



**Annual Security and Fire Safety Report with
2012-2014 Crime Statistics**

2015-2016 Academic Year Publication

Annual Security and Fire Safety Report

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About LIM College

More than seven decades ago, Maxwell F. Marcuse, an authority and pioneer in the fields of education and fashion, was asked by leading retailers to create an educational institution for the business of fashion and merchandising. In 1939, Mr. Marcuse founded what was originally known as the Laboratory Institute of Merchandising (LIM) and is today LIM College. Mr. Marcuse brought a wealth of experience and knowledge to establishing LIM College. In addition to holding several advertising positions with prominent retailers such as R.H. Macy & Co., Inc., he lectured on retail advertising, sales promotion, and fashion merchandising. He was also the author of several books on retailing. Mr. Marcuse's

background was instrumental in incorporating hands-on training and practical work experience as the foundation of LIM College's mission.

Maxwell F. Marcuse's son, Adrian G. Marcuse, joined LIM College in 1962 and assumed the presidency 10 years later. In his 40 years at the College, he kept alive the vision created by his father and successfully took LIM College from an institution that granted certificates for a one-year program to a Middle States-accredited, four-year college that granted baccalaureate degrees.

LIM College Today

LIM College's current president, Elizabeth S. Marcuse, is the third generation of the founding family to hold this position. With a unique combination of more than 20 years of fashion industry experience and hands-on administrative expertise, President Marcuse brings fresh insight to LIM College's mission. Under her leadership the College has experienced significant strategic growth and greatly expanded its physical plant and academic offerings, most notably with the opening of the Division of Graduate Studies and launch in 2009 of a Master of Business Administration (MBA) degree program with tracks in Fashion Management and Entrepreneurship. Other graduate offerings include Master of Professional Studies (MPS) degree programs in Fashion Merchandising & Retail Management, Fashion Marketing, and Visual Merchandising.

Academic undergraduate programs include bachelor's and associate degrees in Fashion Merchandising, and bachelor's degrees in International Business, Marketing, Management, and Visual Merchandising. Continuing Education courses and summer and Saturday programs for high school students are also available.

LIM College is accredited by the Commission on Higher Education of the Middle States Association of Colleges and Schools and its programs are registered by the New York Education Department. LIM College's MBA, bachelor's and associate degree programs are also accredited by The Accreditation Council for Business Schools and Programs (ACBSP).

Enrollment for the Fall 2014 semester was 1,552 undergraduate and 185 graduate students. The student-to-faculty ratio is 8:1 and the average class size is 16.

LIM College is located in three buildings in Midtown Manhattan: The Townhouse (at 12 East 53rd Street), Maxwell Hall (at 216 East 45th Street), and Fifth Avenue (at 545 Fifth Avenue). Student housing is located on Manhattan's Upper East Side, at the 1760 Third Avenue Residence Hall.

The LIM College Campus

LIM College conducts primary operations in four locations in New York City. These are: The Townhouse (12 East 53rd Street); Maxwell Hall (216 East 45th Street); Fifth Avenue (545 Fifth Avenue); and student housing which is located on Manhattan's Upper East Side,

at the 1760 Third Avenue Residence Hall. LIM College owns the Townhouse and leases space in all of the other facilities. The 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 bookstore, and a café.

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 the 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 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.

Security at LIM College

LIM College does not have a proprietary police or security department. The College hires contract security officers to work in the College's buildings at 12 East 53rd Street and 216 East 45th Street during normal business hours and into the evenings when the buildings are open and accessible to students and staff. The security officers' responsibilities involve providing access control services for those facilities and providing general assistance to students, staff and visitors. LIM College has long-term leased space at 1760 Third Avenue and the management of this facility hires security officers to work in the building. The College also has long-term leased space at 545 5th 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 security officers working in any of the LIM College facilities have the authority to make arrests.

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 officials or the security officers working in LIM College facilities, appropriate College personnel would investigate and assist in filing the necessary report with the NYPD.

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 711 for all LIM facilities except the 1760 Third Avenue Residence Hall. This information can be found in both the employee handbook and student handbook.
- For crimes or emergencies that occur at the 1760 Third Avenue Residence Hall, report the incident to the Housing & Residence Life Office from 9 am – 5 pm at (212) 752-1530, ext. 330 when the College is open, unless posted otherwise. Between 7 pm – 7 am, call the Resident Advisor (RA) on duty at 646-529-7536. The RA on duty will be the quickest responder and will follow procedures and notify appropriate professional staff. In addition to the above hours, a professional staff member from the Office of Housing & Residence Life or the Office of Student Affairs is available at all times at 212-752-1530, ext. 411. Lastly, the 1760 Residence Hall security staff located at the front desk can be contacted as well at any time at 212-600-5555.

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 Office of Student Affairs. The Dean of Student Affairs or a designee, or the Director of Housing & Residence Life 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.

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 example, a crime that was reported only to the New York Alliance Against Sexual Assault would not be included in with the College's crime statistics.

For additional reporting procedures related to potential Title IX violations please see pages 24-25.

Confidential Reporting Procedures

Students

Office of Counseling & Wellness

Students have the right to, but are not required, meet with an employee who can maintain confidentiality and not notify a Title IX Coordinator, and can do so by contacting the counselors at LIM College's Office of Counseling & Wellness Services. The office is located at Maxwell Hall, 216 East 45th Street, on the 14th floor, and can be reached at 212-752-1530 extension 315. Counselors are trained to provide students with confidential support and information on common emotional reactions to sexual offenses and relationship violence. Counselors can also discuss coping methods and resources. Callers to the College Counseling Center do not need to leave their names. Counselors will not reveal a student's identity to anyone without the student's permission, unless they determine that the student may pose an immediate threat to her or himself and/or others. Students may be seen on an emergency walk-in-basis, if space or a counselor is available, or by appointment.

Students also have the right to meet non-confidentially with the College's Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault.

All LIM College offices and employees, even those who cannot guarantee confidentiality, will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential employee will be relayed only as necessary to the Title IX Coordinator to investigate and/or seek a resolution.

The reason for confidential reporting is to give crime victims the opportunity to remain anonymous, while still taking steps towards ensuring their future safety and the safety of others at the College. Being armed with this information, the College can track incidents involving our students and employees and look for patterns. Additionally, this information will allow the College to determine if a timely warning or immediate notification should be sent to the college community warning them of on-going potential hazards or threats to the community at large.

Employees

Employee Assistance Program (EAP)

Employees who wish to maintain confidentiality and not notify a Title IX Coordinator can contact the College's Employee Assistance Program (EAP) provided by Lincoln Financial Group at 888-628-4824. To learn more about the Lincoln Financial EmployeeConnect program, log into www.GuidanceResources.com (username = LFGsupport; password = LFGsupport1).

Office of Human Resources

Incidents reported directly to College officials will not be confidential, but the College will attempt to maintain employee privacy throughout the complaint and investigation process to the extent practical and appropriate under circumstances. However, in order to conduct an effective investigation, the College's investigators may need to discuss the allegations with the alleged harasser and other potential witnesses. To file a complaint with the College employees should contact:

Andrea L. Granville, M.B.A.
Director of Human Resources & Title IX Coordinator
12 East 53rd Street – 3rd Floor
New York, NY 10022-5268
T: 212-310-0628
F: 212-750-3480
agranville@limcollege.edu

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 of a crime which may pose a serious ongoing threat to members of the LIM College community, a "Crime Alert" will be sent to all students and employees via the College's email system. Additionally, all students and employees who have registered with the College's Emergency Notification System will receive alerts via phone, text message and/or email, depending upon which method(s) they have signed up for. These alerts will be prepared and approved by a member of the President's Cabinet and distributed to the community by members of the Emergency Notification team composed of designated employees in the Offices of Institutional Advancement or Information Technology. Crime Alerts will be followed up by a notice on the home page of the LIM College website, and, when deemed necessary, a notice on the College's internal TV screens. Follow-up information will be disseminated via some or all aforementioned systems throughout the duration of the crisis, as deemed appropriate.

Crime Alerts are usually distributed for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: arson, criminal homicide, and robbery. 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. Crimes reported to the Facilities Department or the Housing & Residence Life Office are documented and those reports are forwarded to the Office of the Dean of Student Affairs. The Dean of Student Affairs or a designee reviews all internal reports and information received from the NYPD to determine if there is an on-going threat to the community and if the distribution of a Crime Alert is warranted. Crime Alerts may also be posted for other crime classifications, as deemed appropriate.

A daily crime and fire log is available for review during normal business hours at the Townhouse's Office of the Building Superintendent located at 12 East 53rd Street. The information about crimes typically includes the case number, classification, date reported, date occurred, time occurred, general location, and disposition of each crime. The information about fires typically includes the case number, date reported, date occurred, time occurred, and general location.

Emergency Response and Evacuation Procedures

The LIM College All Hazards Emergency Response Plan includes information about the College's Response Planning Teams; incident priorities and performance expectations; shelter-in-place and evacuation guidelines; crisis communications plans; and continuity of operations plans. The College conducts a minimum of two Emergency Response tests per year. These tests may be in the form of an exercise, which could include a field exercise, or a drill which tests a procedural operation or technical system. In addition, the College conducts quarterly table top exercises every year and holds a separate one at the residence hall for Resident Assistants. The tests are designed to assess and evaluate the emergency plans and capabilities of the institution. A copy of the summary is available upon request thru the Office of the Special Assistant to the President. In addition, the College's emergency response consultants communicate information regarding the table top exercises to students, faculty and staff during emergency response training held every fall.

LIM College administrators are familiar with all aspects of the Emergency Response Plan including Incident Command. 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 <http://www.limcollege.edu/1726.aspx>.

Notification to the LIM College Community about an Immediate Threat

LIM College will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or staff occurring in and around LIM College campus facilities. Members of the President's Cabinet may receive information from various offices/departments on campus or external agencies, such as LIM College Security, the Office of Student Affairs, the NYPD, or the FDNY. Any member of the President's Cabinet

may be in a position to 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. A member of the President's Cabinet will collaborate with a member of the Emergency Notification Team, made up of members of the Offices of Institutional Advancement and Information Technology, to determine the content of the message and the appropriate segments of the community to receive the notification. The institution may limit the message to a particular segment of the community, if the threat is limited to a particular building or segment of the population. A member of the Offices of Institutional Advancement or Information Technology, who is trained to use the system, will initiate the system by using some or all of the system's capabilities described below to communicate the threat to the LIM College community. LIM College will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the 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 of these methods of communication may be activated in the event of an immediate threat to the LIM College campus community. These methods of communication are part of the Emergency Notification System (ENS) and include network emails, emergency text messages that can be sent to a phone or PDA, and outgoing phone messages. LIM College staff and students are strongly encouraged to go to the website at www.limcollege.edu/ENS to register to receive emergency messages through the Emergency Notification System. In addition, the Emergency Notification System will continue to inform the community with updates until the threat has been resolved. Another method of communication to provide follow-up information following an emergency on campus includes posting any emergency notifications on the College's opening home page 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.

LIM College community members are encouraged to notify 911 and the Facilities Department or the Housing & 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.

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 College's 21st Century Mass Notification System, which can be activated by any member of the President's Cabinet. Depending on the situation, the process for deploying a message via this system may require up to 30 minutes or more. During these extreme situations, members of the President's Cabinet can send quick notifications via use of readily available systems which include voice announcement, 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 guidelines that are meant to aid in effective communications during emergency events:

Emergency Evacuation Procedures

At Maxwell Hall (216 East 45th Street), 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 5th 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 the Townhouse (12 East 53rd Street), always evacuate the building immediately upon hearing a fire alarm in the facility. Use the nearest stairwell and/or exit to leave the building.

At the 1760 Third Avenue Residence Hall, 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.

New freshmen and transfer students, who reside at 1760 3rd Avenue, receive building specific 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, at the beginning of each academic year, to students, faculty and staff during Student Orientation Week, New Faculty Orientations and All College Meetings. Additionally, specific Emergency Response Training is provided annually to resident staff and advisors, resident students, student mentors and orientation leaders, new students, building-level emergency response teams, and telephone operators.

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, 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.

Annually 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 space, members of the facilities staff work with the building management to help ensure participation in drills.

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. Additionally, two Emergency Response Videos are available for students. One is a general overview of emergency response at LIM College and the other is specific to the Residence Hall.

Shelter-in-Place Procedures – What Does this Mean?

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.

Basic “Shelter-in-Place” Guidance

If an incident occurs and the building you are in is not damaged, stay inside in 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.

How You Will Know to “Shelter-in-Place”

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. The Townhouse is not equipped with a public address (PA) system. All other LIM College facilities are equipped with PA systems.

How to “Shelter-in-Place”

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
 - 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 in to LIM College at 711 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.

Access to Campus Facilities

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 security guards or receptionists and 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 security at a front desk during and/or after normal business hours, and all of the buildings have I.D. card controlled access.

Residence Hall

Access to the Residence Hall at 1760 Third Avenue is controlled by security officer, hired by the management of that facility, who are responsible for monitoring access into the facility. Residents gain entry by swiping their cards in turnstiles. Residents without their LIM College I.D. card must sign in with security to obtain temporary access to the Hall. Access is restricted to residents and their approved guests. All approved guests must be signed in with security and accompanied by their host resident at all times.

LIM College Resident Advisors and the Residence Hall Director also enforce security measures in the LIM College areas of the building and work with residents to achieve a community respectful of individual and group rights and responsibilities.

Maintenance of Campus Facilities

Facilities and landscaping 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 Special Assistant to the President inspects all facilities each quarter and submits a written report to the Facilities Department.

Emergency Response Education of Members of the College Community

The College's emergency response consultants, along with key members of the Emergency Response Committee, coordinate the yearly emergency response training plan and present all emergency response training. Campus security, fire safety and emergency procedures are discussed during both new student and new faculty orientations held at the start of every fall and spring semester. As described above, all students, faculty and staff receive Emergency Response Training annually. The Offices of Student Affairs and Human Resources participate in conducting educational programs, as deemed appropriate, in crime prevention and general security and safety awareness when requested by various LIM College community groups, including students and employees of the College. During these presentations, the following information is typically 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 to the College are provided with information on crime prevention and fire safety on or before their first day, annually by email, and during Quick Start Orientation. LIM College personnel and consultants conduct more than 25 security awareness, emergency response, sexual assault, and/or crime prevention programs each academic year.

Responsibilities of the LIM College Community

Members of the LIM College community must assume responsibility for their own personal safety and the security of their personal property. The following precautions provide guidance:

1. Report all suspicious activity to the NYPD and to the Facilities Department or the Housing & Residence Life Office immediately.
2. Never take personal safety for granted.
3. Try to avoid walking alone at night.
4. Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively or engaging in illegal activity. Remember to call the NYPD for help at the first sign of trouble.
5. Carry only small amounts of cash.

6. Never leave valuables (wallets, purses, laptops, phones, calculators, etc.) unattended.
7. Carry your keys at all times and do not lend them to anyone.
8. Always lock the door to your Residence Hall room, whether or not you are there. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not in your room.
9. Engrave serial numbers or owner's recognized numbers, such as a driver's license number, on items of value.
10. Inventory your personal property and insure it appropriately with personal insurance coverage.

Alcohol and Drug Policies

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 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 Policy and parents of any students who violate the College's Drug Policy.

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, are contained online at the Office of Counseling & Wellness Services website at: <http://www.limcollege.edu/student-life/10776.aspx>. *The Student Code of Conduct* also specifies the prohibitions and the penalties for violations of these prohibitions and is available at <http://www.limcollege.edu/student-life/2081.aspx>.

All new employees are provided with the College's Drug and Alcohol Policy and the Criminal Sanctions Related to Alcohol and Drug Abuse and Possession Notice upon hire, annually by email, and during Quick Start Orientation. LIM College maintains compliance with the federal Drug-Free Schools and Communities Act of 1989. Employees can access a copy of the College's Employee Handbook in the Human Resources folder of the Shared Administrative Documents folder (on the K: Drive at K:\Shared Administrative Documents\Human Resources\Important Documents\Employee Handbook) or by logging into the ADP Portal at: <https://portal.adp.com/public/index.htm>.

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.

In accordance with New York State Article 129-B, beginning in October 2015, the College adopts the following **student Policy for Alcohol and/or Drug Use Amnesty**:

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 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 Code of Conduct action, or any other adverse action, 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.

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 and 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:

Resources

- For LIM College Students: LIM College Counseling & Wellness Center, 212-752-1530, extension 315
- For LIM College Staff and Employees: Director of the Office of Human Resources at 212-310-0628

For more information and help with alcohol or drug abuse for employees and/or their family members, employees may contact the 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

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 LIM College Counseling & Wellness Center 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.

Crime Statistics

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 President's Cabinet members.

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 PDF copy of the ASFSR.

LIM College does not have a traditional “campus”. The College’s main campus building is located at 12 East 53rd Street and is considered “on campus” property for purposes of the crime statistics reported in the ASFSR. The crime statistics for the other three LIM College buildings (216 East 45th Street, 545 5th Avenue, and the Residence Hall located at 1760 Third Avenue) are considered non-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. As of fall 2013, 226 East 54th Street was no longer a part of the College’s non-campus facilities.

Statistical Disclosure of Reported Incidents

Incidents reported to the Facilities Department, the Housing & Residence Life Office, a Security Officer 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).

Offense	Year	On Campus	Non-Campus	Public Property	Total
Murder/Non Negligent Manslaughter	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0
Negligent Manslaughter	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0
Sex Offenses, Forcible	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	1	0	1
Sex Offenses, Non Forcible	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0
Stalking	2013	0	0	0	0
	2014	0	0	1	1
Domestic Violence	2013	0	0	0	0
	2014	0	0	0	0
Dating Violence	2013	0	0	0	0
	2014	0	0	0	0
Robbery	2012	0	0	0	0
	2013	0	1	0	1
	2014	0	0	0	0
Aggravated Assault	2012	0	0	0	0
	2013	0	0	0	0

	2014	0	0	0	0
Burglary	2012	1	2	0	3
	2013	0	0	0	0
	2014	1	0	0	1
Motor Vehicle Theft	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0
Arson	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0
Liquor Law Arrests	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2012	0	5	0	5
	2013	0	4	0	4
	2014	0	20	0	20
Drug Law Arrests	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2012	0	0	0	0
	2013	0	1	0	1
	2014	0	7	0	7
Weapons Law Arrests	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0

Note: LIM College does not have any on-campus residential facilities. The statistics for the residential facility located at 1760 Third Avenue are captured in the non-campus column above.

There were no reported hate crimes for 2012, 2013, and 2014 at the College.

The number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/Non-Negligent Manslaughter, Negligent Manslaughter, Forcible and Non-Forcible Sex Offenses, 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 assaults 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.

Annual Fire Safety Report

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.

The 1760 Third Avenue Residence Hall is not an on-campus residential facility under the Clery Act, but LIM College provides the following fire safety information to benefit those students and families at LIM College:

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.

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.

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 711 (internal phone) 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 evacuations 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 with physical disabilities, who cannot use stairs unaided.

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

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.

The Townhouse:

Evacuate the building immediately upon hearing a fire alarm. Use the nearest stairwell and/or exit to leave the building. During the evacuation process, there should be no sauntering and no conversation. Leave your area at a brisk walk and proceed immediately by the stairs to the lobby and onto the sidewalk, keeping the front of the building clear.

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.

1760 Residence Hall:

The 1760 Third Avenue Residence Hall is not an on-campus residential facility as defined by the Clery Act, but LIM College provides the following information to educate those students living in that non-campus residential facility about fire safety.

Fire Protection Equipment/Systems

The 1760 Third Avenue Residence Hall has a fire safety system, including alarms, smoke detection, emergency lighting, generators, and standpipes and sprinklers that are in full compliance with the “Rules of the City of New York” (RCNY) at the time of this report. All systems are compliant with current local law and NYFD standards. Beyond the standards of compliance, the building maintains energized (wet) sprinklers in all residence hall rooms and public spaces.

Policies on Portable Electrical Appliances, Smoking and Open Flames

No resident is permitted to smoke, have an open flame or burn incense of any kind in the facility. No hotplates, percolators, or high heat generating kitchen appliances are permitted. Microwaves are supplied by the facility for each room.

Procedures for Students and Employees in the Event of a Fire in any LIM College Facility

- Find the nearest pull station, and sound central alarm.
- Shut all doors and windows in the vicinity of the fire.
- If the fire is small, use fire extinguishers to put it out.
- Exit by nearest safe stairway. Do not use the elevators. Do not run.
- If there is smoke in the room, keep low to the floor.
- Try to exit the room. Feel the doorknob. If it is hot, do not open the door.
- If the doorknob is not hot, brace yourself against the door and crack it open. If there is heat or heavy smoke, close the door and stay in your room.
- Don’t panic.
- Seal up the cracks under the door with sheets or towels. If there is smoke in the room, crack the windows at the bottom and at the top, if possible, to allow for ventilation.
- Hang a sheet or towel from the window to announce that you are in your room.
- If you can exit the room, put on shoes (and, if necessary, a coat). If smoke is evident, get a wet towel to cover your face.
- Close all doors.
- If in exiting the building you are blocked by fire, go to the safest fire free area, or stairwell. If a phone is available, call 911, or find a window and signal that you are still in the building.

Fire Safety Tips

Buildings are equipped with a variety of features that are designed to detect, stop and/or suppress the spread of a fire.

- A door can be the first line of defense against the spread of smoke or fire from one area to another. Some doors, such as fire doors in corridors or stairwells of residence halls, are designed to stand up to fire longer than those of an individual room. It is important that these doors are CLOSED for them to work. Additionally, if a door has a device that automatically closes the door, it should NOT be propped open.
- Sprinklers are 98% effective in preventing the spread of fire when operating properly. DO NOT obstruct the sprinkler heads with materials such as clothing hanging from the piping.

- Smoke detectors cannot do their job if they are disabled or covered by the occupant, which is a violation of LIM College Policy.
- Almost three-fourths of all fires that are caused by smoking material are the result of a cigarette being abandoned or disposed of carelessly. Smoking is NOT PERMITTED in any LIM College building.

Fire Safety Education and Training

This topic is addressed above under the Emergency Evacuation Procedures section. In addition, 1760 staff (non LIM College staff) is trained prior to each semester in basic fire, life and safety knowledge. They are also updated monthly on changes to the fire and life safety programs for 1760.

Plans for Future Improvements in Fire Safety

There are no current plans for improvements to the fire and life safety system in the 1760 Third Avenue Residence Hall.

Fire Statistics for 1760 Third Avenue Residence Hall

2014 Total Number of Fires = 0

Cause of Fire	# Injuries Related to a Fire that Resulted in Treatment at a Medical Facility	# Deaths	Value Property Damage
n/a	0	0	0

2013 Total Number of Fires = 0

Cause of Fire	# Injuries Related to a Fire that Resulted in Treatment at a Medical Facility	# Deaths	Value Property Damage
n/a	0	0	0

2012 Total Number of Fires = 0

Cause of Fire	# Injuries Related to a Fire that Resulted in Treatment at a	# Deaths	Value Property Damage

	Medical Facility		
n/a	0	0	0

Missing Students

LIM College follows the missing person’s policy in cases when a student is reported missing to the Office of Housing & Residence Life.

I. Procedures for Designation of Emergency Contact Information

a. Students age 18 and above and emancipated minors:

Students are required during the housing sign up process each year to designate an individual or individuals 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. A designation will remain in effect until changed or revoked by the student.

b. Students under the age of 18:

In the event a student who is not emancipated is determined to be missing pursuant to the procedures set forth below, the College is required to notify a custodial parent or guardian no more than 24 hours after the student is determined to be missing in accordance with the procedures set forth below.

II. Official Notification Procedures for Missing Persons

a. Any individual in housing who has information that a residential student may be a missing person must notify the Housing & Residence Life staff as soon as possible. A staff member may be reached at 212-752-1530 ext. 411 from 7AM – 7PM and at 646-529-7536 from 7PM - 7AM. The Housing & Residence Life staff will assist external authorities with these investigations as required by law.

b. The Housing & 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.

c. Housing & 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 1760 building staff to ascertain the turnstile and room door lock logs.

d. 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), 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.

e. No later than 24 hours after determining that a resident student is missing, the Director of Housing & Residence Life, or a designee, will notify the emergency contact (for students 18 and over) or the parent/guardian (for students under the age of 18) that the student is believed to be missing.

Confidential Contact

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the LIM College Office of Housing & Residence Life in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, Housing & Residence Life will notify that individual no later than 24 hours after the student is determined to be missing. Students who wish to identify a confidential contact can do so through the Office of Housing & Residence Life. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement as appropriate.

Response to Sexual Assault (Students)

Individuals are encouraged to report potential crimes of sexual assault (sexual assault by a person that is known or a stranger) to the New York City Police Department and the LIM College Title IX Coordinators. It is important to preserve evidence to the extent possible. The Title IX Coordinators and the Title IX Investigators are available to assist an individual in notifying law enforcement. Criminal and LIM College investigations are separate and may be conducted simultaneously. The College will not wait for the completion of a criminal investigation in order to respond.

The LIM College Student Code of Conduct

Rape and 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 students are violations of LIM College's Student Code of Conduct.

Male Victims

While most victims of sexual assault are women, some men are also victims. Male victims at LIM College receive the same services as women. Emotional support, counseling about options, information about resources related to legal issues and medical treatment are available to assist all those recovering from sexual assault.

Prevention and Education Programs

Programs and information about sexual assault awareness are available through the Office of Counseling & Wellness Services upon request. General safety procedures, which include sexual assault awareness, are covered during New Student Orientation and in Residence Hall Orientation for those living in LIM College housing. Housing & Residential Life staff

also conduct periodic educational sessions on prevention of various crimes, including all forms of sexual assault and acquaintance rape. Examples include:

- Presentation by SCREAM Theater of Rutgers University addressing dating violence, domestic violence, sexual assault, stalking, and bystander intervention.
- Women's self-defense class in which sexual assault and safety are addressed in fall and spring semesters.
- Each year, during RA training, a safety session is held in which sexual assault is covered. This topic has been facilitated by various presenters including the LIM College Counseling & Wellness Center and outside professionals.
- Alcohol awareness event in the fall semester during which safety and sexual assault issues are addressed.

Response to Sexual Assault (Faculty/Staff)

New staff and faculty members are provided with information on Sexual Harassment and Sexual Assault Prevention as part of their employee orientation as well as online Sexual Harassment Prevention Training. Information and reporting procedures for Sexual Harassment are detailed in the College's Sexual Harassment Policy located on pages 56-57 of this document and also accessible by logging into the ADP Portal at <https://portal.adp.com/public/index.htm>. In 2014-2015 academic year, all existing staff and faculty members were also offered workshops on Sexual Misconduct and Sexual Violence Awareness and Prevention. Any staff or faculty member who becomes a victim of sexual assault should follow the reporting procedures outlined in the College's Workplace Violence Policy located on pages 58-59 of this document and also accessible by logging into the ADP Portal at <https://portal.adp.com/public/index.htm>. Additionally, victims of sexual harassment and sexual assault are encouraged to seek counseling through the College's Employee Assistance Program (EAP) provided by Lincoln Financial Group at 888-628-4824. To learn more about the Lincoln Financial EmployeeConnect program, log into 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

Title IX

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, but not limited to, sexual harassment and sexual violence, in the College's educational programs and activities. Title IX also prohibits intimidation, coercion or retaliation against individuals for engaging in activities protected by Title IX including asserting claims of sex discrimination.

LIM College has a designated Title IX Coordinator for Students, Michael V. Richards, Dean of Student Affairs, whose office is located at 545 5th Avenue – 7th Floor. He can be reached via phone at 646-388-8432 or x241 and via email at michael.richards@limcollege.edu.

The College also has a designated Title IX Coordinator for Employees, Andrea L. Granville, Director of Human Resources, whose office is located at 12 East 53rd Street (The Townhouse) on the 3rd Floor. She can be reached via phone at 212-310-0628 or x310 and via email at andrea.granville@limcollege.edu.

A person may also file a written complaint with the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or calling 1-800-421-3481.

If You Are Raped or Sexually Assaulted:

- 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/or counseling. Remember, you will not be made to do anything you do not want to do and may decline any of the elements of this evaluation.
- If you have been raped, 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. (See "What is a 'SAFE Center of Excellence'")
- In the meantime, 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 of the rape.
- Keep in mind, though, that evidence collection does not require you to place a report with the police or press charges, it just preserves these options for the future.

- Or, go directly to the nearest SAFE Center of Excellence Emergency Department. If you go to the nearest emergency department that is not a designated SAFE Center, you can be transferred to the nearest SAFE Center of Excellence.
 - **What is a "SAFE Center of Excellence"?**
Sexual Assault Forensic Examiner (SAFE) services are considered the best and most victim-centered approach to acute health care for sexual assault patients. The New York State Department of Health certifies Emergency Departments as SAFE Centers of Excellence.

SAFE Centers provide sexual assault patients with:

- 1) Sensitive, victim-centered, medical and forensic health care performed by a specially trained Sexual Assault Forensic Examiner (SAFE). A SAFE is a healthcare provider such as a doctor, nurse, physician's assistant or nurse practitioner.
- 2) Care that is timely, compassionate, and patient-centered, in a designated and appropriately equipped private room.
- 3) 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.
- 4) Psycho-social and legal support by a specially trained Rape Crisis Advocate or Counselor.
- 5) Reliable referrals to mental and physical health care and follow-up services.

Medical Resources

- **Hospitals in New York City with SAFE Centers:**

Manhattan

St. Luke's Hospital (CHP)
Amsterdam Avenue & W 113th Street

Roosevelt Hospital (CHP)
1000 10th Avenue

Mount Sinai Beth Israel-Petrie Campus (Mount Sinai)
1st Avenue & E 16th Street

Bellevue Hospital (HHC)
1st Avenue & E 27th Street

Harlem Hospital (HHC)
506 Lenox Avenue

Metropolitan Hospital Center (HHC)
1901 1st Avenue

The Mount Sinai Hospital (Mount Sinai)
1 Gustave L Levy Place

New York Presbyterian Hospital-Columbia (NYP)
622 W 168th Street

New York-Presbyterian Hospital- The Allen Pavilion (NYP)
5141 Broadway

New York-Presbyterian Hospital-Weill Cornell (NYP)
525 East 68th 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)
E 210th Street & Kossuth Avenue

Lincoln Medical and Mental Health Center (HHC)
234 E 149th Street

Jacobi Hospital (HHC)
Eastchester Road & Pelham Parkway S

Queens

Queens Hospital Center (HHC)
82-68 164th Street

Elmhurst Hospital (HHC)
79-01 Broadway

Staten Island

Richmond University Medical Center (IN)
355 Bard Avenue

Additional Medical Facilities Located Near the College:

Lenox Hill Hospital
100 East 77th Street (off of Park Avenue)

NYU Medical Center
550 First Avenue (at 33rd Street)

Walk-In Medical Clinics – with several Manhattan locations:

- DR Walk-In (www.drwalkin.com)
- City MD Urgent Care (www.cityMD.com)

- **Talk with an advocate or a counselor** who will maintain confidentiality, help explain your options, give you information, and provide emotional support.
- **Contact someone you trust** to be with you and support you.

Past Abuse

Many individuals experience sexual assault and never tell anyone about it at the time of the incident. If you were victimized weeks or years ago, assistance is still available to you. Talking with someone now may help you cope better with abuse from the past, whether it was rape, child sexual abuse, incest, or sexual harassment.

Medical Treatment

It is important to seek immediate and follow-up medical attention for several reasons: first, to assess and treat any physical injuries you may have sustained; second, to determine the risk of sexually transmitted diseases or pregnancy and take preventive measures; and third, to gather evidence that could aid criminal prosecution. Physical evidence should be collected immediately, ideally within the first 24 hours. It may be collected later than this, but the quality and quantity of the evidence may be diminished.

Immediate Emergency Services

Following an assault, a special exam should be conducted as soon as possible to ensure your physical well-being and to collect evidence that may be useful in criminal proceedings. Even if you have not been physically hurt, this forensic exam is strongly recommended to maintain all your legal options. After the evidence is collected, it can be stored in case you wish to press criminal charges. The exam can be conducted at a hospital in NYC without the involvement of law enforcement personnel. In NYC, the hospitals typically keep the evidence collected during the exam for at least 30 days while the victim decides if she/he wants to file a report with the NYPD. The exam is typically performed by an emergency department physician or gynecologist. A nurse is typically present throughout the procedure, and a support person of your choice can also be present.

Non-Emergency Medical Procedures

Even if you do not have evidence collected at the hospital, it is still important to get medical attention. An exam in this case should include treatment of any physical problems and various lab tests for sexually transmitted diseases and pregnancy.

Resources:

On-Campus: Counseling and Emotional Support for Students

The Office of Counseling & Wellness Services (212-752-1530 extension 315) is located at Maxwell Hall, 216 East 45th Street, on the 14th floor. Counselors can provide confidential support for you during this difficult period. They can inform you of common emotional reactions and discuss coping methods that may assist you immediately following the assault and later. Talking about your concerns with a counselor in a safe and supportive environment may help you sort through your feelings and decide what to do. You do not need to disclose your name if you call the College Counseling Center for information. Counselors will not reveal your identity to anyone without your permission. Students may be seen on an emergency walk-in basis if space or a counselor is available, or by appointment. Assistance and support for dealing with personal and academic issues is also available from the Office of Student Affairs.

Employee Assistance Program (EAP)

All staff and faculty members are encouraged to seek counseling through the College's Employee Assistance Program (EAP) provided by Lincoln Financial Group at 888-628-4824. To learn more about the Lincoln Financial EmployeeConnect program, log into 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

Off-Campus: Counseling, Emotional Support, Victim Advocacy, Mental Health, and Legal Assistance

New York State Rape Crisis Center

(http://www.health.state.ny.us/community/adults/women/violence/rape_crisis/index.htm) or New York City Alliance Against Sexual Assault (<http://www.svfreenyc.org/>) provides resources for confidential hotlines and other information for sexual assault and rape, as well as advocacy services 24 hours a day, seven days a week, and free short-term individual and group counseling.

Hotlines:

- New York City Police Department Sex Crimes Report Line, 212-267-RAPE (7273)
- NYS Domestic and Sexual Violence Hotline, 1-800-942-6906
 - In New York City: 1-800-621-HOPE (4673) or dial 311, 1-866-604-5350 (TTY)
- NYC Gay and Lesbian Anti-Violence Project (open to everyone), 212-714-1141 <http://www.avp.org/> 24-hour Bilingual Crime Victims Hotline
- Safe Horizon, www.safehorizon.org
 - 24 Hour Crime Victims Hotline, 1-800-621-4673
 - Rape Crisis and Sexual Assault Hotline, 212-227-3000
 - Counseling Centers Services by Appointment, 347-328-8110
 - St. Luke's Roosevelt Crime Victims Treatment Center, 212-523-4728
- Rape, Abuse & Incest National Network (RAINN, www.rainn.org), 1-800-656-HOPE (4673)
- Manhattan District Attorney's Office Sex Crimes Unit, 212-335-9373
- LifeNet Mental Health Hotline, 1-800-Lifenet

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as Amended by the Violence Against Women Reauthorization Act (VAWA) of 2013

LIM College is committed to the safety and well-being of the LIM College community. LIM College 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 maintain a campus environment emphasizing the dignity and worth of all members of the LIM College community. LIM College will not tolerate conduct that harms, threatens to harm, intimidates, or coerces students, staff, faculty, and other members of the LIM College community. Relationship violence includes domestic violence and dating violence. Stalking is considered relationship violence even when the person being stalked is not in any kind of relationship with the other person. In keeping with this commitment, LIM College has taken steps to help prevent and respond to sexual discrimination, sexual offenses, and relationship violence. 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.

For a complete copy of LIM's student policies governing sexual misconduct, as outlined in the Student Code of Conduct, please visit: <http://www.limcollege.edu/student-life/2081.aspx>.

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 of any nature. Employees found to have committed a sexual assault may be suspended or terminated, and may be subject to criminal prosecution.

LIM College's employee policies governing sexual misconduct (from the Employee Handbook – which is accessible in its entirety by logging into the ADP Portal at <https://portal.adp.com/public/index.htm>) are:

Unlawful Harassment

It is LIM Colleges' policy to maintain a harassment-free workplace. Harassment, whether by an employee or directed to an employee by anyone else (including vendors, parents, or employees) is prohibited. This policy prohibits harassment on the basis of age, race, color, disability, national origin, gender, religion, sexual orientation, gender identification, ancestry, pregnancy, childbirth or related medical conditions, genetic identification, or any other characteristic protected by federal, state or local law. Harassment that affects tangible job benefits unreasonably interferes with an individual's work performance or that creates an intimidating, hostile or offensive working environment will not be tolerated. While it is not easy to define precisely what harassment is, it includes unwelcome conduct, whether verbal, physical or visual, that includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, and other similar verbal or physical conduct. This policy applies in employee relationships with all other employees, students, parents and guardians, visitors and guests. This policy applies within the school and at all off-premises functions.

LIM College will not tolerate retaliation or reprisals against any employee who complains of harassment or provides information in connection with a complaint or investigation of harassment.

Sexual Harassment

The subject of sexual harassment deserves special mention and is, therefore, treated separately here. LIM College prohibits sexual harassment of any employee, student, visitor, guest, candidate for employment or any person visiting the College's premises or events.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact and other physical or verbal conduct when submission to such conduct is either explicitly or implicitly made a term of condition of employment or a basis for employment decisions or when such conduct has the purpose or effect of

unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

A. Definitions

There are numerous terms used by LIM College in our policies and procedures.

Lack of Consent is defined in New York as:

Under New York State law, a sexual offense occurs when certain sexual acts are perpetrated against a victim without his or her consent. The law defines both (1) the behavior and the physical nature (body parts, etc.) of a sex offense and (2) the lack of consent involved. "Lack of consent" is defined in New York State's Penal Law as occurring in the following circumstances:

Forcible Compulsion:

- Actual physical force.
- The threat of physical force, expressed or implied, that puts the victim in fear of being physically harmed or of another person being physically harmed (e.g. one's child).
- the threat to kidnap the victim or a third person or

Physically helpless: physically unable to indicate a lack of consent (e.g. because victim is unconscious or because of a physical disability that makes one unable to physically or verbally communicate lack of consent) or

Under 17 years of age: New York law states that a person less than 17 years of age is legally incapable of consenting to sexual intercourse or other sexual contact. These laws are typically known as statutory rape laws or

Mentally Incapacitated: when the victim is made temporarily incapable of understanding or controlling his or her conduct because a drug or other intoxicating substance (e.g. alcohol) was given to them without their consent. A person is mentally or physically incapacitated when they have consumed alcohol and/or drugs, legal or illegal, **voluntarily or involuntarily**, and are in a state where a reasonable person would believe that they are unable to make reasonable judgments or render self-care.

Incapacitation includes, but is not limited to, being highly intoxicated, passed out, or asleep. When incapacitation occurs due to alcohol or drug use, indicators of incapacitation may include the following:

- Slurred speech
- Bloodshot or unfocused eyes
- Unsteady gait; needing assistance to walk/stand
- Vomiting
- Outrageous or unusual behavior
- Concern expressed by others about the individual

- Expressed memory loss or disorientation

An individual may also be in a state known as a “blackout” where they are also incapacitated and while they may appear to give consent, they do not actually have conscious ability to do so. Therefore, it is of particular importance that any two people engaging in sexual activity know the other person’s level of intoxication prior to beginning sexual contact. As the accused student, being under the influence of alcohol or drugs is never a defense and does not excuse sexual misconduct.

AND/OR

Mentally Disabled: when a person suffers from a mental illness or a condition that renders them incapable of understanding the nature of their conduct.

Consent cannot be inferred through silence or lack of resistance. Consent to one activity does not constitute consent to other sexual acts. Past sexual activity does not constitute consent for future acts. If at any time consent is uncertain, the initiating party should stop and obtain verbal consent. Consent can be withdrawn at any time.

A person who is incapacitated for purposes of this policy is one who is not legally able to give consent because they are mentally or physically helpless and may not be aware sexual activity is occurring.

In the state of New York, the legal age of consent is 17 years of age.

If any of the following acts are perpetrated against a victim "without his or her consent," as defined above, it is a crime under New York State Law:

Sexual Intercourse: the penetration of the penis into the vagina, however slight, in other words, if the penis goes into the vagina just a little, not in its entirety, that is considered completed "sexual intercourse". (There is no requirement of physical injury and usually there is no requirement that ejaculation or orgasm have occurred.)

AND/OR

Criminal Sexual Act (Oral or Anal Sexual Conduct): does not require any penetration and occurs upon contact between penis and mouth, penis and anus (rectum), mouth and anus, or mouth and vaginal area.

AND/OR

Sexual Contact: any touching of the sexual or intimate parts of the body whether over or under clothing:

- done for the purpose of gratifying the sexual desire of either party
- includes the touching of the victim’s sexual or intimate parts by the perpetrator AND the touching of the perpetrator’s sexual or intimate parts by the victim

AND/OR

Forcible Touching: the intentional and forcible touching of another

- done for the purpose of degrading or abusing another person or done for the purpose of gratifying the defendant's sexual desire
- includes squeezing, grabbing, or pinching

AND/OR

Aggravated Sexual Contact: insertion of a foreign object (e.g. bottle, broom handle, etc.) into the vagina, urethra, penis or rectum.

- Insertion of a finger into vagina, urethra, penis or rectum causing injury, constitutes 2nd degree sexual offense
- If the insertion of the object causes physical injury, this constitutes a 1st degree sexual offense

If no injury occurs, this constitutes a 3rd degree sexual offense.

Sexual Exploitation occurs when a person takes advantage of another without that individual's consent for the initiator's own advantage or benefit or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

New York State Definition of 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 Consensual Relationships:

Sexual or amorous relationships between supervisors and employees create an actual or apparent conflict of interest as well as an opportunity for exploitation, favoritism or bias. In this regard, those relationships can undermine important values such as respect and trust among members of the College's community and the integrity of the institution. Furthermore, the power potential inherent in the supervisory or evaluative role makes suspect the relationship's voluntary nature.

Relationships between Faculty and Staff:

When a sexual or amorous relationship develops between members of the College community in which one of the parties is in a supervisory or an evaluative role to the other person, the persons in the relationship should themselves terminate the sexual/romantic or the supervisory/evaluative aspects of the relationship immediately. If they find that impossible, they must immediately notify a supervisor of the involved employee, so that appropriate and effective steps can be taken to resolve the inconsistency with this policy.

For purposes of this policy, a supervisor is any person, part-time or full-time, in the position to hire, retain, make employment or compensation decisions or recommendations, or control the work of the employee involved. It is the policy of the College to ban relationships between supervisors and their subordinates and to discourage such relationships even when those involved have no direct employment relation.

Relationships between Faculty/Staff and Students:

Sexual or amorous relationships between employees (Faculty/Staff) and any student of the College are inappropriate and strictly prohibited. All interactions with students must be strictly professional.

Sexual Assault:

“Sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any 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 non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent.

For more information about how sex offenses are classified in criminal law in the state of New York, visit <http://nyscasa.org/understanding/penalcodes>.

Domestic Violence:

The U.S. Department of Education defines the new crime category of “domestic violence” as follows:

- 1) Felony or misdemeanor crimes of violence committed
 - (i) By a current or former spouse or intimate partner of the victim;
 - (ii) By a person with whom the victim shares a child in common;
 - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - (iv) 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
 - (v) 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.

- 2) 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.

Intimate Partner:

Includes persons legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or have lived together at any time, couples who are in an “intimate relationship” including but not limited to couples who live together or have lived together, or persons who are dating or who have dated in the past, including same sex couples.

In the State of New York, domestic violence includes actual physical abuse, an attempt to harm another, placing another in fear of imminent, serious, physical harm, like violating a protective order, or causing another to engage in sexual relations by force, threat of force, or duress perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim. For more information about how domestic violence offenses are classified in criminal law in the state of New York, visit <http://www.opdv.ny.gov/index.html>.

Dating Violence:

The U.S. Department of Education defines the new crime category of “dating violence” as follows:

“Dating violence” means violence committed by a person

- 1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- 2) 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.

For the purposes of this definition

- (i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- (ii) Dating violence does not include acts covered under the definition of domestic violence.

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. Dating violence includes the use or threat of physical force or restraint carried out with the intent of causing pain or injury to another within a dating relationship.

Stalking:

The U.S. Department of Education defines the new crime category of “stalking” as follows:

The term “stalking” means

- 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
 - (i) fear for the person’s safety or the safety of others; or
 - (ii) suffer substantial emotional distress.

2) For the purposes of this definition

- (i) 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.
- (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(iii) Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.

3) 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.

Current New York stalking law (established in 1999) focuses on the state of mind of the stalking victim and the reasonable fear that the stalker's behavior is likely to cause the victim.

- Stalker need not intend fear, rather, a reasonable person should expect this behavior to make someone fearful.
- The victim need not experience actual fear, rather, would a reasonable person have been made fearful, based on history, context, etc.
- There are four counts of stalking under NYS Penal Law, of varying degrees of severity depending on the stalker's behavior.

For more information about how stalking offenses are defined and classified in criminal law in the state of New York, visit:

http://www.opdv.ny.gov/professionals/criminal_justice/stalking.html.

The New York State Penal Law provides for the following possible penalties for the various classifications of sexual and domestic assault offenses, to include stalking, depending on what the perpetrator is convicted of:

Class B Felony - Imprisonment for 5 to 25 years

Class C Felony - Imprisonment for 3 1/2 to 15 years

Class D Felony - Imprisonment for 2 to 7 years

Class E Felony - Imprisonment for 1 1/2 to 4 years

Class A Misdemeanor - Imprisonment for up to 1 year

Class B Misdemeanor - Imprisonment for up to 3 months

B. Education and Prevention Programs

The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking 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; and
- 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:

- a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- b. Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- c. Defines what behavior and actions constitute consent to sexual activity in the State of New York and/or using the definition of consent found in the Student Code of Conduct if state law does not define consent;
- d. Provides 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;
- e. 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.
- f. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The College has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation.

The College offered the following **primary prevention and awareness programs for all incoming students** in the 2014-2015 academic year.

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
"Sex Signals"	8/21/2014	SVA Theater	DoV, DaV, SA, and S

- ❖ 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 2014-2015 academic year:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
Preventing Discrimination & Sexual Violence: Title IX, VAWA, & Clery Act for Faculty & Staff	Spring & Summer 2015	Online	DoV, DaV, SA & S
Unlawful Harassment Prevention for Higher Education: Faculty & Staff	Spring & Summer 2015	Online	SA and addressed other forms of sexual misconduct generically

❖ 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 students** in the 2014-2015 academic year:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
Screening of “Picture Me” & Discussion with Sara Ziff, Former Model	10/2/2014	Townhouse – 4 th Floor	SA, DoV, DaV
“Thursdays in Black” – Campaign Launch	9/4/2014	Maxwell Hall Student Center	DoV, DaV, SA & S
Jeopardy: Sex Ed Edition	9/28/14	1760 Residence Hall Multipurpose room	SA and addressed other forms of sexual misconduct generically
Sex in the Dark	2/18/15	1760 Residence Hall Multipurpose room	SA and addressed other forms of sexual misconduct generically
Fight Back on Spring Break	3/9/2015	Maxwell Hall Student Center	DoV, DaV, SA & S – (Bystander Intervention also covered)
SCREAM Theater	4/13/2015	1760 Residence Hall Multipurpose room	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 2014-2015 academic year:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
Sexual Misconduct & Sexual Violence Awareness & Prevention Workshops	Spring 2015 – 8 sessions held	Various on-campus locations	DoV, DaV, SA, and S – (Bystander Intervention also covered)
“Thursdays in Black” – Campaign Launch	9/4/2014	Maxwell Hall Student Center	DoV, DaV, SA & S

Screening of “Picture Me” & Discussion with Sara Ziff, Former Model	10/2/2014	Townhouse – 4 th Floor	SA, DoV, DaV
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❖ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

C. Procedures for Reporting a Complaint

Student Procedures

The College has procedures in place that serve to be sensitive to those 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 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 housing, academic, transportation and working accommodations, if reasonably available. The College will make such accommodations if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement. Students should contact:

Michael V. Richards
 Dean of Student Affairs
 545 5th Avenue – 7th Floor, NY, NY 10017
 Telephone number: 646-388-8432 or x241
 Email: michael.richards@limcollege.edu

After an incident of sexual assault, dating violence, domestic violence, or stalking the victim should consider seeking medical attention as soon as possible. In New York, evidence may be collected even if you chose not to make a report to law enforcement. It is important that victims of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 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. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. 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 hearing boards/investigators or police. 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 and victims have the right to decline involvement with the police. The College will assist any victim with notifying local police if they so desire. New York City Police Department victim hotlines are listed above. Additionally, NYPD precincts located near campus facilities are listed below:

1760 Residence Hall: 1760 3rd Avenue
23rd Precinct
162 East 102nd Street, NY, NY 10029
(212) 860-6411

Townhouse: 12 East 53rd Street
Midtown North Precinct
306 West 54th Street, NY, NY 10019
(212) 760-8300

5th Avenue: 545 5th Avenue
Midtown South Precinct
357 West 35th Street, NY, NY 10001
(212) 239-9811

Maxwell Hall: 216 East 45th Street
17th Precinct
167 East 51st Street, NY, NY 10017
(212) 826-3211

Students who have been the victim of domestic violence, dating violence, sexual assault, stalking, sexual harassment, or other forms of sex-based discrimination should report the incident promptly to the Title IX Coordinator for Students:

Michael V. Richards
Dean of Student Affairs
545 5th Avenue – 7th Floor, NY, NY 10017
Telephone number: 646-388-8432 or x241
Email: michael.richards@limcollege.edu

Reports can be filed with the Title IX Coordinator by phone, via email or in person as well as to the NYPD (if the victim so desires.) The College will provide resources, both on campus and off campus, including medical and health, to persons who have been victims of sexual assault, domestic violence, dating violence, stalking, sexual harassment, and other forms of sex-based discrimination and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, stalking, sexual harassment, or other forms of sex-based discrimination to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

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 the

Title IX Coordinator or law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

If a report of domestic violence, dating violence, sexual assault, stalking, sexual harassment, or other forms of sex-based discrimination is reported to the College, below are the procedures that the College will follow and the standard of evidence in all cases that will be used during any judicial hearing on campus arising from such a report will be “preponderance of the evidence”. The specific details of the report may require additional steps and for the following steps to be followed in a different sequence. If the complaint is against someone who is not a member of the LIM College community, LIM College will still provide support to the reporting party but will be limited as to its ability to investigate and adjudicate the complaint.

Incident Being Reported:	Procedure LIM College Will Follow:
Sexual Assault, Stalking, Dating Violence, Domestic Violence, or Sexual Harassment	<ol style="list-style-type: none"> 1. 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 the reporting party to an LIM College employee who can guarantee full confidentiality. 2. LIM College will explain the reporting and investigation process to the reporting party, including information on timing and appeals, and also provide a copy of the LIM College Student Code of Conduct, Employee Handbook, and/or any other relevant policies and procedures. 3. LIM College will explain to the reporting party that making a report is a separate step from choosing to proceed with an investigation; that when a report is filed, there is no obligation to continue with an investigation; and 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 offenses and relationship violence when necessary to ensure the safety of the LIM College community. 4. LIM College will inform the reporting party of the right to have an advisor present at this meeting and any other meetings or disciplinary review. The responding party will also have the right to have an advisor present at any meeting or disciplinary review. 5. 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. 6. LIM College will inform the reporting party that support services are available on and off campus, and provide the reporting party with a list of these resources.

7. LIM College will inform the reporting party that they have the right to file a report with the local police department and upon request, offer assistance doing so.
8. 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.
9. LIM College will assist the reporting party 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.
10. LIM College will discuss with the reporting party the importance of preserving evidence.
11. LIM College will assess the need to implement interim protective measures such as issuing a no contact order, changes to housing, changes to class schedules, and PNG (persona non grata) orders (no trespassing), and, if deemed appropriate, ensure such measures are taken.
12. At the reporting parties request or if otherwise deemed necessary, LIM College will conduct an investigation into the complaint, following the specific procedures outlined in the LIM College Student Code of Conduct, Employee Handbook, and/or any other relevant policy or set of procedures. LIM College will inform both the reporting party and the responding party as to the specific procedures to be used and related rights.
13. The responding party will be informed of the complaint and given an opportunity to respond. LIM College will explain the reporting and investigation process to the responding party, including information on timing and appeals, and also the responding party's rights under LIM College policy. LIM College will also provide a copy of the LIM College Student Code of Conduct, Employee Handbook, and/or any other relevant policies and procedures. LIM College will inform the reporting party that support services are available on and off campus, and provide the reporting party with a list of these resources.
14. 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.

Employee Procedures

The first point of contact for employees is:

Andrea L. Granville, M.B.A.
Director of Human Resources & Title IX Coordinator
12 East 53rd Street – 3rd Floor
New York, NY 10022-5268
T: 212-310-0628 or x310
F: 212-750-3480
agranville@limcollege.edu

Complaint Procedure and Investigation:

Informal Complaint Procedure:

If an employee experiences, witnesses, or learns of any form of harassment or any conduct that creates an intimidating, hostile or offensive work environment, or if an employee observes such conduct in relation to another employee, student, parent or guardian or guest, the employee is encouraged to promptly and firmly tell the offender that his/her behavior is unwelcome or offensive. If the employee does not wish to confront the individual directly, he/she should notify the Director of Human Resources or a Department Head/Chair. Employees reporting harassment should be aware that it may be deemed necessary to address the alleged harassment beyond an informal discussion. This decision will be discussed with the individual bringing the issue to the Director of Human Resources or a Department Head/Chair's attention. The informal procedure is not a required first step for reporting harassment.

Formal Complaint Procedure:

Whether or not the employee speaks directly to the offender, the employee should immediately report the incident to his/her supervisor or the Director of Human Resources. If either of the aforementioned is involved in the reported conduct, or for some reason, the employee feels uncomfortable about making a report to them, the employee should report directly to the Third Party Intervention Designee, Julia Cohen at (212) 832-2797.

Protection Against Retaliation and False Accusations for Students & Employees:

LIM College prohibits any form of retaliation against any person who reports incidents of sexual offenses or relationship violence in good faith. Any person found to have retaliated against another for having reported sexual offenses or relationship violence will be subject to the same disciplinary action provided for harassment under this policy.

Likewise, the College recognizes that an innocent person may be harmed as a result of a false accusation. A willful, knowing or deliberately false accusation, as opposed to a good faith yet erroneous complaint, can result in disciplinary action.

D. Assistance for Victims: Rights & Options

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, stalking, sexual harassment, and other forms of sex-based discrimination and will provide each victim with a written explanation of their rights and options. In the State of New York, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

New York State Crime Victims Bill of Rights:

- **A free copy of the police report**, even if there was no physical injury.
- **Payment waiver of fees** for replacing 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 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.

New York State Student's Bill of Rights under Education Law Article 129-B:

All students have the right to make a report to the college; to be protected by the college from retaliation for reporting an incident; to 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 to 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; to have the institution's judicial process run concurrently with any criminal justice investigations and proceedings; to be presumed to be not responsible until a determination is reached; and exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

Further, the College complies with State of New York law in recognizing orders of protection. In addition, any student who obtains an order of protection from any U.S. state should provide a copy to the Dean of Student Affairs. A student complainant may then meet with the Dean of Student Affairs, the Vice President for Student Development or their designee to develop a Safety Action Plan, which is a plan for the College and the victim to reduce risk of harm while on campus. This plan may include, but is not limited to, changing classroom locations, changing residence hall room assignment, or allowing a student to complete assignments from home, etc. The College cannot apply for a legal order of

protection or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services. The College may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. To the extent of the victim’s cooperation and consent, College offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal College investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, 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.

Any employee who obtains an order of protection from any U.S. state should provide a copy to the Director of Human Resources.

The College does not publish the name of crime victims nor store identifiable information regarding victims in the College’s Daily Crime Log, which is maintained in the Facilities Office located at the Townhouse on 12 East 53rd Street, or online. Victims may request that directory information on file be removed from public sources by request to the Office of the Registrar.

Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking

On-Campus

Counseling & Wellness Office	216 East 45 th Street – 14 th Floor	646-218-6048
Dean of Student Affairs/ Title IX Coordinator	545 5 th Avenue – 7 th Floor	646-388-8432
Office of Human Resources	12 East 53 rd Street – 3rd Floor	212-310-0625
Office of Student Life	216 East 45 th Street – Lower Level	646-388-8429
Office of Housing & Residence Life	1760 3 rd Avenue – LIM College Office	646-388-8428 (evening on-call) 646-388-8427 (daytime)
Facilities/ Security	12 East 53 rd Street and 216 East 45 th Street	646-218-4125

Visa Assistance – Dean of Student Affairs	545 5 th Avenue – 7 th Floor	646-388-8432
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Off-Campus

For an extensive list of off-campus resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking see information on pages 29-30 of this document.

Additional resources are also available from:

U.S. Department of Justice Sexual Assault page:

<http://www.ovw.usdoj.gov/sexassault.htm>

U.S. Department of Education, Office of Civil Rights:

<http://www2.ed.gov/about/offices/list/ocr/index.html>

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 to themselves and others. 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, appear to be taking advantage of, 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 rapists are responsible for rape, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, 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 cash 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 several things that you can try:
 - a. **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.
 - b. **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.
 - c. **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.

- d. **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.
16. **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?
17. **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.

E. Adjudication of Violations

Student Violations

Whether or not criminal charges are filed, the College or a person may file a complaint under the Student Code of Conduct alleging that a student violated the College's policy on sexual misconduct.

Procedural Standards In Disciplinary Proceedings

1. Preponderance of the Evidence:

Burden of proof will be established by preponderance of the evidence under this Code in all formal proceedings.

2. Discipline:

Discipline for infractions of the Code of Conduct is intended to ensure procedural fairness to an accused student. Disciplinary procedures may vary in formality depending on the severity of the offense and the potential sanctions that may be imposed. LIM College will adhere to procedural fairness by requiring that in all situations the student be informed of the nature of the complaint against him or her, and that he or she be given a fair opportunity to refute them.

3. Violations of Law:

A student may be accountable under the College's disciplinary proceedings described here and also by law enforcement authorities. If a student is the subject of a drug related arrest, regardless if the student's arrest was associated with their LIM College attendance, he/she must notify the College, in writing, within 48 hours. If the violation of law occurs on LIM College property or at an LIM College sponsored program or event, the College may institute its own proceedings against the offender and, in addition, may refer the violation to the appropriate law enforcement authorities for disposition.

Formal Resolution by Disciplinary Hearing Board (DHB). The following is the procedure for a Formal Resolution by the DHB (Judicial Process required for all Sexual Offense Violations)

Presentation of Code of Conduct Violations to the DHB:

A. A student who has allegedly violated the Code (the Respondent) and has been referred to the DHB shall have the right to:

- i. Receive written notification of the alleged violations within fourteen (14) calendar days of the referral of the alleged violation to the DHB.
- ii. The Respondent will be informed by the College of the date, time, and place of the hearing.
- iii. The Respondent will have the right to call witnesses to testify on his/her behalf (see section v below).
- iv. The Respondent will have the right to review the witness list to be called by the Complainant.
- v. The Respondent is responsible for notifying and ensuring that any and all their witnesses are present at the hearing. The failure to give timely notification may result in preclusion of the witness or witness's testimony.
- vi. The Respondent must inform the DHB of any and all witnesses he/she intends to introduce at the hearing seven (7) calendar days before the hearing.
- vii. The Respondent may have an advisor of his/her choice present during the hearing but this person may not speak on behalf of the student or otherwise participate in the process.
- viii. The Respondent will have the right to review, but may not reproduce written, visual or oral evidence in the case. A written decision will be made within fourteen (14) calendar days (excluding school holidays) following the conclusion of the hearing.
- ix. A right to appeal the decision is set forth in the Appeal section of this Code should the Respondent be found responsible of violating the Code.

B. A student who has alleged a violation of the Code (the Complainant) shall have the right to:

- i. Be informed of the date, time, and place of the hearing proceedings.
- ii. Have the right to call witnesses to testify on his/her behalf.
- iii. The Complainant is responsible for notifying and ensuring that any and all of their witnesses are present at the hearing.
- iv. The Complainant must inform the DHB of any and all witnesses he/she intends to introduce at the hearing at least seven (7) calendar days before the hearing.
- v. The Complainant will have the right to review the witness list to be called by the Respondent.
- vi. The Complainant has the right to be informed of the outcome of the hearing (but not the sanction if the Respondent is found responsible) if a written request is presented to the Judicial Hearing Officer no more than fourteen (14) calendar days after the hearing date.

For violations concerning alleged sexual offenses, stalking, domestic violence, and dating violence, both the Complainant and Respondent will be notified in writing of the final outcome of the disciplinary hearing process as well as any sanctions. LIM 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 the College against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of the crime or offense, the next of kin of such victim shall be treated as the alleged victim.

4. Hearing before the DHB:

The DHB is composed of, a minimum, one LIM College Staff member, one LIM College student, and one LIM College Faculty member. 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. The DHB may limit the time of the hearing and the number of witnesses. 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 Respondent and/or Complainant fail to attend the disciplinary hearing, the DHB may choose to conduct the hearing or postpone the hearing at their sole discretion.

5. Appeals:

If a Respondent is found responsible for a Code of Conduct violation by the judicial body, he/she may appeal the decision only on one or more of the following grounds:

- (1) The judicial hearing body violated the procedures for the conduct of the hearing;
- (2) The sanctions imposed were disproportionate to the offense for which the student was found responsible; or
- (3) 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.

The Complainant does not have a right of appeal except in cases of sexual offense, stalking, domestic violence or dating violence.

a. Burden of Proof:

The burden of proof at the appellate level rests with the Respondent to show by clear and convincing evidence that an error has occurred during the disciplinary process or that new compelling information exists that did not exist at the time of the hearing.

b. Time Line for Appeals:

Appeals, including a written statement of the reasons for the basis of the appeal, must be submitted to the appeals hearing officer noted in the decision letter no later than ten (10) calendar days of the date of the written decision of the judicial body. If the judicial body's

decision is not appealed within that time frame, that decision of the judicial body becomes final.

c. The Appellate Body has wide discretion to review the appeal and any issues it may think is relevant to the case, the appeal, or the student's success at LIM College. This discretion includes but is not limited to: request additional information, question the student or witnesses, review the student's disciplinary or academic file, review information that has come forward since the decision for the judicial hearing body, call for a new hearing, or change the sanctions, modify the sanctions, add conditions to the sanctions or decision, or change or modify the decision of the judicial hearing body.

d. The deliberations of the Appellate Body are confidential.

e. The decision of the Appellate Body will be final.

f. Both the Complainant and the Respondent will be notified in writing of the outcome of the appeal. This notice will be provided to both the Complainant and the Respondent within the same time frame.

Reports of all domestic violence, dating violence, sexual assault, stalking, sexual misconduct, and other forms of sex-based discrimination made to LIM College employees will be referred to the Title IX Coordinator for investigation regardless of whether the complainant chooses to pursue criminal charges.

The College disciplinary process is consistent with the institution's policy and will include a prompt, fair, and impartial investigation and resolution process transparent to the accuser and the accused. Usually, the resolution of complaints of sexual misconduct are completed within 60 days of the report, however the proceedings timeframe allows for extensions for good cause with notice to the accuser and the accused of the delay and the reason for the delay. Investigators and hearing board members are trained annually on the issues related to domestic violence, dating violence, sexual assault, stalking, sexual misconduct, and other forms of sex-based discrimination and taught how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. The policy provides that:

1. The accuser and the accused student each have the opportunity to attend a hearing before a properly trained hearing board that protects the safety of victims and promotes accountability;
2. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
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;
4. The institution provides the accuser and accused the same opportunities to have others present during an institutional disciplinary proceeding. The accuser and the accused student each have the opportunity to be advised by a personal advisor of their choice, at their

expense, at any stage of the process and to be accompanied by that advisor at any meeting or proceeding;

5. A student conduct decision is based on the preponderance of evidence standard;

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, the College's ability to respond to the complaint may be limited.

Confidentiality

The College will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law and as previously mentioned in this document.

Sanctions and Protective Measures

Sanctions Administered by a Judicial Body for a Student Found Responsible of Violating The Student Code of Conduct for cases of Sexual Offenses, Stalking, Domestic Violence, and Dating Violence.

1. Disciplinary Probation: A reprimand with the added condition that, if the student is found responsible for a future violation of the College's Code of Conduct during a specified probationary period or while enrolled as a student at LIM College, the College may, within its discretion, suspend or expel the student.

2. Disciplinary Suspension: Suspension from the College for a specified period of time. Upon completion of the period of suspension, the student will be considered for re-admittance in accordance with the academic admission standards that are in effect.

3. Alternative Sanctions: Additional or alternate sanctions, including, but not limited to, restrictions on participation or granted privileges in certain College activities, attendance at counseling sessions, and participation in College or community service.

4. Psychological Assessment by the LIM College Counseling & Wellness Services Office.

5. Students who have been found responsible for Crimes of Violence as defined under the United States Code Section 16 title 18, or of a sexual offence may have their academic or LIM College living situation changed at the request of the victim and if the change is reasonable. LIM College reserves the right to change a student's housing and/or class schedule prior to the outcome of the hearing, regardless of the alleged violation, when it is determined that such changes are in the best interest of the LIM College community.

6. Expulsion: Permanent removal from LIM College.

The Title IX Coordinator or his 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, and adjustment of course schedules. 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 College.

Employee Violations

If a member of the faculty or staff experiences or witnesses sexual or other unlawful harassment or assault in the workplace, he/she should immediately report it to his/her supervisor, who will then contact the Office of Human Resources. If the supervisor is unavailable or if it would be inappropriate to contact that person, the Director of Human Resources or a Department Head/Chair must be immediately contacted. If the perpetrator is the victim's supervisor, the conduct must be reported to the Director of Human Resources or a Department Head/Chair. Concerns may be raised and reports made without fear of reprisal or retaliation.

Investigation and Response

The College will investigate reports of harassment impartially, with discretion and as confidentially as possible. The College will take prompt remedial or disciplinary action against any individual who is found to have violated the College's no harassment and/or no retaliation policies.

All employees must cooperate in the College's investigation of alleged harassment. Failure to cooperate or deliberately providing false information during an investigation shall be grounds for disciplinary action up to and including termination of employment.

Harassment (non-sexual) and Bullying

Harassment (non-sexual) and Bullying (except Cyber Bullying) is verbal, physical, violent, unwanted, ongoing and/or threatening behavior, that may be a single incident or ongoing, including hazing. Harassment includes but is not limited to, personally belittling another person on the basis of age, sex, race, color, disability, religion, sexual orientation, gender identification, national/ethnic origin or economic status. In addition, actions that do, or intend to, intimidate, harass, stalk, coerce, or interfere with the rights of other members of the College community also constitute harassment and bullying.

Cyber Bullying is bullying or harassing behavior when the 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 e-mails, instant messaging, social networking websites, video, etc. Cyber Bullying may be found even where the communicator does not know his/her intended target.

LIM College is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes or comments based on an individual's gender, gender identification, race, color, national origin, age, religion, sexual orientation, disability or any other legally protected characteristic will not be tolerated.

Sexual Harassment

Sexual Harassment is any unwelcome sexual threat, demand, advances, requests for sexual favors and/or other verbal or physical conduct of a sexual nature regardless of the sex of the person or who it originates from. In addition, sexual harassment is unwanted and offensive sexual advances, or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct that includes leering, making sexual gestures, or displaying sexually suggestive objects or pictures, cartoons or posters
- Verbal conduct that includes making or using derogatory comments, epithets, slurs or jokes
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body
- Sexually degrading words used to describe an individual or suggestive or obscene letters, notes or invitations
- Physical conduct that includes touching, assaulting, impeding or blocking movements

Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature may constitute sexual harassment when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment or grades;
- (2) submission or rejection of the conduct is used as a basis for making employment or academic decisions; or
- (3) the conduct has the purpose or effect of interfering with work performance or educational activities or creating an intimidating, hostile or offensive work or study environment.

If you experience or witness sexual or other unlawful harassment in the workplace, report it immediately to your supervisor. If your supervisor is unavailable or you believe it would be inappropriate to contact that person, you should immediately contact the Director of Human Resources. If your supervisor is the alleged harasser, you must report the conduct to the Director of Human Resources. You can raise concerns and make reports without fear of reprisal or retaliation.

All reported allegations of sexual harassment will be discreetly investigated. To the extent possible, your confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, you will be informed of the outcome of the investigation. Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must immediately advise the Director of Human Resources so it can be investigated in a timely and confidential manner. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

Workplace Violence Policy

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:

Prohibited Conduct

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.

College Response to Violence or Threats of Violence

If the accused is a student, the judicial system as described in the Student Code of Conduct would apply. If the accused is an employee, the disciplinary process described in the Employee Handbook <https://portal.adp.com/public/index.htm> would apply. These procedures should be reviewed before a formal complaint is filed.

Violence or Threats of Violence (Students)

Students should immediately report violence or a threat of violence to the Dean of Student Affairs, 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.

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. Information regarding a registered sex offender can be obtained by calling the New York State Sex Offender Registry Information Line at 1-800-262-3257 or accessing it online at www.criminaljustice.state.ny.us/nsor/index.htm. 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.

Appendix

Sex Offenses Definitions

As per the National Incident-Based Reporting System Edition of the Uniform Crime Reporting (UCR) Program:

SEX OFFENSES - FORCIBLE

Any sexual act directed against another person, 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.

Forcible Rape: The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly 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.

Sexual Assault with an Object: The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, 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.

Forcible 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.

SEX OFFENSES - NON-FORCIBLE

Unlawful, non-forcible sexual intercourse.

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.

As Per the Uniform Crime Reporting Handbook:

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.)

Offense Definitions Relating to Hate/Bias Related Crime Statistics as per the UCR Hate Crime Reporting Guidelines:

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:

On-Campus-Defined as: (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-Defined as: (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-Defined as: 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.

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