



**Boricua College**  
A TRADITION OF LEARNING

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# **Boricua College**

## **2019 Annual Security Report (ASR)**

**In compliance with the Jeanne Clery Disclosure of Campus Security Policy (Clery Act) and Campus Crime Statistics Act (20 USC § 1092(f), 34 CFR 668.46).**

**Boricua College is required to distribute the following information to all current and prospective students and employees. Please take a moment to read the following information.**

## **Preface**

The President's Office in conjunction with the Title IX Coordinator is responsible for preparing and distributing this report. We work with many other departments and agencies, such as the Offices of the Vice President for Academic Affairs, Vice President for Information Technology, and Environmental Services and the NYC Police Department to compile the information. We encourage members of the campus community to use this report as a guide for safe practices on and off campus. It is available on the Web at <http://boricuacollege.edu/Boricua411/documents/CampusCrime2019AnnualSecurityReportASR10-01-19.pdf>.

Each member of the Boricua College community receives a memorandum from the President's office that describes the Annual Security Report (ASR) and provides the web address.

Boricua College relies on its close working relationships with the New York Police Department (NYPD), including 33<sup>rd</sup>, 42<sup>nd</sup>, and 90<sup>th</sup> Precincts, to receive information about incidents involving students on campus. The Title IX Coordinator will actively investigate any crime information it receives concerning or involving a member of the campus community. If a Boricua College administrator (includes Presidents, Vice Presidents, Title IX Coordinator, Chairpersons and/or Deans) is notified of a situation in which a campus community member is the victim of a crime, Boricua College may issue a Campus Safety Alert, detailing the incident and providing tips so that other community members may avoid similar incidents. The New York Police Department is notified of crime or other serious incidents occurring at Boricua College. We will forward to the Title IX Coordinator and/or the Vice Presidents' Office, for disciplinary action, any information regarding student misconduct on campus.

Boricua College is committed to campus safety and security. Exterior lighting and landscape control is a critical part of that commitment. Representatives from Environmental Services department continually conduct security surveys to ensure campus lighting is adequate and that the landscape is appropriately controlled. Department members conduct routine checks of lighting on campus during regularly assigned patrol duties. If lights are out or dim, officers will initiate an immediate work order, which is acted upon by a representative of Environmental Services Department, usually within 24 hours or the next business day. We encourage community members to report any deficiency in lighting to Environmental Services Department at ext. 123 or 359. Any community member who has a concern about physical security should contact the department at 123 or 359.

Maintenance staff from Environmental Services is available to respond to calls for service regarding unsafe facility conditions or for personal safety and property protection. These conditions also may include unsafe steps or handrails, unsafe roadways on campus, and unsecured equipment.

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# **Boricua College's Annual Security Report - 2019**

## **Reporting Crimes and Other Emergencies**

Boricua College is a Commuter College with three locations operating within three boroughs of New York City.<sup>1</sup> All victims and witnesses of a crime, missing student(s) and emergencies are encouraged to report incidence(s) to the Boricua College Title IX Coordinator and / or New York City Police Department (NYPD), for non-emergency situations, call (212) 694-1000. In case of an emergency, dialing 9 11 from any Boricua College telephone will contact the New York City Police Department. A trained 911 operator will then direct the appropriate response to your emergency.

The Title IX Coordinator, Dr. Shivaji Sengupta and/or the highest-ranking Boricua College official is designated as the first responder to all emergencies at Boricua College (this includes Department Chairs and members of Environmental Services). This official will respond and make a determination if an incident poses an imminent threat or danger to the Boricua College; the Title IX Coordinator, Dr. Shivaji Sengupta and/or highest-ranking official on scene will make this initial determination.

In the event that school official(s) determines an emergency poses an imminent danger to the Boricua College community and that determination is confirmed, that official will contact a 911 operator. The school's official will also, immediately, use the College's switchboard by having members of Environmental Services conduct a full sweep of all College's premises thereby alerting students, faculty, and staff. Both of the aforementioned will serve as the primary tools for College-wide emergency notifications. Notwithstanding emergencies will be posted via the College's twitter account ([www.twitter.com/boricuanews](http://www.twitter.com/boricuanews)). The system is designed to deliver a blanket message to every subscriber and every registered device via a tweet. Activation procedures for the College's twitter account are maintained in a separate and secure document.

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<sup>1</sup> The Boricua College Annual Safety and Security Report and Procedures is available to all current Boricua College students and employees and to all prospective Boricua College students and employees upon request. This document includes:

- Title IX Coordinator's name and contact information;
- statistics on the number of on-campus\* murders, rapes, robberies, aggravated assaults, burglaries, motor vehicle thefts, bias-related crimes and arrests for weapons possessions and liquor- and drug-abuse violations;
- policies regarding security, access to college and other facilities, and college law enforcement,
- procedures for reporting crimes and other emergencies;
- information on college sexual-assault and rape-awareness programs, procedures to follow when a sex offense occurs, disciplinary-action procedures, counseling opportunities and notification to students that Boricua College will make reasonable changes to a victim's academic situation at the victim's request;
- policies on the use, possession and sale of alcoholic beverages and illegal drugs;
- a description of Boricua College programs informing the campus community about alcohol- and drug-abuse education, crime prevention and campus-security practices;
- sex-offender registry information, New York State Sex Offender Registry, NYS Sex Offender Registry homepage. (You also can call 800-262-3257 for this information.)

*\*On-campus is defined as 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 any building or property that is within or reasonably contiguous to paragraph 1 of this definition, 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 other retail vendor).*

Due to the sensitive nature of the activation procedures document, it is confidential. Information and Technology officials will determine the content of all twitter messages based on the nature, severity, and duration of each emergency. The system contains messages that have been pre-approved by university officials for immediate activation, including messages about inclement weather, shootings, and bomb threats. Updates relevant to community safety will be distributed as information becomes available.

In addition to the above-mentioned Boricua College has worked diligently to identify additional communication tools to deliver larger and more complex emergency messages to the Boricua community. The public address systems may also be used, depending on the situation. For emergencies that do not affect the entire community, Boricua College may use some or all of the methods as appropriate.

Some of those methods/tools include:

- University homepage
- Boricua College banner at top of websites updated with emergency information
- Email and Text
- Social media, including Twitter and Facebook

## **Annual Testing**

Boricua College will conduct annual testing and evaluation of all emergency systems outlined in the above section. Information about the emergency response and evacuation procedures are made available at the College's office of Environmental Services and the Title IX Coordinator. The announced and unannounced tests, drills, and evacuations are coordinated, monitored, and evaluated through several departments including the Department Chairperson's, Vice Presidents' and Environmental Services Offices. Announced tests and drills will be publicized via email and the Boricua College website. The annual tests and drills will be documented and are available for review.

## **Crime Response**

Under New York state law police reports are public records, Boricua College and/or NYPD cannot hold reports of crime in confidence; however, reporting crimes directly to Boricua College officials allows the College to investigate the crime, implement necessary additional preventive measures and often prevent others from being victimized. Victims of crime on campus are strongly encouraged to report all crimes directly to Title IX Coordinator, and/or Vice Presidents and/or Department Chairs, Directors and/or Environmental Services to ensure inclusion in the Daily Crime Log and Annual Crime Statistics. This also ensures that timely community warning notices are distributed, when appropriate. For example, a crime that is reported only to the NYPD, may not be included in the Boricua College Annual Security Report (ASR) crime statistics and may not trigger an Alert or Security Notice to our community. New York City Police Department Crime Stoppers accepts anonymous tips on crimes and may be reached by calling (800) 577-TIPS or online at <http://a056-crimestoppers.nyc.gov/crimestoppers/public/index.html>

New York City Police Department procedures require that calls involving crimes against persons and life/safety issues, such as fire or injury, receive priority response from the department. Property crimes in progress and other criminal acts with a high potential for violence

also necessitate a rapid response. Requests for officers to file reports on criminal acts not actually in progress or general assistance requests are taken in the order received. New York City Police Department requires officers preserve and collect evidence from criminal incidents occurring at the College. Crimes against persons, including sexual assaults, may be investigated and reviewed by the NYPD.

Members of the community can stay informed about criminal incidents at Boricua College by reading the Daily Crime Log or Security Notices distributed to members of the Boricua College community as part of an ongoing effort to keep the community informed and to raise awareness of significant unsolved crimes that occur at or near the College. Boricua College has been working with the surrounding precincts (33<sup>rd</sup>, 42<sup>nd</sup> and 90<sup>th</sup>, respectively) in order to garner crime information and include it in the Annual Security Report (ASR).

## **Security Notices**

Security Notices are issued in compliance with the Higher Education Act (20 U.S.C. 1092(f)). This act requires that a timely warning be issued when one of the below incidents occurs on or near Boricua College facilities or property, and there is reason to believe that there is a continued threat to students and/or employees:

- Murder
- Sex offense, forcible or non-forcible
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Manslaughter
- Arson

OR

- When repeated offenses warrant public notice, such as multiple unsolved thefts with the same possible suspect(s) or established pattern(s)

Boricua College may also issue a Security Notice for any crime when there is a compelling need to get information to the Boricua College Community. A Security Notice will contain as much of the following information as possible:

- Date, time, location (general or specific)
- Summarized event description
- Suspect description and/or vehicle description
- Any special instructions that may be needed

A Security Notice will be issued as soon as possible after the specific event. If the incident is a delayed report (more than 24 hours) by the victim, then the time and date the victim reported the incident would also be included in the notice. The Security Notice will not contain information that may hinder an ongoing police investigation and will not identify the victim by name or address. A general location may be given instead of a specific location to ensure the privacy of the victim.

Security Notices are distributed to the Boricua College community or those areas believed to be at risk. Notices are usually distributed via Memos but email, fliers, posters, or other media may be used, as appropriate. The Department of Environmental Services will also

maintain a Daily Crime Log in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the **New York State Campus Safety Act**. Persons may view the log at the President's office located at 3755 Broadway, during normal business hours.

### **The Crime Awareness and Campus Security Act of 1990 / The Jeanne Clery Disclosure Compliance Statement**

The Jeanne Clery Disclosure of Campus Security Policy (Clery Act) and Campus Crime Statistics Act is the federal law, originally known as the Campus Security Act that requires colleges and universities across the United States to disclose information about crime on and around their campuses. The Clery Act also requires the reporting of crimes on public property not owned or controlled by the college. Schools are required to publish an annual report that contains crime statistics from the three years prior to the report and certain security-policy statements, including sexual-assault policies that ensure basic victims' rights, assert the law-enforcement authority of campus police and describe where/how students should go to report crimes. It is the responsibility of the Office of Safety and Security to collect crime reports and distribute the annual crime statistics and report by October 1 of each calendar year.

### **Boricua College, the New York State Campus Safety Act, Compliance Statement**

Boricua College acknowledges the importance of campus safety and investigating crime. By means of this statement, Boricua College adheres to formal plans that provide for the investigation of missing students and violent felony offenses committed on campus. Memorandums of understanding throughout New York State have been executed with various local law enforcement agencies, including the local precincts, to specifically address this issue.

### **What is the New York State Campus Safety Act?**

This law was enacted in 1999, prompted by the unexplained disappearance of Suzanne Lyall from the State University of New York at Albany campus in 1998. The reforms made by this law acknowledge that improving campus safety must begin with swift and efficient investigative action and optimum access to missing person information by students' families and the public.

The act:

- requires all public, private, community colleges and universities in New York state to have formal plans that provide for the investigation of missing students and violent felony offenses committed on campus
- expands the responsibilities of the NYS Division of Criminal Justice Services (DCJS) Missing and Exploited Children Clearinghouse to provide assistance with the dissemination of information about missing college students.

### **Sexual Assault Prevention and Response**

Boricua College will educate the student community about sexual assault during mandatory freshman orientations each fall. If you are a victim of a sexual assault at Boricua College, your



first priority should be to get to a safe place. You should then obtain necessary medical treatment. The New York City Police Department strongly advocates that a victim of sexual assault report the incident in a timely manner to the Police Department by calling 911. Boricua faculty and staff will assist victims with notification of NYPD if the victim requests their assistance. Time is a critical factor for evidence collection and preservation. Filing a police report with NYPD officer will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers.

Filing a Police Report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim.
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (Ideally, a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam.).
- Assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

Boricua College will make interim accommodations (academic or otherwise) for a student who has filed a complaint alleging a violation of the sexual misconduct policy and will take any other interim actions that are appropriate to ensure the safety and security of the campus community. When a sexual assault victim contacts Environmental Services Department, and wishes to have NYPD involved, Police Sex Crimes Unit will be notified as well. Sex offenses are investigated by NYPD.

Boricua College has established disciplinary proceedings, as well as separate and distinct policies and procedures governing cases involving sexual misconduct, these are detailed in the Student Handbook and appear below. The Student Handbook provides, in part, that the complainant and the respondent in a sexual misconduct case each may bring a representative and will be informed in writing of the outcome of the investigation. Further, both parties have the ability to appeal the determination. A detailed description of the grievance procedures is also provided. A student found responsible for violating the College's sexual misconduct policy may be suspended and/or expelled from the College for the first offense.

### **Missing Student Notification Policy**

All potential missing student reports must be referred to the Department of Environmental Services for investigation. In compliance with the Higher Education Opportunity Act (HEOA) of 2008, Boricua College provides each student the opportunity to designate a confidential contact. This contact will be notified if the student is missing. Although Boricua College is not required to do so, the College will make the missing student notification procedure available to all students. This confidential contact is in addition to any other emergency contact that the student may identify, although both the confidential contact and the emergency contact(s) may be the same person. In the case of non-emancipated students under the age of eighteen, the HEOA requires that a custodial parent or guardian be notified; however, an additional contact may also be specified. Students may designate both emergency contacts and confidential contacts as the same person.

## **Support for Victims of Crime**

Victims of crime at Boricua College can expect to receive compassion and support from a variety of resources on campus. The Offices of the President, Vice Presidents and Chief Academic Officer, and Human Resources provides advocacy, referrals, and support for students, staff, and visitors who are victims of crime at Boricua. When appropriate, staff will accompany a victim to the hospital or to court, assist in obtaining protective orders or warrants, coordinate with the District Attorney's Office, and guide the victim through the criminal justice system. Referrals are also made to community support agencies and programs.

## **Crime Prevention and Safety Awareness Education**

Crime prevention and personal safety awareness programs are available from several resources at Boricua. The following departments and organizations sponsor prevention services and provide advice and educational programs:

- New York City Police Department
- Department of Environmental Services
- Office of the Vice President

Student council may sponsor programs and speakers on personal safety and awareness.

## **Personal Safety**

- Walk or jog in groups.
- Be aware of your surroundings.
- Be aware of crimes on and around campus.
- Avoid isolated or dark areas.
- Travel with confidence and purpose.
- Do not wear earphones while walking or jogging
- Before exiting a building or car, look around the area for anything suspicious.
- Try to get a detailed description of suspects or suspicious persons and/or their vehicle(s).
- Know the locations of emergency telephones.
- Do not use ATMs when someone suspicious is nearby.
- You do not have to stop and talk to strangers
- If you are being followed, go to the nearest area of safety.

Know your neighbors and co-workers. You are the best one to determine who does not belong.

## **Maintenance of Campus Facilities**

The Department of Environmental Services and Administrators of each department are responsible for the physical security and determining access rights and hours. In general, classroom buildings are locked after the last class in the building ends, and administrative buildings are locked after normal business hours. Facilities and landscaping are maintained in a manner that minimizes unsafe conditions. Members from the Department of Environmental Services regularly patrols the campus and reports malfunctioning lights and other unsafe physical conditions and makes the necessary corrections.

## Identification Cards

All students, faculty, and staff members at Boricua College are issued an ID Card. All faculty and staff must be active in the Human Resources Office before receiving a card. A valid photo ID (e.g., a driver's license) is also required. Boricua College students, employees and staff will receive their ID cards from the Department of Information Technology. Lost or stolen ID Cards should be reported immediately to the Department of Information Technology by telephone at (212) 694-1000 during regular business hours.

## Other Physical Security Measures

Closed circuit television (CCTV) cameras are in place at various locations around the College. Recorded images may be used as evidence in criminal and/or College investigations.

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What follows is a description of the general code of conduct expected from the students, faculty and staff at Boricua College. While we regard our students, faculty and staff adults, nevertheless, it is the College's duty to point out the basic requirements of conduct expected and the consequences of inappropriate behavior.

### A. GENERAL VIOLATIONS

The following actions are considered violations of the Code of Conduct and are subject to sanctions imposed in accordance with the Disciplinary Procedures of the College.

1. **Fraud:** Knowingly furnishing false information to the College administration, faculty, or staff.
2. **Forgery:** Forgery, alteration or misuse of College documents, records or identification.
3. **Harassing Conduct:** Physical, verbal, or written harassment or abuse of any person, or any other conduct which threatens or endangers the physical, emotional health, or safety of any person on College-owned or controlled property or at College sponsored functions.
4. **Theft or Damage to Property:** Theft or damage to property of the College, or that of a member of the College community or campus visitor, while on College property or at College sponsored activities.
5. **Disorderly Conduct:** Disorderly conduct including, but not limited to, public intoxication, lewd, indecent or obscene behavior on College-owned or controlled property or at College sponsored functions; conduct that is unreasonable in the time, place, or manner in which it occurs; and/or obstruction or disruption of College sponsored activities.
6. **Drugs:** Use, possession, distribution or the manufacture of narcotic or dangerous drugs or of any illegal or controlled substances, except as expressly permitted by law, on College-owned or controlled property or at College sponsored functions. Furthermore, students are prohibited from the on-campus possession of any type of paraphernalia analogous with the use, distribution, or sale of illegal substances/narcotic drugs (i.e., scales, bongs, pipes, etc.).
7. **Alcohol:** Use, possession, or distribution of alcoholic beverages, except when authorized by the Office of the Vice President/Dean of Academic Affairs for a particular function, on

College-owned or controlled property or at College sponsored functions is prohibited. Furthermore, the sale, distribution, or procurement of alcoholic beverages for anyone who is under the age of 21; public disruption due to intoxication or drunkenness; the use of false identification to procure alcohol; and the possession on campus of any type of paraphernalia associated with the consumption of alcohol is expressly prohibited.

8. **College Facilities:** Unauthorized entry or use of College facilities.
9. **Keys:** Unauthorized possession, duplication or use of keys to College facilities.
10. **Weapons:** Possession, display, use or distribution of any weapon such as a firearm, knife, etc., or any item used as a weapon or of such a nature that it is intended for use as a weapon, except with expressed College authorization, on College-owned or controlled property or at College sponsored functions.
11. **Fire Safety:** Tampering with or misuse of fire alarms, fire exits, fire-fighting equipment, smoke/heat detectors and sprinkler systems on College grounds; causing or creating a fire; and the use of all open flame devices; failure to evacuate the building when a fire alarm sounds; and the use of any fireworks.
12. **Compliance:** Failure to comply with directions of College officials acting in the performance of their duties.
13. **College Identification:** Misuse or transfer of College identification documents. This includes but is not limited to, the transfer of College identification documents to gain entry to College buildings, and/or to procure any College services.
14. **Conduct:** Conduct which adversely affects the student's suitability as a member of the College community or which is inconsistent with the mission of the College.
15. **Gambling:** No Gambling in any form anywhere on campus.
16. **Smoking:** Smoking cigarettes, cigars, etc. is prohibited in all College buildings.
17. **Children:** Until so far as the College is able to ensure the safety of all children in the premises, no children are allowed in the building even in the company of parents or an adult designated by the student.
18. **Pets:** All pets are prohibited on College properties.

## **B. ACADEMIC VIOLATIONS**

### **1. Academic Dishonesty**

Academic Dishonesty is any act, which allows a student to gain an unfair advantage over other students. This includes, but is not limited to, copying, plagiarism, and collaboration, alteration of records, use of restricted aids, unauthorized use of proprietary material, bribery, and lying about work submitted.

### **2. Responsibility for Academic Dishonesty**

- a. It is the responsibility of the student to become familiar with the Academic Dishonesty policy in effect.
- b. The academic department in which the student is enrolled has primary responsibility for the adjudication of all infractions involving Academic Dishonesty.

### **3. Rights Reserved by Boricua College**

- a. Boricua College reserves the right to notify students of their violation of the Student Code of Conduct.
- b. Boricua College holds students financially responsible for all losses and damages to College property.
- c. Boricua College requires students to comply with any instruction from a clearly identifiable College official, performing his or her duties in the enforcement of application of College policy.
- d. Students must show their Boricua College identification card upon request to any appropriate Boricua College official, performing his/her duties in the enforcement of application of College policy.
- e. Boricua College reserves the right to amend the Student Code of Conduct and the Non-Academic Disciplinary Procedures at any time.

## **C. DISCIPLINARY PROCEDURES**

### **1. Disciplinary Authority**

- a. Disciplinary authority is vested in a senior administrator of the College as the designee of the President of the College.
- b. The Disciplinary Procedures are administered by a Vice President and/or Dean of Academic Affairs in consultation with the Chairpersons and Faculty Facilitator of the student. Their responsibility is to ensure the fair and dutiful administration of the disciplinary process in the review of incidents involving violations of the Student Code of Conduct.

### **2. Violation of Law/Off Campus Conduct**

- a. Students of the College are subject to local, state, and federal laws. Generally, the College will not institute disciplinary procedures when a student of the College has been charged, off-campus, with a violation of a local, state, or federal law. The College, however, reserves the right to invoke its disciplinary procedures.
- b. Students are subject to reasonable disciplinary action deemed appropriate, including suspension and expulsion, for breach of federal, state, or local laws or College rules or regulations off campus when such conduct is likely to have an adverse effect on the College, on the educational process, or affects the student's suitability as a member of the academic community.

## **D. COLLEGE SANCTIONS**

Boricua College is committed to providing an environment where sensitivity, tolerance, and respect are sustained for members of the College community and its neighbors. Imposed sanctions are intended to facilitate these goals.

## 1. General Provisions

- a. The sanctions listed below are recognized by the College in holding students accountable for violations of the Student Code of Conduct. It is understood that previous offences may be considered in determining penalties.
- b. Students are held responsible for the actions of their guest while on campus. Sanctions may be issued to the host when the guest is a not a student at Boricua College.
- c. Failure to comply with imposed sanctions subjects the student to further disciplinary action.

## 2. Immediate Suspension Authority

- a. **Emergency Suspension:** The President of the College, and/or Title IX Coordinator, or a College officer authorized by the President, may impose upon a student an immediate emergency suspension when, in the judgment of the President, and/or Title IX Coordinator, such action appears necessary for reasons relating to a student's physical or emotional safety and well-being, for reasons relating to the safety and well-being of members of the College community, or to prevent damage or theft of College property.
- b. **Interim Suspension:** The President of the College, or College officer authorized by the President, including Title IX Coordinator, may impose upon a student an immediate interim suspension when, in the judgment of the President or his designee, such action appears necessary to deal with a continuing disturbance by a student(s) or, interference by a student(s) with any College activity or with the free movement of any member of the College community.
- c. **Duration of Suspension:** Interim or emergency suspension may remain in effect until a College Disciplinary Panel has taken action with regard to the student. However, the suspension may be lifted earlier by action of the President or the President's designee.
- d. **Expedited Hearing:** A student suspended under the interim or emergency authority may request an expedited hearing before the Disciplinary Panel. The panel shall schedule a hearing within forty-eight (48) hours of the request or as soon thereafter as possible.

## 3. Sanctions

- a. **Oral Warning:** verbal notification to the student that repetition of the wrongful conduct may be cause for more severe sanctions, and a clear instruction to desist.
- b. **Written Warning:** Written notification to the student that continuation or repetition of the wrongful conduct may be cause for more severe disciplinary action within the period of time stated. A copy of the written warning letter will be placed in the student's file.
- c. **Fines:** Sum to be paid by the student to the College Library or the Instructional Modules Library for the violation of library rules and regulations. Failure to do so may result in the withholding of a student's transcript and/or denial of either graduation or continued enrollment at the College.
- d. **Restitution:** Reimbursement for damage or loss to either College or individual property. Failure to do so will result in the withholding of a student's transcript and/or denial of either graduation or continued enrollment at the College.

- e. **Disciplinary Probation:** Written notification to the student that he/she is in official jeopardy. A further violation of the Student Code of Conduct while on disciplinary probation may result in suspension or expulsion.
- f. **Restriction:** Denial of the use of certain College facilities or the right to participate in certain activities or privileges for a specified period of time.
- g. **Suspension:** Exclusion from class, exams, and all functions of the College for a stated period. Suspension may require petition for readmission.
- h. **Expulsion:** Dismissal from the College. The student may not attend classes or take any examinations and must vacate College property by the effective date of expulsion. Readmission will not be considered.

## E. INITIATION OF DISCIPLINARY PROCEEDINGS

1. **Filing an Incident Report:** An incident report is a detailed, written description of an alleged violation. Any member of the College community may report an alleged violation of the Student Code of Conduct, in writing, to the Vice President and/or Dean of Academic Affairs and/or Title IX Coordinator. Complaints must be filed within thirty (30) days of the incident that precipitated the complaint.
2. **Investigative Hearing:** Upon receipt of the written incident report, the Title IX Coordinator, the Vice President and/or Dean of Academic Affairs is authorized to conduct an investigation by questioning persons thought to have knowledge of the particular incident, including the alleged violator. If a person alleged to have committed a violation is questioned, he/she must be informed that he/she is being investigated and of the nature of the related incident.
3. **Notification of Charges:** If the Title IX Coordinator, and/or Vice President and/or Dean of Academic Affairs finds sufficient reason to formally charge the student, the charged student will be notified of the charges in writing (by mail, return-receipt requested or hand-delivered).
4. **Pre-Hearing Conference:** After the student has been served the notice of charges, the Title IX Coordinator, and/or Vice President and/or Dean of Academic Affairs, or designee, will hold conference(s) with the charged student(s) and the person(s) submitting the incident report, if necessary, to determine all the facts surrounding the incident.
5. **Dismissal of a Complaint:** If the Title IX Coordinator, and/or Vice President and/or Dean of Academic Affairs finds insufficient reason to formally charge the student, the Vice President and/or Dean is authorized to dismiss the complaint. The Vice President and/or Dean decision to dismiss a complaint is final.

## F. COLLEGE DISCIPLINARY PANEL

The President as needed will designate the Title IX Coordinator, and/or Vice President and/or Dean that will administer the procedures of the Disciplinary Panel.

## **1. SCOPE OF AUTHORITY**

The College has jurisdiction over all incidents referred to it or for which the penalty of suspension or expulsion from the College exists.

## **2. COMPOSITION OF PANEL**

- a. The Panel will consist of members of the College community to be selected by the Title IX Coordinator, and/or a Vice President and/or Dean of Academic Affairs in consultation with other deans, associate deans, department chairpersons and administrative department directors.
- b. The Panel shall elect a Chairperson from its membership with power to vote.
- c. The Title IX Coordinator, and/or Vice President and/or Dean of Academic Affairs will serve in an ex-officio capacity.

## **3. HEARING GUIDELINES**

- a. The Title IX Coordinator, and/or Vice President and/or Dean of Academic Affairs are responsible for the administrative procedures of the College Disciplinary Panel.
- b. The Title IX Coordinator is responsible for the orderly and proper functioning of the hearing.
- c. If a charged student chooses not to attend the hearing or fails to present a defense, the Panel, at its discretion, may complete its inquiry into the case in the absence of the charged student. If the case is reviewed and culpability is determined, a sanction may be imposed as though the student presented a defense.
- d. Hearings are not intended to be legal court proceedings. Accordingly, strict conformity to legal rules of evidence shall not be required.
- e. Hearings are private and will not be open to the members of the College or the public.
- f. All persons attending the hearing shall conduct themselves in an orderly and respectful manner. Disruptive persons will be ejected from the proceedings and may be appropriately charged.
- g. The College may document the hearings by any means deemed appropriate.
- h. The College Disciplinary Panel may request the appearance of any witness it deems appropriate.
- i. The Panel will not consider anonymous information.

## **4. HEARING PROTOCOL**

- a. The Title IX Coordinator will call the proceeding to order.
- b. The Title IX Coordinator will explain the function of the hearing and advise the charged student and the complainant of their rights before the Panel.
- c. The Title IX Coordinator, and/or Vice President and/or Dean of Academic Affairs will read the incident report and any other statement submitted in relation to the incident.
- d. Panel members may then ask questions of the Title IX Coordinator, and/or Vice President and/or Dean of Academic Affairs and the complainant, if present and offering information on his/her own behalf.



- e. No examination of witnesses by the parties, nor cross-examination, is permitted. Only the Panel members may question or examine the parties or the witnesses.
- f. The Title IX Coordinator will then offer the charged student the opportunity to present information or remain silent. If the charged student elects to present information, the student is obligated to answer all relevant questions asked by authorized persons including the Vice President and/or Dean of Academic Affairs.
- g. The Panel may call witnesses to present information.
- h. Witnesses will be excused from the hearing room upon completion of their presentation and all questioning.
- i. The Panel may recall any witness it deems necessary.

## **5. PANEL DELIBERATION PROCEDURE**

- a. Upon conclusion of all presentations, the Panel will meet in private to deliberate on the information presented.
- b. The deliberation will not be recorded.
- c. In the event of a determination of culpability, the sanction will be determined, by the Panel, from the list of available sanctions. The student's past disciplinary record and previous violations may be considered in determining sanctions.

## **6. NOTIFICATION OF DECISION**

Written notification of the results of a disciplinary hearing specifying the decision, and where applicable, and the sanction will be submitted personally and by registered postal mail to the Title IX Coordinator, and Vice President and/or Dean of Academic Affairs, and the sanctioned student, as soon as is practical after the hearing.

## **7. RECORD OF PROCEEDINGS**

- a. All written documents relating to the review of an incident are confidential.
- b. A copy of all material associated with the review of an incident will be retained by the Title IX Coordinator and Vice President and/or Dean of Academic Affairs for a period of five (5) years after a student leaves the College, after which time all records except those involving suspension and expulsion will be destroyed.

## **8. APPEAL PROCESS**

### **a. Timing for Appeals**

- (1) Once hearing proceedings are completed and a sanction imposed, whether by the College Disciplinary Panel or by the Title IX Coordinator, and/or Vice President and/or Dean of Academic Affairs, the sanctioned student has the right to appeal on the grounds listed in paragraph.

- (2) Appeals must be filed in writing with the Title IX Coordinator, and the Office of the Vice President and/or Dean of Academic Affairs within ten (10) school days of receipt of a decision.
- (3) The appeal shall specify the basis of the appeal.
- (4) Sanctions imposed will remain in effect pending appeal.
- (5) Failure to file a timely written appeal shall constitute a waiver of any right to appeal.

#### **b. Grounds for Appeal**

- (1) A decision may be appealed if it can be clearly and specifically demonstrated that sufficient grounds exists to show that the sanctioned student was denied a fair hearing.
- (2) Sanctions may be appealed only when it can be specifically demonstrated that there is a flagrant discrepancy between the infraction and the imposed sanctions.

#### **c. General Provisions**

- (1) Students are responsible for strict adherence to all deadlines and procedures for the filing of appeals.
- (2) No new information shall be considered on an appeal.
- (3) Documents filed in an appeal shall constitute a part of the record.
- (4) All documents relating to the proceedings from which the student is appealing shall be available to the Title IX Coordinator, and/or Vice President and/or Dean of Academic Affairs.

#### **d. Review of Appeals**

- (1) The Title IX Coordinator, and/or Vice President and/or Dean of Academic Affairs, or designee, shall be responsible for reviewing all appeals.
- (2) The process to be used in reviewing an appeal, and for providing notification of the decision, will be determined by the Title IX Coordinator, and/or Vice President and/or Dean of Academic Affairs, or designee, on a case by case basis taking into consideration the nature of the issues raised by each appeal. The student filing the appeal will be given reasonable opportunity to comply with the process.
- (3) The decision of the Title IX Coordinator, and/or Vice President and/or Dean of Academic Affairs, or designee, is final.

### **9. POLICY ON RECOGNIZED STUDENT ORGANIZATIONS**

Recognized student organizations exist at Boricua College in order to enhance and contribute to the educational, recreational and cultural experience offered to Boricua's students.

Recognition by the College permits the organization to use designated student meeting rooms, to submit an application for any funding that may be available for student affairs and it

allows the organization to avail itself of the guidance provided by the Academic Administration in helping organizations plan productive meetings, activities and learning experiences.

- a. The purpose and goals of the student organization is to benefit the students of Boricua.
- b. All members of student organizations must be matriculated at Boricua College.
- c. No student organization activity shall be carried out for the pecuniary benefit of its individual members.
- d. Student organizations seeking recognition should present to the Vice President and/or Dean of Academic Affairs a written application or statement which includes the organization's name, a description of its goals, purposes and activities as well as the names of the students who will serve as its contact persons and the name of its faculty or staff advisor.
- e. Each student organization must have a faculty or staff advisor who serves as a consultant to the group and acts as liaison between the College and the group. The advisor shall be required to review and sign any requests made by the group for funds. Funds may only be used for approved activities that do not conflict with the guidelines and policies of the College.
- f. Student organizations must comply with all policies and rules of Boricua, including, specifically, but not limited to, Boricua's Policies on Non-Discrimination and Discriminatory Harassment. This means that no person may be denied membership based on race, religion, national or ethnic origin, gender, handicap, sexual orientation, marital status or age. Violations of College policy, rules, or federal or state law can result in immediate revocation of the organization's recognized status.
- g. Recognition of a student organization does not constitute approval or endorsement by Boricua of the organization's purposes, objectives or activities. Therefore, the use of the name of the College in the student organization's promotional material should read - \*at Boricua College\*, not \*of Boricua College\*.
- h. Renewals of registration of the organization must be filed annually. This policy is not intended to prohibit students from organizing and participating in informal, unrecognized groups.

## **10. POLICY ON SEXUAL HARASSMENT**

### **Introduction**

Boricua College is committed to creating and sustaining a College environment in which students, faculty, and staff can study and work in an open atmosphere, unhampered by discrimination.

Boricua College is committed to a policy of equal opportunity in all its educational activities, admissions, scholarship and loan programs and employment. It does not discriminate based on race, color, national or ethnic origin, citizenship status, religion, sex, sexual orientation, age, mental or physical disability, or marital status.

As a necessary part of its commitment, Boricua College commits itself to prohibit sexual harassment and to confront and deal with it when it occurs.

## Definition of Sexual Harassment

Generally, sexual harassment is conduct that uses power or authority in order to elicit sexual submission, or inappropriate sexual conduct that creates an intimidating, hostile or abusive environment for working, learning or enjoying other opportunities and activities. Sexual harassment can include a wide range of behaviors, from the actual coercing of sexual relations to inappropriate sexualization of the working or learning environment with words, materials or behavior. It may involve women being harassed by men, men being harassed by women, or harassment between persons of the same sex.

The Federal Equal Employment Opportunity Commission ("EEOC") has issued guidelines that provide a basic definition of sexual harassment. While the EEOC guidelines apply only to faculty and other employees, the College prohibits sexual harassment of any member of the College community, whether such harassment is aimed at or committed by students, faculty or other employees.

Based upon the EEOC guidelines, and for the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other expressive or physical conduct of a sexual nature, where:

- submission to such conduct is explicitly or implicitly made a term or condition of employment or status in a course, program or activity; or
- submission to or rejection of such conduct is used as a basis for an employment or academic decision affecting the individual, or for a decision regarding an individual's status in a course, program or activity; or
- such conduct has the purpose or effect, when judged from the perspective of a reasonable person in the position of the complaining individual, of substantially interfering with an individual's work performance, or with an individual's enjoyment of other College opportunities, programs and activities; or
- such conduct has the purpose or effect, when judged from the perspective of a reasonable person in the position of the complaining individual, of creating an intimidating, hostile or offensive environment for working, learning, or enjoying other College opportunities, programs and activities.

Sexual harassment is generally found to be in two distinct forms. Quid pro quo sexual harassment occurs when an individual makes an explicit proposition for sexual favors in return for express or implied job benefits or academic decisions, or where rejection of such a proposition is to be used for, or negatively effects, job benefits or academic decisions. Hostile environment sexual harassment occurs when conduct (either through its severity and/or through its repetitive or consistent nature) has the purpose or effect of substantially interfering with an individual's work or academic performance, or creates an intimidating, hostile or offensive working or learning environment. Unwanted flirtations, advances or propositions of a sexual nature, or unwelcomed comments of a sexual nature about an individual's body or clothing, whether conveyed orally, in writing or by electronic transmission, or unwelcomed touching, such as patting, pinching, hugging, or brushing against an individual's body are illustrations of the kinds of conduct, if engaged in by an individual repeatedly and consistently, which could constitute hostile environment sexual harassment.

## **11. POLICY ON DISCRIMINATORY HARASSMENT**

Boricua College is committed to being an academic community that is racially and culturally diverse, that values mutual respect, human dignity, and individual differences, and that is supportive of intellectual, artistic, and professional growth.

These benefits are compromised when individuals or groups within the community engage in acts of discriminatory harassment and coercion against other individuals or groups, including intimidation by threats and/or acts of violence or personal vilification based on race, color, religion, sex, sexual orientation, ethnic origin, physical or mental disability, age, marital status, or other personal attributes.

Such acts undermine the fundamental values of the entire community and contribute to a hostile environment, which may limit or deny access to the educational process, not just for those subjected to such acts but to the community as a whole. Acts of discriminatory harassment are prohibited. This policy is not intended to discourage the expression of ideas that, while they may be offensive, are protected by the College's support for a free exchange of ideas and freedom of artistic expression, and by the First Amendment of the Constitution of the United States. Speech or other expression constitutes discriminatory harassment if it:

- a. Deliberately, stigmatizes, threatens or intimidates an individual or small group of specific individuals on the basis of race, color, religion, sex, sexual orientation, ethnic origin, physical or mental disability, age, marital status or other personal attributes; and
- b. Deliberately insults, stigmatizes, threatens or intimidates an individual or small group of specific individuals on the basis of race, color, religion, sex, sexual orientation, ethnic origin, physical or mental disability, age, marital status or other personal attributes; and
- c. Is addressed directly to the specific individual or individuals whom it insults, stigmatizes, threatens, or intimidates; and
- d. Makes use of "fighting words" or non-verbal symbols. In the context of discriminatory harassment, "fighting words" or non-verbal symbols are words, pictures or symbols that are, as a matter of common knowledge, understood to convey direct hatred or contempt for human beings and that by their very use inflict injury or tend to incite an immediate breach of the peace.

## **12. POLICY ON ACADEMIC FREEDOM**

The principle of Academic Freedom at Boricua College guarantees the members of the College the right to, "speak and write as they please without interference from the College or from the public." However, Boricua College considers it essential for its community – administrators, faculty, students and staff – to act with utmost responsibility when they say or write publicly. The College will continue to honor academic freedom but expects all its members to act responsibly during these troubled times.

## **13. POLICY ON ALCOHOLIC BEVERAGES AND ILLEGAL DRUGS**

- a. **Boricua College has established a policy on alcoholic beverages and illegal drugs.**

- (1) It is intended to encourage individuals to be sensitive and considerate of the needs and feelings of other persons in any situation where alcoholic beverages are being served and consumed. In addition, Boricua College has developed this policy in order to protect both individuals and the institution from liability in case of an incident involving alcoholic beverages or illegal drugs.
- (2) The College strictly adheres to federal and state laws that restrict and regulate the sale, service, and consumption of alcoholic beverages and that prohibit the sale, purchase, transfer, possession, or use of illegal drugs.
- (3) The policy is meant to insure legal use of alcoholic beverages and responsible conduct by individuals at on-campus events sponsored by the College, at off-campus events hosted by members of the College community when such events are held as an extension of College programs or activities (such as students meeting for a class at the home of a faculty member), and in facilities owned, rented, or operated by the College.
- (4) The policy states emphatically that Boricua College prohibits the distribution, consumption, or possession of illegal drugs on College premises, under any circumstances. Members of the College community who violate the policy on alcoholic beverages and illegal drugs will be subject to College disciplinary procedures.
- (5) Faculty, students, and staff will be provided with information about the policy and about alcohol and drug abuse, including the availability of referral services and assistance programs.
- (6) Student events where alcoholic beverages are present are subject to approval, depending on the nature of the event and the facility. Approval is contingent upon demonstration by the sponsoring group or organization that it is able to comply with College policy and New York State laws.
- (7) The only exception to this approval procedure is for events sponsored and supervised by Officers in the central administration of the College.

**b. Procedures for the Use of Alcoholic Beverages**

- (1) In conformance with the College policy, alcoholic beverages may be sold, distributed, served or consumed only by individuals who have attained the minimum legal New York State purchase age of 21.
- (2) "Closed" events, defined as receptions or other events at which all participants are 21 years or older, are to be conducted responsibly, in conformity with College policy.
- (3) Any off-campus events sponsored by the College or hosted by members of the College community as an extension of College programs or activities are subject to the same requirements as on-campus events.
- (4) Standard identification procedures, appropriate security measures, and visible signage are required at all College events where alcoholic beverages are available and persons under the age of 21 are present. Signs will read, "Alcoholic beverages may only be served to or consumed by persons 21 years of age or older."
- (5) Advertisements or promotional materials for student-sponsored events should not encourage the irresponsible use of alcoholic beverages. The availability of alcoholic beverages should not be used in advertising particular events.

- (6) The sale, distribution, service, or consumption of alcoholic beverages is restricted to areas designated by the College administration.
- (7) Quantities of alcohol to be served at an event must be established in advance and must not encourage intoxication based on New York State legal levels of blood alcohol.
- (8) When alcoholic beverages are served, food and non-alcoholic beverages must be provided in sufficient quantities and in a manner commensurate with the availability of alcoholic beverages to discourage intoxication.
- (9) Staff of the College will be informed that at all College events where alcoholic beverages are available the bartender will expect identification, in compliance with New York State laws.
- (10) Members of the College community who violate the policy on alcoholic beverages will be subject to College disciplinary procedures and, depending on the situation, may be subject to prosecution in accordance with New York State laws.
- (11) This document will be available to all members of the College community.

### **Alcohol and Drug Abuse Referral Services and Assistance Programs**

The College will organize educational programs and events that address the issues of alcohol and drug abuse. The College will provide referrals and information on alcohol and drug assistance programs for faculty, students, and staff. Resources currently available for those in need of assistance for alcohol and drug problems include the following:

#### **At the College**

Boricua College Human Resources & Personnel Department – (212) 694-1000

#### **In New York City**

Alcohol Abuse Advisory and Consultation Center – (516) 378-1051

Alcohol Council of Greater New York – (212) 252-7001

Alcoholics Anonymous – (212) 647-1680

National Council on Alcoholics – (517) 887-0226

Beth Israel Hospital Substance Abuse Information Center – (212) 420-2000

Alanon (support group for friends and relatives of alcoholics) – (212) 941-0094

Narcotics Anonymous – (718) 847-5210

Cocaine Hotlines – 1 (800) 662-HELP; 1 (800) COCAINE

### **Employee Drug-Free Workplace Policy**

In addition to the College-Wide Policy on Alcoholic Beverages and Illegal Drugs, to which all members of the College, including employees are subject, Boricua College, pursuant to the federal Drug-Free Workplace Act of 1988, issues the following policy to be distributed to all employees.

- (1) The unlawful manufacture, distribution, dispensing, possession or use of a prohibited controlled substance in the workplace is prohibited.

- (2) In addition to any other applicable civil or criminal penalty, any Boricua College employee convicted of illegal manufacture, distribution, dispensing, possession or use of a controlled substance shall be subject to disciplinary action which may include termination of employment or an employee may, at the College's discretion, be required to participate satisfactorily in a program for the treatment of drug abuse.
- (3) The College's Human Resources and Personnel advises members of the College, including employees, of the dangers of drug abuse in the workplace and of any available drug counseling, rehabilitation, and employee assistance programs. Employees are hereby informed, in addition, of Boricua's Policy on maintaining a drug-free workplace and the penalties that may be imposed upon employees for drug abuse violations.

**c. Advisory Committee on Campus Security and Crime Reporting**

The President is hereby required by State Education law to appoint an Advisory Committee on campus security consisting of Title IX Coordinator, and/or no less than six (6) members, half of whom should be females: two (2) each from the students, the faculty, and the administration. The Committee will report campus crime statistics on an annual basis, review current campus security policies and procedures, and make recommendation regarding the following:

- (1) educating the campus community, including security personnel and those persons who advise or supervise students, about sexual assault;
- (2) educating the campus community about personal safety and crime prevention;
- (3) reporting sexual assaults and dealing with victims during investigations;
- (4) referring complaints to appropriate authorities;
- (5) counseling victims; and
- (6) responding to inquiries from concerned persons.

**e. Investigating Violent Felony Offenses**

The Title IX Coordinator will be in charge of coordinating the investigation of such crimes, and will work closely with the Director of Human Resources and the College's legal counsels, in communicating with local law enforcement agencies and providing a prompt investigation.

## **14. POLICY ON THE RESPONSIBILITIES OF COMPUTER USERS**

Boricua College is committed to ensuring a working and learning environment in which all persons treat others with respect. All individuals who have access to the College's network or other computer resources - regardless of their physical location - must use them in a manner that is consistent with the College's educational purposes. Access to the College's network or other computer resources is a privilege - not a right - granted solely to the College's faculty, staff and registered students.

The College reserves the right to limit, restrict or extend computing privileges and access to its resources. The College has a responsibility to protect against misuse of the College's network or other computer resources and liabilities, which may arise as the result of such misuse. All users of computer resources are expected to act in a spirit of mutual respect and cooperation, while adhering to the regulations for their use set forth in this statement.

The computing facilities of the College may not be used in any manner that contravenes College policies, including but not limited to the Sexual Harassment and Discriminatory Harassment policies, or federal and state laws, including Article 156 of the New York Penal



Law, "Offenses Involving Computers." The user bears responsibility for the material that he or she chooses to access, send or display.

All users are required to have a valid authorized account, or officially approved system access, and may use only those computer resources that are specifically authorized. Users have access to their accounts only in accordance with authorized purposes, including not permitting access to the account by anyone else through disclosing to them the account password.

A condition of receiving an authorized account is the verification by signature that the user has read this statement and pledges to abide by it. Computing resources are the property of the College; the content within these are the intellectual property of the user.

It is the responsibility of the user to retain personal copies of documents on external storage media. Game playing is not an authorized purpose of the College's network or computer resources. Users are expected to cooperate with computing personnel and follow their instructions. The College reserves the right to limit a computer user's session if there are insufficient resources or to protect system performance. Responsible use of computing facilities and services requires that users:

- a. Respect the legal protection provided to copyright owners and licensees to programs and data; do not engage in unauthorized duplication, transmission, alteration or destruction of data, programs or software.
- b. Respect the rights of others by complying with all applicable College policies, including those regarding intellectual property, sexual and other forms of harassment and by preserving privacy of personal data.
- c. Respect the privacy of others by not tampering with their files, tapes, password, or accounts, or representing yourself as others when sending messages or conferencing.
- d. Respect the integrity of computing systems and data; for example, by not intentionally developing programs or making use of already existing programs to harass other users, or infiltrate a computer or computing system, and/or damage or alter the software components of a computer or computing system, or gain unauthorized access to other systems, facilities or data via the network.
- e. Respect and adhere to all state and federal laws that govern the use of computers for the storage and transmission of data, research, and communication. Criminal and illegal use may include threats, harassment, copyright infringement, defamation, obscenity, child pornography, theft, and unauthorized access.
- f. Not use computing resources for commercial or profit-making purposes without written authorization from the College.
- g. Ensure that all materials published on web sites conform to academic standards for appropriate attribution and do not use materials without the permission of the owner.

The College considers the data in administrative computing systems the property of the College. The contents of user accounts are considered the property of the authorized user, subject to applicable College copyright, intellectual property policies, and applicable federal and state laws.

Boricua College reserves the right to monitor information in user accounts and, therefore, does not represent that the information contained in user accounts is confidential. In the case of a written complaint of serious misuse (understood as the failure to observe any of the conditions in this document), the Vice President for Information Technology may authorize access to information contained in user accounts. All such access will be recorded and the users notified. Users may respond to the Vice President concerning any complaints made against them that have

resulted in access to their accounts. Frivolous complaints or knowing false complaints may be subject to disciplinary action.

In the case of a written complaint of serious misuse, or evidence indicating that computer virus may be present in certain material in the system, the College reserves the right to temporarily remove material from the system for its review. If a complaint of misuse appears to have a basis, it will review by an ad hoc panel appointed each year by the President.

The panel will determine whether such misuse has occurred. Upon receipt of a determination of misuse, individuals who are found to be in violation of these regulations are subject to the following: Suspension of computer privileges, Disciplinary action by their academic department and/or the College. Referral to law enforcement authorities for criminal prosecution; or other legal action, including action to recover civil damages and penalties.

## **15. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT**

The Family Educational Rights and Privacy Act (FERPA) of 1974 as amended in 1995 and 1996 with which Boricua College complies fully, was enacted to protect the privacy of educational records, to establish the right of students to inspect and review their educational records, and to provide guidelines for the correction of inaccurate or misleading statements.

Boricua College has established the following student information as public or directory information that may be disclosed by the institution at its discretion: Student name, major field of study, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended, addresses, phone numbers, photographs, e-mail addresses, and the date and place of birth. Students may request that Boricua withhold the release of directory information by notifying the College's Registration and Assessment Department in writing. Students have the right to file complaints with the Family Educational Rights and Privacy Office in Washington, DC, concerning alleged failures by the institution to comply with the Act.

## **16. POLICY ON THE USE OF COLLEGE FACILITIES**

### **a. Basic Principles**

As a non-profit, tax-exempt institution whose mission is solely educational, Boricua College reserves its facilities for activities serving educational purposes. The President has established a number of guidelines for the use of College facilities by any individual or organization. These guidelines are as follows:

Activities in College facilities must be consistent with the educational purposes of the College. Any recognized faculty or student organization is entitled to use College space, as available, for activities of an educational nature and has the right to invite speakers representing any points of view to the College. The College recognizes the obligation to provide space for these purposes, when it is available, and does so in response to requests for use of space made to the Vice President and/or Dean of Academic Affairs who then requests final approval from the President.

Responsibility for conduct at College events lies with the College sponsors of those events, even when an event is co-sponsored by an outside organization. All activities and all participants in them must respect the right of every individual to freedom of expression.

The College recognizes its responsibility to assure that all members of the College community and guests are able to exercise this right. Access by the media to College events or held in College facilities is determined on a case-by-case basis in accordance with the following policy statement:

Boricua College believes that the presence of individual television and video cameras in classrooms brought in by students into the classrooms tends to alter the educational environment and possibly impede the free exchange of ideas. It therefore, does not permit such equipment in its facilities unless it is part of the educational process, and the institution provides the equipment. On certain occasions, cameras may be permitted at a College event.

These decisions are made on an individual basis. Individuals wishing to bring television or video equipment into College facilities must consult first with the Vice President and/or Dean of Academic Affairs who will make the determination as to whether such equipment will be permitted.

Proper regard must be shown for the facilities, and they must be returned to their original condition on completion of an activity. No commercial activity may be conducted within a College facility.

#### **b. Use of College Facilities by Outside Organizations**

From time to time, members of the College community request the use of facilities on behalf of outside organizations. Outside organizations also occasionally contact the College directly to request the use of space. Regarding those requests, it should be kept in mind that the College facilities are for the primary use of members of Boricua College for educational purposes. Facilities are not available for fundraising purposes or political activity by outside organizations.

When classes are in session, space is at a premium and requests by outside organizations generally cannot be satisfied. When space is available, the College is willing to consider requests for space by outside organizations if they meet the criteria enumerated above and observe the following procedures: Complete a standard application for use of the College's facilities. The application requires information describing the organization's purposes and membership the use for which the facility is requested, expected participants, equipment, maintenance and security needs; Provide a certificate of insurance including public liability in an amount specified by the College. Agree to pay fees including rental and charges for other services provided by the College. Applicants for the use of facilities will be reviewed and determination will be made by the President in consultation with the members of the Executive Council.

### **17. POLICY ON SMOKING**

Boricua College maintains a completely smoke-free environment. Students are not allowed to smoke anywhere on College Premises.

### **18. GUIDELINES ON DEMONSTRATIONS IN COLLEGE FACILITIES**

Boricua is committed to freedom of speech, thought, inquiry, and artistic expression for all members of its community. It is equally committed to protecting the right of free speech of all individuals authorized to use its facilities or invited to participate in the educational activities of any of the College's academic divisions.

## **19. BORICUA DISABILITY ANTI-DISCRIMINATION COMPLAINT PROCEDURES FOR STUDENTS**

### **a. Request for Reasonable Accommodations**

Applicants or students who need reasonable accommodations for their disabilities or who have complaints of discrimination on the basis of their disabilities are encouraged to consult and seek a resolution with a senior academic administrator. The latter may require the submission of adequate documentary evidence from medical professionals describing the injury, condition or disease that forms the basis of the disability the resulting limitation(s) of function and various alternative accommodations that would remedy the circumstance or a statement identifying in detail the alleged discriminatory act(s).

### **b. Filing a Complaint**

If an applicant or student wishes to file a formal complaint of discrimination based on a disability, he or she must file such a complaint within twenty (20) days after the alleged discrimination has occurred with the Title IX Coordinator.

The alleged specific violation of Section 504 of the Rehabilitation Act, the Americans with Disabilities Act or any other federal, state or local disability law. An investigation, as may be appropriate, shall follow the filing of a complaint. The College's Official designated by the President will conduct the investigation. During the investigation, interested persons may be contacted and afforded an opportunity to submit evidence relevant to the complaint. The Official designee shall issue a written determination regarding the complaint and, if appropriate, a description of the resolution.

Anyone accused of discrimination in the complaint will be notified by the Title IX Coordinator of such accusations and shall be afforded an opportunity to respond to such allegations, including during any reconsideration by the College, as appropriate. Anyone accused of discrimination in the complaint will also be notified by the Title IX Coordinator of the final determination of the complaint.

Boricua College expressly prohibits retaliation against anyone who requests an accommodation or who files a complaint of discrimination under these procedures.

## **20. BORICUA DISABILITY STUDENT REQUESTS FOR ACADEMIC ADJUSTMENTS PROCEDURES**

Boricua recognizes that, from time to time, students with disabilities may need academic adjustments or modifications, for example, tape recording lectures or taking extra time to complete examinations. Boricua is committed to making academic adjustments to accommodate the needs of the disabled students. However, Boricua will not change academic requirements that are essential to the program of instruction or to the particular degree requirements.

### **a. Informal Process:**

Students who need adjustments or modifications regarding academic matters are encouraged to informally discuss their request for academic accommodations with their Faculty Facilitator and Vice President and/or Dean of Academic Affairs and/or Title IX Coordinator. The latter may require the submission of adequate documentary evidence from medical professionals describing

the injury, condition or disease that forms the basis of the disability, the resulting limitation(s) of function and various alternative academic adjustments, which would remedy the circumstance.

**b. Filing a Formal Request:**

Students with requests for academic adjustments shall file such request as soon as the informal process fails to satisfy the student, or within twenty (20) days after learning of the need for the academic adjustment, whichever is sooner, with Title IX Coordinator. Generally, requests for retroactive adjustments will not be considered.

## **21. POLICY ON CAMPUS SECURITY AND CRIME STATISTICS ACT**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act as a part of the Higher Education Act of 1990, is the landmark federal law, originally known as the Campus Security Act that requires colleges and universities across the United States to disclose information about crime on and around their campuses.

### **Boricua College's crime reporting and prevention policies are as follows:**

#### **(1) Crime Reporting**

Students, staff, and faculty are expected to report all criminal acts and safety hazards to the Title IX Coordinator and/or Environmental Services and Facilities Department:

- Dr. Shivaji Sengupta, Title IX Coordinator/Vice President for Academic Affairs, (347) 964-8600, Ext. 448
- Carlos Andujar, Director, Manhattan Campus (212) 694-1000, Ext. 669
- Jose Vasquez, Director, Bronx Campus (347) 964-8600, Ext. 120
- Juan Rivera Pagan, Director, Brooklyn Campus (718) 963-4112, Ext. 562

In the event of an immediate threat or danger, dialing 911 should contact the police, fire or medical services. It is important that any incident be reported as completely as possible to result in the best utilization of the College's resources, and for prevention in the future.

#### **(2) Crime Prevention**

Crime prevention and awareness is not the sole responsibility of the Title IX Coordinator, and/or Environmental Services Department Security, and the Human Resources and Personnel Department. It is a joint venture between those departments and the total College community. The College will inform on crime statistics through orientation of new students and employees, campus publications, web page, special security announcements and early warning signals. Crime statistics are collected in the following seven major categories: (1) Criminal homicide (manslaughter and negligent manslaughter), (2) sex offences, (3) robbery, (4) aggravated assault, (5) burglary, (6) motor vehicle theft, (7) arson. Boricua will also report on drug law violations and illegal weapons possession if an arrest is made.

The College will publish on its web-page crime statistics every year by October 1, and will provide this information to the U.S. Department of Education.

**THE BORICUA COLLEGE ANNUAL SECURITY REPORT IS CURRENT AS OF  
OCTOBER 1, 2019.**

**BORICUA COLLEGE CRIME STATISTICS --- 2019**

Boricua College Annual Security Report - 2019 <sup>2</sup>	On Campus Property			Non-Campus Property			Public Property		
	2018	2017	2016	2018	2017	2016	2018	2017	2016
Category									
Murder and Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses-Rape	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Arrest for Alcohol	0	0	0	0	0	0	0	0	0
Discipline for Alcohol	0	0	0	0	0	0	0	0	0
Arrest for Drugs	0	0	0	0	0	0	0	0	0
Discipline for Drugs	0	0	0	0	0	0	0	0	0
Arrest for Weapons	0	0	0	0	0	0	0	0	0
Discipline for Weapons	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0	0	0	0

**Dr. Shivaji Sengupta**

**Title IX Coordinator**

Email [ssengupta@boricuacollege.edu](mailto:ssengupta@boricuacollege.edu)

Phone (347) 964-8600, ext. 448

Fax (347) 964-8614

<sup>2</sup> Boricua College's Annual Security Report 2019, covers all three (3) locations of Boricua College (a Commuter College) within three boroughs of New York City; requirement citation 34 CFR 668.41(e) and Disclosure of Crime Statistics in Annual Security Report citation 34 CFR 668.46 (b)(1).