Violence” located at: [Sexual misconduct and violence prevention | LIM College.](#)

If you are unsure whether your matter falls under LIM College’s Sexual Harassment policies or those other policies, please speak to Danny Trujillo, Vice President of Student Affairs and Title IX Coordinator.

### **POLICY AGAINST DISCRIMINATION AND HARASSMENT**

LIM College is committed to promoting a respectful and productive environment that emphasizes the dignity and worth of every member of the College community. Consistent with this end, LIM College prohibits discrimination and harassment on the basis of race, color, national or ethnic origin, sex, age, disability, religion, sexual orientation, gender identity or expression, genetic information, and any other characteristic protected by applicable law, in the administration of its programs and activities. No member of the LIM College community shall retaliate, intimidate, threaten, coerce or otherwise discriminate against a person who files a complaint under this policy or otherwise assists or participates in a proceeding related to such a complaint.

LIM College is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of LIM College’s commitment to a discrimination-free work environment. Sexual harassment is against the law. (While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.) and all employees have a legal right to a workplace free from sexual

harassment and employees are urged to report sexual harassment by filing a complaint internally with LIM College. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

LIM College is committed to promoting a respectful and productive environment that emphasizes the dignity and worth of every member of the College community. New York City and New York State both passed laws in 2018 that require all employers to conduct annual anti-sexual harassment training for all employees. The training can be accessed by clicking on this link: <https://www.nyc.gov/site/cchr/law/sexual-harassment-training.page> .

This training must be completed AND that the Certificate of Completion must be submitted to the Office of Human Resources, on your first day of work. Please email your Certificate of Completion to [humanresources@limcollege.edu](mailto:humanresources@limcollege.edu).

## **POLICY**

1. LIM College's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with LIM College. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).

3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. LIM College will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of LIM College who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees paid or unpaid interns, or non-employees (A non-employee is someone who is [or is employed by] a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.) working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Office of Human Resources. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject LIM College to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. LIM College will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. LIM College will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. LIM College will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Office of Human Resources.

8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

## DEFINITIONS

**Discrimination** is conduct that, on the basis of a protected trait, excludes an individual from participation in the College's programs and activities, denies an individual the benefits of such programs or activities, treats an individual differently, or otherwise adversely affects a term or condition of an individual's employment or education.

**Harassment** occurs when, on the basis of a protected trait, an individual is subjected to threats, slurs, epithets, name-calling, belittling or derogatory comments, bullying, unwelcome jokes or teasing, stalking, violence, and similar forms of conduct that are physically threatening, coercive, or humiliating. Such conduct can be verbal, physical, and/or graphic and includes communications that are carried out electronically via text messages, emails, social networking sites, and related means. Harassment violates this policy when it creates a hostile environment—that is, when it is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit an individual's ability to participate in or benefit from the College's programs or activities or when it has the purpose or effect of unreasonably interfering with an individual's education or employment.

**Sexual Harassment** is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;

- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

#### **Examples of sexual harassment:**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.

- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

**Sex-based harassment:**

- Sexual harassment that creates a hostile environment;
- Sexual harassment that conditions employment or participation in a LIM College program or activity, either explicitly or implicitly, upon submission to unwelcome sexual advances or requests for sexual contact;
- Gender-based harassment, or unwelcome conduct based on an individual's actual or perceived sex, including harassment based on gender identity or nonconformity with stereotypical notions of femininity or masculinity; and
- Sexual misconduct, which refers to physical sexual acts perpetrated against an individual without affirmative consent.

**APPLICABILITY**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social



media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

## **RETALIATION**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours). Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti- discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

## **REPORTING SEXUAL HARASSMENT**

**Preventing sexual harassment is everyone’s responsibility.** LIM College cannot prevent or remedy sexual harassment unless it knows about it. Any employee paid or unpaid intern, or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Office of Human Resources. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a

supervisor, manager or the Office of Human Resources.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **SUPERVISORY RESPONSIBILITIES**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Office of Human Resources.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

### **COMPLAINT AND INVESTIGATION OF SEXUAL HARASSMENT**

**All** complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. LIM College will not tolerate retaliation against employees who file complaints, support

another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Office of Human Resources will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If the complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

## **LEGAL PROTECTIONS AND EXTERNAL REMEDIES**

Sexual harassment is not only prohibited by LIM College but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at LIM College, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

### **State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to LIM College does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8307 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the

complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, New York, New York, 10007; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

### **Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

In the event of an **emergency**, you should call **9-1-1**.

If you would like to report a **non-emergency**, you can contact the local law enforcement precinct in your neighborhood or in LIM College’s neighborhood. The local precincts near campus are:

**NYPD 17<sup>th</sup> Precinct** (for the Maxwell Hall, FOUND Study Midtown East, and FOUND Study Turtle Bay locations)

167 E. 51<sup>st</sup> Street, New York, NY 10022

Main Telephone: 212-826-3211

Domestic Violence Unit: 212-826-3210

**NYPD Midtown South Precinct** (for the Fifth Avenue location)

357 W 35th St, New York, NY 10001

Main Telephone: 212-239-9811

Domestic Violence Unit: 212-239-9863

You can also make reports to the New York State Police's Campus Sexual Assault Unit: Hotline (24/7): 1-844-845-7269.

**CONFIDENTIALITY**

LIM recognizes that confidentiality is paramount when handling sexual harassment allegations. The Human Resources department and others responsible for implementing the policy will respect the confidentiality and privacy of individuals reporting or accused of sexual harassment, to the extent reasonably possible.

Employees covered under Lincoln Financial Group's policies are eligible for EmployeeConnect services provided by ComPsych Corporation. They offer confidential guidance and resources for you or an immediate household family member. Employees are eligible to receive:

- In-person help for short-term issues; up to four sessions with a counselor per person, per issue, per year
- Toll-free phone and web access 24/7
- Unlimited phone access to legal, financial and work-life services
- A 25% discount on in-person consultations with network lawyers
- Financial consultations and referrals
- Work/life services for assistance with child care, finding movers, kennels and pet care, vacation planning, and more.

To learn more about the Lincoln Financial EmployeeConnect program, visit [www.Lincoln4Benefits.com](http://www.Lincoln4Benefits.com) or [www.GuidanceResources.com](http://www.GuidanceResources.com) (user name = LFGsupport; password = LFGsupport1), or talk with a specialist at 888-628-4824.

**PRIVACY**

College offices and employees are not confidential resources and cannot guarantee confidentiality but will maintain your privacy to the greatest extent possible.

Employees may have to share information pursuant to federal or state law or college policy with certain

college employees, but they will not share the private information beyond what is required or needed to comply with law and policy and will otherwise limit redisclosure as much as possible.

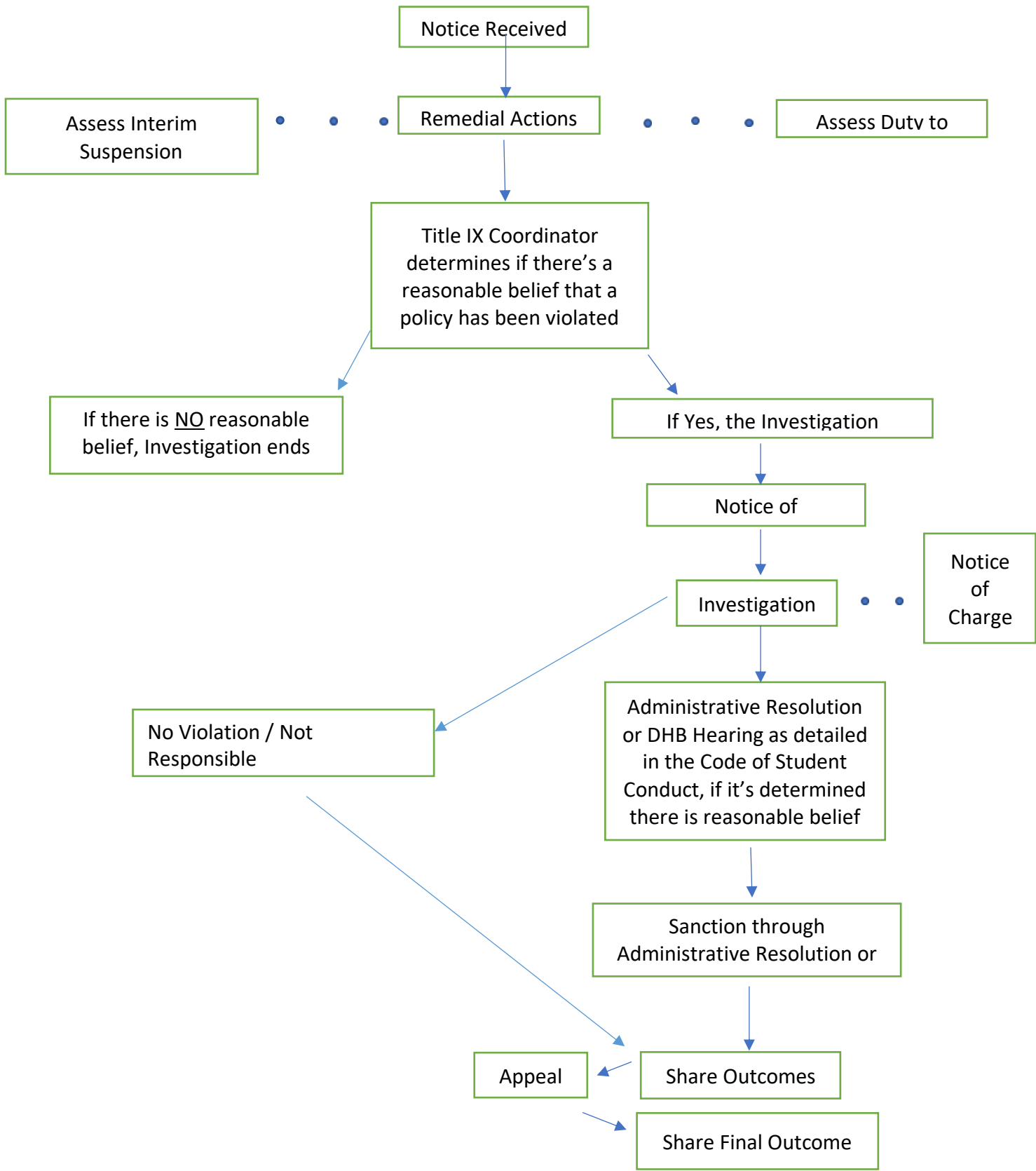
### **SANCTIONS FOR POLICY VIOLATIONS**

1. LIM will make every effort to provide a workplace free of sexual harassment, intimidation or exploitation. It is our policy to treat everyone with the utmost respect. All staff and faculty are subject to LIM's sexual harassment policy which also prohibits sexual assault, dating violence, domestic violence, and stalking. Those individuals who violate the policy are subject to discipline up to and including termination, suspension without pay, suspension with pay, as well as other disciplinary actions.

# ***Appendix F***



# INVESTIGATION MODEL



## **Annual Fire Safety Report**

(See **Emergency Evacuation Procedures for several policy statements related to fire safety**)

LIM College publishes this fire safety report as part of its ASFSR which contains information with respect to the fire safety practices and standards for the College. This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire. LIM began the use of The New Yorker located at 481 8th Avenue in June 2020. The New Yorker is not an on-campus residential facility under the Clery Act, but LIM College provides the following Fire Safety information to benefit those students living in that residential facility. LIM began the use of the Ludlow located at 101 Ludlow Street in August 2021. Based on its location, the Ludlow will not be reported as an on-campus residential facility but LIM College will start reporting fire statistics for this location for the 2021 calendar year.

If a fire occurs in a LIM College building, community members should immediately notify the FDNY by calling 911. We strongly encourage people reporting a fire to FDNY to also report that incident as soon as practicable to the Facilities Department or the Housing & Residence Life Office. If a member of the LIM College community finds evidence of a fire that has been extinguished, and the person is not sure whether FDNY has already responded, the community member should immediately make the notifications listed above. For example, if a housekeeper finds evidence of a fire in a trash can in the hallway of a residence hall, he/she should not touch the trash can and should report the incident to the Facilities Department or the Housing & Residence Life Office.

Fire alarms alert LIM College community members of potential hazards and community members are required to heed their warning.

Community members should familiarize themselves with the exits in each building.

**A total of eight fire drills were conducted in 2023 with at least two drills conducted in each LIM College location.**

During a drill or a real fire, there is no differentiation between the sirens and strobe lights used. To ensure safety, all fire drills are taken as seriously as a real fire.

## Procedures Students and Employees Should Follow in Case of a Fire

Fire alarms and strobe flairs are used to alert LIM College community members of potential hazards and community members are required to heed their warning. If fire or smoke is on your floor:

- ❑ Pull the nearest fire alarm or, after reaching a safe area, call 911 and then the LIM College emergency number 777 (internal phone) or 212-310-0660 (external phone).
- ❑ Alert other people on your floor.
- ❑ Move quickly to the nearest smoke free stairway and evacuate to two or three floors below the fire floor or as otherwise instructed on the public announcement system or if you are in The Townhouse, fully evacuate the building.
- ❑ Do not use the elevators.
- ❑ Each building has different means of evacuation and community members should familiarize themselves with the exits in each building. The fire tower is the preferred evacuation stairs. Notify the Fire Safety Director of any persons who may need special assistance or has physical disabilities who cannot use stairs unaided.

The Fire Marshall can levy fines and penalties to individuals who fail to evacuate a building promptly – but a more important reason for evacuating is the safety of all LIM College community members.

## Procedures for Student Housing Evacuation in Case of a Fire

Procedures that students and employees should follow in case of a fire are reviewed and include the following:

- ❑ If you hear the fire alarm, immediately evacuate the building using the nearest available exit. **Do not attempt to fight a fire unless you have been trained to do so.**
- ❑ Awaken any sleeping roommate or suitemates. Prepare to evacuate by putting on shoes and a coat if necessary. Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open slowly, if heat or heavy smoke rushes in, close the door immediately and remain inside.
- ❑ When leaving your room, be sure to take your key in case it is necessary to return to the room should conditions in the corridor deteriorate. Make sure to close the door tightly when evacuating.

- ❓ Residence life staff members who are present on their floors should facilitate the evacuation of their floor/section if possible. When the alarm sounds shout (Example: there is an emergency in the building leave by the nearest exit) and knock on doors as they make their way to the nearest exit and out the building.
- ❓ When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit.
- ❓ DO NOT USE ELEVATORS. Elevator shafts may fill with smoke, or the power may fail, leaving you trapped. Elevators have features that recall and deactivate the elevator during an alarm. Standing and waiting for an elevator wastes valuable time.
- ❓ Each resident should report to their assigned assembly area. Residence Life staff should report to their assigned assembly area and make sure that students have cleared the building. Professional staff will conduct a head count. Do not allow re-entry into the building until directed to do so by emergency personnel.

**Maxwell Hall:**

At the sound of the fire alarm, listen carefully for the instructions given over the public announcement system by the building Fire Safety Director.

**Fifth Avenue:**

At the sound of the fire alarm, listen carefully for the instructions given over the public announcement system by the building Fire Safety Director.

**FOUND Study – Midtown East (effective August 2022):**

You should Locate & Review the Evacuation Maps on your floor and familiarize yourself with the closest evacuation route.

The signal to evacuate a building for a fire, fire drill, or other emergency is a series of rings on the building's fire bells in the hallways accompanied by flashing lights. A voice may sound through all room speakers to advise of an emergency and the need to evacuate.

Evacuation of the facility is mandatory until the signal to re-enter has been given by appropriate personnel and the alarm bells have ceased ringing. The following procedures are to be followed any time a fire alarm sounds:

## **Procedure**

1. Once the fire alarm has sounded everyone must evacuate the building. While an RA and/or management staff may be present to help vacate the building, you should assist by knocking on your neighbor's door to the left and right of you.
2. Leave the building in an orderly manner by means of the closest safe stairway or exit. **DO NOT USE THE ELEVATORS.**
3. Once outside the building, you must remain clear of doorways and at least 300 feet from the building. Remain clear of roadways, as well.
4. Professional staff must investigate and determine the cause of the alarm. Upon completion, students will be given an "all-clear" by emergency services and/or building staff to re-enter the building. If at any point throughout the semester you are unable to walk down the stairs, inform your RA and/or management staff immediately. Your RA and/or management staff will notify security and a log will be kept of who needs to be escorted down.

Anyone found in their room who had not evacuated during the sounding of the fire alarms will face disciplinary action.

## **Designated Meeting Areas**

There are designated meeting areas to allow for emergency personal easier access to the building and an RA and/or Management Staff can easier account for their residents and be aware of any missing persons. Upon evacuation all residents will proceed to their respective meeting location below.

***51<sup>st</sup> Street, across Lexington Avenue, between Urban Space and St. Bartholomew's Church, on the south side of 51<sup>st</sup> St***

## **Fire Safety Education and Training**

Fire safety education programs for all students living in student housing and all employees that have any association with student housing are held at the beginning of each semester. These programs are designed to: familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to be followed in case there is a fire and distribute information on the College's fire safety policies. Everyone is also provided with maps of each student housing facility that illustrate evacuation routes and fire alarm equipment locations.

During these programs, trainers emphasize that participating in fire drills is mandatory.

Students with disabilities are given the option to have a “buddy” assigned to them. Fire safety education and training programs are taught by local fire authorities

In addition, the FOUND Study Student Life staff (non-LIM College staff) are trained prior to each semester in basic fire, life and safety knowledge.

**Plans for Future Improvements in Fire Safety**

There are no current plans for improvements to the fire and life safety system in the FOUND Study Midtown East and FOUND Study Turtle Bay residence halls.

**Fire Statistics for The New Yorker at 481 Eighth Avenue**

2022 Total Number of Fires = 0

<b>Residential Facilities (Name and Address)</b>	<b>Total Number of Fires in Each Building</b>	<b>Fire Number</b>	<b>Cause of Fire</b>	<b>Number of Injuries That Required Treatment at a Medical Facility</b>	<b>Number of Deaths Related to a Fire</b>	<b>Value of Property Damage Caused by Fire (in USD)</b>
<b>The Ludlow (101 Ludlow St)</b>	<b>0</b>	<b>0</b>	<b>N/A</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>The New Yorker (481 Eighth Avenue)</b>	<b>0</b>	<b>0</b>	<b>N/A</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FOUND Study Midtown East (569 Lexington Avenue)</b>	<b>0</b>	<b>0</b>	<b>N/A</b>	<b>0</b>	<b>0</b>	<b>0</b>

2021 Total Number of Fires = 0

<b>Residential Facilities (Name and Address)</b>	<b>Total Number of Fires in Each Building</b>	<b>Fire Number</b>	<b>Cause of Fire</b>	<b>Number of Injuries That Required Treatment at a Medical Facility</b>	<b>Number of Deaths Related to a Fire</b>	<b>Value of Property Damage Caused by Fire (in USD)</b>
<b>The Ludlow (101 Ludlow St)</b>	<b>0</b>	<b>0</b>	<b>N/A</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>The New Yorker (481 Eighth Avenue)</b>	<b>0</b>	<b>0</b>	<b>N/A</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Eighth Avenue)</b>						
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**2020 Total Number of Fires = 0**

<b>Residential Facilities (Name and Address)</b>	<b>Total Number of Fires in Each Building</b>	<b>Fire Number</b>	<b>Cause of Fire</b>	<b>Number of Injuries That Required Treatment at a Medical Facility</b>	<b>Number of Deaths Related to a Fire</b>	<b>Value of Property Damage Caused by Fire (in USD)</b>
<b>The New Yorker (481 Eighth Avenue)</b>	<b>0</b>	<b>0</b>	<b>N/A</b>	<b>0</b>	<b>0</b>	<b>0</b>

LIM is not required to provide these fire statistics since this location does not meet the definition of an On Campus Student Housing Facility per the Clery Act. However, these are provided since that location is used for to house LIM students as part of a partnership for providing housing.

**Contact for Questions and Comments:**

Danny Trujillo, Vice President of Student Affairs/Title IX Coordinator LIM College  
 Maxwell Hall, Mezzanine Level  
 216 East 45<sup>th</sup> Street  
 New York, NY 10017  
 T: 646-388-8432  
 E: [danny.trujillo@limcollege.edu](mailto:danny.trujillo@limcollege.edu)

**Missing Student Policy and Procedures**

LIM College follows the Missing Student Policy and Procedures in cases when a student is reported missing to the Office of Housing & Residence Life. The New Yorker is not an on-campus residential facility (it is a Noncampus facility) and the Ludlow is not an on-campus residential facility (it is a Noncampus facility) under the Clery Act. LIM College provides



the following Missing Students information to benefit those students living in these residential facilities.

All students are required during the housing sign up process each year to designate an individual or individuals as a Missing Person Contact to be contacted by the College no more than 24 hours after the time that the student is determined to be missing in accordance with the procedures set forth below. If a student is determined to be missing pursuant to the procedures set forth below, the College will notify the designated individual(s), parents, and/or guardian (if the student is under 18 years of age and is not emancipated) no more than 24 hours after the student is determined to be missing.

A designation will remain in effect until changed or revoked by the student.

#### **Official Notification Procedures for Missing Persons**

- a. Any individual in housing who has information that a residential student may be a missing person (for 24 hours) must notify the Housing and Residence Life staff as soon as possible. Reports can be made during business hours by calling the Housing and Residence Life Staff at 646-388-8428. Outside of business hours, individuals should call the FOUND Study Main Desks for reports regarding residential students. The Main Desk at FOUND Study Midtown East is 212-350-6149 (Midtown East) or 866-341-2818 (Turtle Bay).. The Main Desk at FOUND Study Turtle Bay is (866) 341-2818.
- b. The Housing and Residence Life staff will assist external authorities with these investigations as required by law. Suspected missing students will be reported to the NYPD immediately.
- c. The Housing and Residence Life Staff will gather all essential information about the residential student from the reporting person and from the student's acquaintances (description, clothes last worn, where student might be, who student might be with, vehicle description, information about the physical and mental well-being of the student, an up-to- date photograph, class schedule, etc.). Appropriate campus staff will be notified to aid in the search for the student.
- d. Housing and Residence Life personnel will initiate an investigation which will include, but is not limited to, the following:
  - Conduct a welfare check in the student's room.

- Contact employers and associates, if known.
- Contact the Registrar's Office to ascertain the student's recent attendance in class.
- Contact the FOUND Study staff at the appropriate location (Midtown East or Turtle Bay) to ascertain the turnstile and room door lock logs.

If the above actions are unsuccessful in locating the student or it is immediately apparent that the student is a missing person (e.g., witnessed abduction), LIM will follow when a student is determined to be missing. The Office of Housing & Residence Life will contact the appropriate campus administration and local law enforcement agency to report the student as a missing person and the local law enforcement agency will take charge of the investigation. In the event a student under 18 years of age and not emancipated, LIM will notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. For all missing students, LIM will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

No later than 24 hours after determining that a resident student is missing, the Assistant Vice President of Student Affairs, or a designee, will notify the missing persons confidential contact (for all students regardless of age) and the parent/guardian (for students under the age of 18 and not emancipated) that the student is believed to be missing. Regardless of the age of the student and whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, LIM will inform the NYPD (or the local law enforcement with jurisdiction) that the student is missing within 24 hours of determining student has been missing.