

# FIT is aware

## Annual Security and Fire Safety Report

for the New York campus and the  
campuses at Florence and Milan,  
Italy, and South Korea

# 2018



State University  
of New York

# FASHION INSTITUTE OF TECHNOLOGY

## 2018 ANNUAL SECURITY AND FIRE SAFETY REPORT

The Fashion Institute of Technology, a State University of New York college of art and design, business, and technology, is a community of approximately 9,000 full- and part-time students. FIT also operates programs at campuses in Florence and Milan, Italy, and Songdo, South Korea. At FIT, the safety and well-being of students, faculty, staff, and visitors is of paramount importance. FIT employs security measures to help ensure that members of the FIT community can learn and work in an environment free from threats to safety or well-being.

Each year, pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”), FIT publishes this annual security report containing crime statistics, fire statistics, and statements of security and fire safety policy. This report is prepared by FIT’s Department of Public Safety in consultation with various administrative departments at FIT. This report is required of all post-secondary institutions that participate in federal student aid programs. In this report, FIT publishes its statistics for certain offenses that occurred on campus, in certain off-campus buildings or property owned or controlled by FIT, and on public property within, or immediately adjacent to and accessible from on-campus property. The report also includes FIT’s statistics on fire incidents in on-campus residence halls and information on safety and security topics, including prevention, reporting, fire safety, services for victims, discipline, and other information. In addition to the information in this report, more on these topics can be found in FIT’s College Policy Library, the Student Rights and Responsibilities Handbook, and FIT’s Campus Safety and Security website.

FIT encourages all members of its community to read this report carefully and use the information in it to help foster a safe environment. FIT sends an email to every enrolled student and current employee on an annual basis to notify them that this report is available to be viewed. The email includes a brief summary of the contents of the report and the web address where this Annual Security and Fire Safety Report can be found. The 2018 report is available through FIT’s Clery Act website at [fitnyc.edu/safety/statistics](http://fitnyc.edu/safety/statistics). A paper copy of this report will be provided upon request by contacting Public Safety’s administrative office at (212) 217-4999. Statistics are also available through the U.S. Department of Education’s Campus Safety and Security website, which compiles statistics submitted by all schools under the Clery Act. Pursuant to the Clery Act, FIT’s Department of Public Safety also maintains a daily log of crimes and incidents that occur on campus, which may be accessed at the Public Safety Office in the Fred P. Pomerantz Art and Design Center, Room D442.

# REPORTING CRIMES AND EMERGENCIES

## OPTIONS FOR REPORTING CRIMES AND INCIDENTS

The Fashion Institute of Technology encourages students, faculty, staff, and other members of its educational community to report crimes and other safety incidents promptly to any or all of the administrators below:

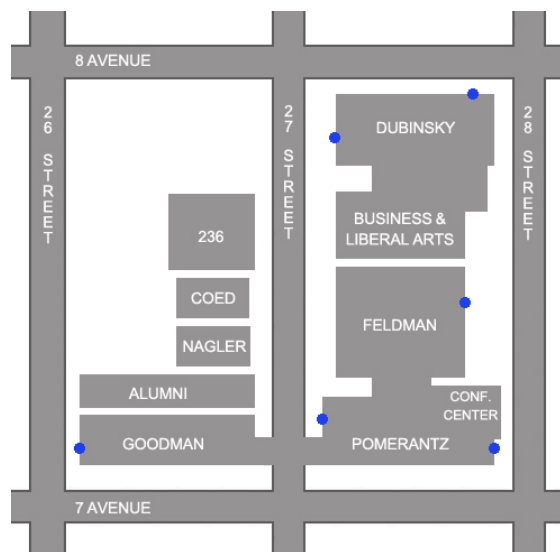
- Department of Public Safety: (212) 217-7777 (staffed 24 hours a day, every day)
- Director of Public Safety: (212) 217-4999 (administrative line)
- Dean of Students: (212) 217-3800
- Title IX Coordinator: (212) 217-3360

FIT encourages accurate and prompt reporting of all crimes to Public Safety and to local law enforcement when the victim of a crime elects to or is unable to make such a report.

## EMERGENCIES

In an emergency on the FIT campus, you may contact Public Safety at (212) 217-7777 or you may also use one of the red emergency phones located throughout campus buildings or one of the blue emergency phones located outside on campus.

- **Red Emergency Phones:** The college has installed wall-mounted red emergency phones in all facilities and residence halls. The moment any red phone call button is pressed, Public Safety can identify the caller's place of origin and dispatch personnel immediately to the scene.
- **Blue Emergency Phones:** The college has installed blue emergency phones around the campus perimeter that connect directly to FIT's Department of Public Safety and do not require dialing a number. You can find the phones in the following locations:
  - outside Dubinsky on 27th Street
  - outside Pomerantz on 27th Street
  - outside Goodman on 26th Street
  - outside Pomerantz on 28th Street
  - outside Dubinsky on 28th Street
  - outside Feldman on 28th Street



**If you experience an off-campus emergency, call 911.**

## ADDITIONAL OPTIONS FOR REPORTING CRIMES AND INCIDENTS

FIT prefers that all crimes and incidents be promptly reported to one of the authorities listed in the Options for Reporting Crimes and Incidents section herein. FIT recognizes, however, that depending on the circumstances, some members of the FIT community may choose to report crimes and incidents to other FIT officials. In addition to the authorities listed herein, crimes and incidents may be reported to the following additional administrators:

- Director of Residential Life: (212) 217-3900
- Director of Athletics and athletics coaches: (212) 217-4210
- Director of Office of Educational Opportunity Programs: (212) 217-4170
- Director of Office of Disability Services/FIT-ABLE: (212) 217-4090
- Director of Student Life: (212) 217-4130
- Dean for International Programs (study abroad): (212) 217-5380
- Director of International Student Services: (212) 217-3700
- Any senior administrator of FIT (For a list of senior administrators, visit [fitnyc.edu/administration](http://fitnyc.edu/administration).)

## CAMPUS SECURITY AUTHORITIES

A Campus Security Authority (CSA) under the Clery Act is—in addition to all members of the Department of Public Safety and the administrators identified in this report as persons to whom FIT encourages the reporting of crimes and incidents—an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

CSAs are identified by FIT and provided with training on their duties. CSAs are required to forward reports of Clery Act crimes to Public Safety. These reports should be immediately forwarded to Public Safety, because a CSA crime report may be the basis for determining if there is a serious or continuing threat to the safety of the campus community that would require an alert, and the report must be entered in the campus's daily crime log in a timely manner. Public Safety also annually collects statistics from CSAs to ensure that its statistical reporting, as covered later on in this report, is complete.

Please note that certain professionals at FIT, such as physicians, nurses, and professional counselors, are bound by various state patient confidentiality laws, state privileges, and ethical duties that prevent them from sharing certain information they learn while working within the scope of their licensed duties.<sup>1</sup> However, FIT uses its best efforts to collect crime statistics reported to these professionals in a de-identified, anonymized way that strictly maintains patient confidentiality. FIT also encourages these professionals, where appropriate, to advise on other reporting options, including the option to anonymously report crimes for inclusion in Clery Act statistics (described in detail below).

## ANONYMOUS REPORTING

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<sup>1</sup> Persons who are associated with a religious order/denomination that are recognized by that order/denomination as providing confidential counseling and functioning within that scope are not CSAs per the Clery Act. FIT does not currently employ any clergy or others who would meet this definition.

Persons wanting to anonymously report a crime or incident can do so by contacting FIT's Tip Line, (212) 217-TIPS (8477). The reporting person's name, if provided, will be kept confidential, but the incident may be included in the annual crime statistics report without divulging the person's name or any other information that would infringe on confidentiality. Please note that an allegation of sexual or gender-based misconduct involving students or other members of the college community, even if made anonymously, will be reported to the Title IX coordinator, and reports of other types of misconduct, even if made anonymously, will be reported to the dean of students, Human Resources, or other appropriate officials.

# DEPARTMENT OF PUBLIC SAFETY

FIT's Department of Public Safety is staffed 24 hours a day, seven days a week, 365 days a year. Its officers utilize foot patrol and approximately 300 closed-circuit security cameras to observe and report situations or activities that may pose a danger to persons or property. Continuous proactive security patrols are performed by the Department of Public Safety throughout FIT's campus. The Department of Public Safety staffs a central dispatch and monitoring center that serves as the hub for emergency call-taking and dispatch to all college properties. Central dispatch utilizes a computer-aided dispatch system and communicates with Public Safety officers via a digital mobile radio system.

FIT's Public Safety officers are not armed and do not have police powers, but they assist members of the FIT community, including in contacting the New York City Police Department (NYPD). Although there is no formal agreement, FIT has a cooperative working relationship with the NYPD, in which NYPD officers periodically patrol campus roadways, maintain public order, engage in crime prevention, and provide for the enforcement of local and state laws.<sup>2</sup> FIT Public Safety is also available to assist members of the FIT community in reporting crimes to the NYPD.

FIT Public Safety officers respond to all complaints and emergencies occurring on campus. If warranted, FIT Public Safety will contact local emergency services for police/fire/EMS response. All FIT Public Safety officers have received training and certification in first aid, CPR, use of automated external defibrillators (AED), and campus safety procedures, as well as fire safety training and certification in accordance with the FDNY.

Public Safety personnel at FIT are given classroom and on-site training once a year. This includes training on security awareness, understanding the role of the security supervisor, emergency situations, campus community relations, sexual harassment at the workplace, being a Safe Zone ally, sexual assault prevention and education, the legal power of limitations, and report writing.

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<sup>2</sup> Because FIT does not have any non-campus locations of student organizations officially recognized by the institution, FIT does not have any agreement with local law enforcement to monitor such locations.

# SAFETY ON CAMPUS

## CRIME PREVENTION AND SECURITY AWARENESS PROGRAMS

Crime prevention is a high priority at FIT. The college encourages all students and employees to be responsible for their own security and the security of others, including through safe and positive bystander intervention.

Crime prevention and security awareness are collaborative efforts across departments at FIT. Public Safety, Student Success and its departments, the Title IX coordinator/affirmative action officer, and Information Technology, among others, promote personal safety, protection of property, and cybercrime/identity theft awareness throughout the year. FIT's Security Advisory Committee, established pursuant to New York State Education Law 6431, is appointed by FIT's president with membership comprised of a cross-section of the campus community (faculty, administration, and students). The committee works closely with Public Safety to review and recommend improvements to campus safety policies and procedures, as well as educational programming initiatives. This includes educational programmatic initiatives through the Campus Anti-Violence Education Group, a working group of the committee.

Safety and security awareness programs for both on and off campus are presented at student orientation each semester. In addition, FIT's Department of Public Safety also presents campus safety and security programs to all resident assistants each semester to prepare them to assist residential students with safety concerns. Safety and security programs are also readily available to any employees upon request.

Programming includes:

- Building evacuation procedures for fire and other emergencies, including live drills during the semester
- Shelter-in-place procedures, including live drills during the semester
- Campus safety escort program
- Safety shuttle program—described later in this report
- Actively partnering with the Title IX coordinator on events related to preventing sexual and interpersonal violence, such as the Take Back the Night campaign
- Safely navigating New York City mass transit, presented at student orientation by Public Safety and the MTA police

Programs concerning sexual misconduct education are described in detail later in this report. Health and wellness information fairs and other events are also presented. Residential Life holds a safety campaign each semester to encourage residence hall students to lock their doors and secure their belongings. Residential Life also conducts health and safety inspections once a semester in all residential buildings.

## MAINTENANCE OF FACILITIES

Security and safety issues are given high priority in the improvement and maintenance of facilities. The Department of Public Safety continuously conducts security surveys of existing facilities with findings and recommendations forwarded to appropriate administrative areas for remedial action when necessary.

## SAFETY SHUTTLE AND CAMPUS ESCORT PROGRAM

The Department of Public Safety operates a safety shuttle program. Students and staff traveling to and from Kaufman Hall can enjoy a safe ride in one of our complimentary shuttles. The shuttle pickup and drop-off locations are in front of the Feldman Center on the main campus and in front of the 31st Street main entrance at Kaufman Hall. The shuttle runs approximately every 15 minutes from 8 pm to 2 am when classes are in session. Additionally, the shuttle service is available on demand at any time outside of scheduled hours; it may be requested by asking a Public Safety officer at either the Feldman Center lobby or the Kaufman Hall lobby for pickup service.

In addition, a walking escort anywhere on campus or to Kaufman Hall performed by a uniformed officer can also be requested at any time. Requests may be made in person to a Public Safety officer, by calling the non-emergency line at (212) 217-4999, or by using one of the red or blue phones on campus.

## ACADEMIC AND ADMINISTRATIVE BUILDINGS

Along with a strong presence in the streets, Public Safety personnel check all visitors for valid and current FIT identification cards at every building lobby. Individuals are not allowed into FIT facilities without valid ID, unless they comply with visitor procedures.

In addition to its presence in the lobbies, the Department of Public Safety frequently inspects each building, floor by floor. This practice affords added safety to students, faculty, and staff. Public Safety also utilizes sophisticated electronic equipment 24 hours a day, seven days per week, electronically monitoring all public access points to campus and entries into residence halls and academic buildings.

## RESIDENCE HALLS

Each resident of FIT housing is required to sign a housing contract and to adhere to its terms and conditions as well as to the policies and procedures of the FIT Resident Handbook, available at [fitnyc.edu/residential-life/policies](http://fitnyc.edu/residential-life/policies). Together, these terms, policies, and procedures establish rules and standards by which all members of the community can live together safely and in a way that protects the rights of all FIT community members. Residents should familiarize themselves with these terms and policies and the consequences for violating them.

Each residence hall is staffed by Public Safety personnel 24 hours a day, seven days a week, when students are in residence. Supervisors routinely inspect and monitor individual security post assignments over the course of each shift to ensure that policies and procedures are followed. Public Safety works closely with members of the Department of Residential Life, whose members are also on duty 24 hours a day, seven days a week, while students are in residence.



Personnel are trained to adhere to strict visitation policies regarding entrance into the halls. Students may bring visitors to their rooms but they must first comply with the college's visitation policies. The visitor must be properly signed in and must have a valid photo ID that is left with the lobby security personnel until departure. Further information on visitation policies is available in the Resident Handbook.

## WEST 27TH STREET

FIT's Midtown Manhattan location is a busy one. To enhance safety, a gate is used to close 27th Street to regular vehicular traffic from 7 am to 6 pm, Monday through Friday, and speed bumps are located on the street to slow all permitted vehicular traffic. These conditions allow students to cross from academic buildings to their residences as safely as possible while avoiding heavy Midtown traffic.

## LOST AND FOUND

To assist students in recovering lost or stolen property, Public Safety maintains a lost and found area in Room D442. Many personal items are found and brought to the Public Safety office for safekeeping. If the owner can be determined, the person will be contacted to retrieve the property. Unclaimed personal property is kept for 30 days before it is destroyed, discarded, or donated to charitable organizations in the area. It is advisable to contact Public Safety as soon as personal property is discovered missing. Lost or stolen property inquiries can be made at any time. It is preferable that items be retrieved during normal business hours (8 am to 11 pm), but other arrangements can be made.

## AUTOMATIC TELLER MACHINE

Sterling Bank, in cooperation with FIT, maintains an ATM in the lobby of the Feldman Center and in the lobby of the Dubinsky Student Center for the convenience of the FIT community. The ATMs are in secure, well-lit lobbies that are staffed 24 hours per day, seven days per week, by Public Safety.

# TIMELY WARNINGS AND EMERGENCY NOTIFICATIONS

FIT's Campus Safety and Security policy explains the procedures FIT will follow in emergency situations to notify the campus community.

## TIMELY WARNINGS

FIT will issue a timely warning to the campus community whenever a Clery-reportable incident has been reported to Public Safety that FIT deems to represent a serious or continuing threat to students and employees. The warning will be issued as soon as pertinent information is available and will include information about the crime and information that promotes safety and aids in the prevention of similar crimes.

Timely warnings may be sent by the president, director of Public Safety, vice president for Finance and Administration, vice president for Communications and External Relations, and/or any of these administrators' authorized designees. Where feasible and appropriate under the circumstances, these administrators will consult with each other and other FIT administrators pursuant to the Emergency Preparedness Plan to determine whether the Clery-reportable incident poses a serious or continuing threat to FIT students and employees, as well as the content and the means of distribution; each of these administrators are also authorized to immediately issue a timely warning in situations that require immediate action to protect the health and safety of the FIT community, pursuant to FIT's Emergency Preparedness Plan.

Timely warnings may be sent through the FIT Alert system (described below) and/or through any other means designed to reach the FIT community, including the public address system, email notification, text message or voice call, signage, postings on the college's website, social media channels, and the college's information phone line, **(212) 217-7792**. Should the condition change, whereby there is no longer an ongoing threat to the campus community, an update may be sent advising of such.

## EMERGENCY NOTIFICATIONS

FIT will issue an emergency notification to the campus community whenever it has confirmation of a significant emergency or dangerous situation that involves an immediate threat to the health or safety of students or employees. FIT 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 professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Depending on the situation, FIT may in some instances notify only the affected portion of the campus community rather than the entire community. Additional segments of the campus community may be notified if a situation warrants as it develops.

Emergency notifications may be sent by the president of FIT, director of Public Safety, vice president for Finance and Administration, vice president for Communications and External Relations, and/or any of these administrators' authorized designees. Where feasible and appropriate under the circumstances, these administrators will consult with each other and other FIT administrators pursuant to the Emergency Preparedness Plan to confirm whether an emergency or dangerous situation warranting a notification exists, as well as the content and the means of distribution; each of these administrators are also authorized to issue an emergency notification in situations that require immediate action to protect the health and safety of the FIT community, pursuant to FIT's Emergency Preparedness Plan.

Emergency notifications may be sent through the FIT Alert system (described below) and/or through any other means designed to reach the FIT community, including the public address system, email notification, text message or voice call, signage, postings on the college's website, social media channels, and the college's information phone line, **(212) 217-7792**. Should the condition change, whereby there is no longer an ongoing threat to the safety of the campus community or segment thereof, an update may be sent advising of the change in condition.

The confirmation of whether an emergency or dangerous situation warranting a notification exists, as well as the content of the notice, the means to communicate it, and distribution of the notice, may be made by the president, director of Public Safety, vice president for Administration and Finance, vice president for Communications and External Relations, and/or any of these administrators' authorized designees and may depend on the circumstances of the emergency or situation.

Emergency response protocols are tested on at least a yearly basis, and members of the FIT community are sent information about procedures in conjunction with such tests. Public Safety keeps records of such tests.

## FIT ALERT SYSTEM

All students and employees are automatically added to FIT Alert using FIT email addresses (students and employees) and office extensions (employees); alerts will be sent to those channels by default. Alerts can come in the form of emails, text messages, and/or phone calls.

Students and employees are encouraged to log in to MyFIT to review their information in the alert system to ensure contact details are correct. They are also able to add and/or select additional communication channels. While parents, spouses, and other family members cannot directly enroll in the program, students and employees may add that contact information to their accounts. The system updates weekly. When individuals are no longer employed and students are no longer enrolled at the college, they will be automatically removed from the system.

## NOTIFY NYC

New York City has created a citywide emergency notification system available to the public that provides numerous notification types, including emergency alerts, public health notifications, major mass transit or traffic disruptions, and more. For more information or to enroll, visit [nyc.gov/notifynyc](http://nyc.gov/notifynyc).

# STUDENT AND EMPLOYEE RESOURCES

## COUNSELING CENTER

The Counseling Center ((212) 217-4260) provides free, confidential services to all full-time, registered, degree-seeking students. It provides confidential crisis intervention, short-term counseling, advocacy, and referrals to carefully selected community resources. The Counseling Center also provides specialized or extended treatment to students who have been victimized by crime. Whenever necessary, Counseling Center staff members will provide timely, on-site emergency assistance to students. Regular services are provided year-round. The Counseling Center is located on the second floor of the David Dubinsky Student Center, Room A212B. Its normal semester hours are Monday through Friday, 9 am to 5 pm, and Tuesday and Thursday, 5 to 7 pm.

If you are experiencing a mental health emergency, the Counseling Center encourages you to call 911, call or visit your local emergency care unit in connection with the nearest hospital, or call the free, confidential hotline of the Mental Health Association of New York City, Inc. at 888-NYC-WELL ((888) 692-9355), then press 2.

The Counseling Center regularly sponsors programming open to students college-wide, such as Mindful Mondays Meditation workshops and the Circle of Strength group.

## HEALTH SERVICES

Health Services ((212) 217-4190) is staffed by doctors, registered nurses, and licensed nurse practitioners. It operates as an ambulatory care unit for free to all full-time, registered, degree-seeking students and can handle most medical emergencies occurring on campus. Health Services is located on the fourth floor of the David Dubinsky Student Center, Room A402, and is open daily. Clinic and office hours for each day are posted online.

When a member of the community is sick or injured, Public Safety responds with a wheelchair to transport the injured or sick person to Health Services. In cases of severe injury, Emergency Medical Services is called and the person may, if it is appropriate, be taken to an area hospital. A list of nearby urgent care facilities and emergency facilities/hospitals is available on Health Services' website.

## EMPLOYEE ASSISTANCE PROGRAM

The FIT/UCE Employee Assistance Program (EAP) is a jointly sponsored labor/management program. It is a free, confidential service designed to provide assistance from trained, licensed counselors to employees who may be experiencing personal problems that can affect their ability to function on the job. The program is also available to the family members or significant others of FIT employees.

The EAP phone number is (212) 217-5600, and EAP is located in the Dubinsky Student Center, Room A608D. Hours are Mondays and Thursdays, 9 am to 3 pm, and Tuesdays, 10 am to 3 pm. Voicemail messages are retrieved daily. Current EAP program offerings can be found by logging onto MyFIT and clicking on the EAP link at the bottom of the page.

# SEXUAL MISCONDUCT AND INTERPERSONAL VIOLENCE PREVENTION AND RESPONSE

FIT policy prohibits all forms of sexual misconduct and interpersonal violence, including sexual assault, stalking, domestic violence (also known as intimate partner violence), and dating violence, consistent with the definitions by the Clery Act and by FIT policy. FIT further prohibits sexual and gender-based harassment, discrimination based on sex, gender, and other protected characteristics, and prohibits other forms of harassment. The following section provides information on FIT's prevention and response to sexual misconduct. FIT encourages members of its community to review in detail FIT's policies on Sexual Misconduct Response and Non-Discrimination and Anti-Harassment.

FIT also encourages members of its community to visit [fitnyc.edu/empower](http://fitnyc.edu/empower), which includes policy information and additional resources related to sexual misconduct.

## SEXUAL MISCONDUCT PREVENTION

FIT has educational programs and campaigns to promote awareness of and help protect all members of the college community from sexual misconduct. Programming at FIT consists of primary and ongoing prevention and awareness trainings and campaigns.

### **Campus Anti-Violence Education Group**

At FIT, the Campus Anti-Violence Education Group (CAEG) is a working group that strives to build awareness and educate the FIT campus community on issues that involve sexual and interpersonal violence prevention. CAEG is a working group of the FIT Security Advisory Committee; the group meets biweekly and designs and conducts a series of educational programmatic initiatives that seek to meet the needs of the campus community. To that end, the group serves as a resource network committed to educational outreach and programming, consultation, and support. The group is comprised of members representing Health Services, Residential Life, Student Life, Title IX, and the dean of students' office. FIT believes that continuous open and inclusive dialogue, ongoing education, and a commitment to building a safe campus are the key elements needed to develop a healthy campus environment.

### **Primary and Ongoing Prevention and Awareness Programming**

The college has designed comprehensive programming known as "Orientation at FIT" to help prepare students for academic, professional, and personal success. Attendance is mandatory for all new undergraduate and transfer students and is presented in both the fall and spring semesters. Past programming, including specifically for 2017, has included:

- *Safe and Sound*: Safe and Sound was facilitated by the Title IX coordinator, dean of students, director of Counseling Services, and director of Public Safety. The program introduced new students to Title IX, bystander intervention, sexual misconduct, affirmative consent, FIT's policies on safety and conduct including the policies applicable to sexual misconduct, as well as both on- and off-campus resources.
- *Sex Signals*: A two-person team of highly trained educators from Catharsis Productions took the audience on what they call "an exploration of the cultural messaging we receive about gender, sexuality, sexual health, and intimate relationships. It examines what role culture and privilege play in justifying unhealthy and dangerous beliefs about what is acceptable social and sexual behavior. This is all accomplished through facilitated dialogue and several semi-improvisational scenes, the final of which features a college student defending his buddy from a recent accusation of rape. This scene then leads to a focused discussion on the role we all play in stopping sexual violence. It enables audiences to identify intervention strategies and positively change the way they think, communicate, and act by encouraging bystander intervention in all aspects of their life." Additionally, incoming students were introduced to FIT's Title IX coordinator, campus resources, and processes that relate to sexual misconduct reporting.

Student leaders, officers of student organizations, and student athletes are required to complete training on domestic violence, dating violence, stalking, sexual assault, and related topics. The Title IX coordinator provides this training for orientation leader/residential advisor at a mandatory workshop, for student organization leaders at the mandatory club/organization training day, and for each athletic team.

The Office of the Dean of Students provides training to all resident assistants and orientation leaders on bystander intervention techniques. Throughout the year, the Campus Anti-Violence Education group provides workshops for the campus community in conjunction with the Becoming an Empowered Bystander information/poster campaign. Numerous departments, including the Office of the Dean of Students, Public Safety, Information Technology, Title IX coordinator, Health Services, and local community agencies sponsor the Fall Campus Safety Day, which provides students with information and resources about how to be safe on and off campus.

FIT also hosts a variety of programming throughout the year designed to continually engage, support, and educate students, and to raise awareness of their rights and resources available. Past efforts, including specifically for 2017, have included:

- Domestic Violence Awareness Month, including:
  - Take Back the Night march, which involved marching and making T-shirts and signs;
  - Pledge Purple Expo and "No More" campaign photo shoot, consisting of an information fair that hosted representatives from FIT's Counseling Center and off-campus resources, including the NYPD, NYC Family Justice Center, NYC Anti-Violence Project, and Safe Horizons;
  - Escalation Workshop, an engaging, emotional one-and-a-half hour workshop, developed by the OneLove Foundation, transforming the way students view and discuss relationships abuse;
  - The Eroticism of Consent Workshop, a sex-positive exploration of the interplay between communication, consent, and the erotic, presented in partnership with staff from Mount Sinai Beth Israel Victim Services Program;
  - Purple Talk, a discussion on domestic violence within the context of gender roles and societal norms hosted by FIT's student groups Half the Sky and LGBTQSU;

- Participation in the New York State Office for the Prevention of Domestic Violence Shine the Light on Domestic Violence campaign involving purple lighting in lobbies on campus, and encouraging community members to wear purple to generate discussion and awareness of domestic and relationship violence.
- *Sexual Assault Awareness Month*, including:
  - Clothesline Project, which involved a visual display where students and other members of the FIT community could create a shirt to represent a particular person's experience, whether by the survivor or someone who cares about them, in an effort to educate, document, and raise awareness of relationship violence;
  - Beat the Blame Game, which was a conversation about "victim blaming" led by Catharsis Productions;
  - Sexual Assault Awareness Resource Fair, which provided resources and important information available from members of local community agencies and organizations who provide services and assistance to survivors of sexual assault and violence; and
  - Protection and Self-Defense Workshop, which taught basic self-protection methods by the Chinese Hawaiian Kenpo Academy

The Counseling Center regularly sponsors programming open to students college-wide, such as Circle of Strength, a support group for survivors of sexual assault and abuse.

The college's Residential Life department hosts a variety of programs on domestic violence, dating violence, stalking, and sexual assault. Some of these programs are led by RAs under the supervision of Resident Counselors (full-time FIT staff) during residence hall programming. Education is also provided as an "in-service" to RAs, including on topics such as consent and healthy relationships. In addition to the orientation training described above for RAs, past training, programming, and educational efforts, including specifically for 2017, have included:

- RA Training, Critical Conversations on Dating and Sex, facilitated by Residential Life staff
- RA Training, Healthy Relationships and Bystander Intervention, facilitated by Residential Life staff
- Residence Hall Association campus-wide program Condom Bar and Lounge in collaboration with campus departments, campus student organizations, and off-campus community organizations, which was focused on safe sex education, healthy relationships, and personal health education
- Various RA bulletin boards on consent, healthy relationships, and safe sex
- RA programs with residents on consent, healthy relationships, and safe sex

Two online training programs, Preventing Sexual Misconduct (Title IX) and Preventing Discrimination and Harassment, are provided for employees. Completion of these programs is mandatory and must be renewed every two and three years, respectively.

### **Relationships with Local Resources**

FIT has entered memoranda of understanding with both the Crime Victims Treatment Center and Mount Sinai Beth Israel. These institutions have formally collaborated with FIT to provide training and resources at FIT as well as victim services; CVTC provides a rape crisis hotline and confidential crisis intervention, while Mount Sinai Beth Israel provides emergency care services and confidential crisis intervention. CVTC is located at 40 Exchange Place, Suite 510, (212) 523-4728. Mount Sinai Beth Israel is located at First Avenue at 16th Street, (212) 420-2000.

## **Safe Bystander Intervention**

Observers of a sexual assault or other types of gender- or intimate partner–based misconduct such as domestic violence, dating violence, or stalking, may be able to help the victim. However, it is important that the observer do so in a positive manner and in a way that keeps the observer and the victim safe. Appropriate interventions will depend on the situation. Safe and appropriate options for bystanders may include calling FIT Public Safety in violent or potentially violent situations, intervening if the observer believes someone is in a potentially uncomfortable or unsafe situation, and/or encouraging the target of such conduct to report the incident and seek support.

It is imperative that bystanders report sexual assault, harassment, and other forms of gender-based misconduct, even if those involved in reporting the alleged misconduct may be violating other FIT policies. (Please note that FIT has an alcohol and drug amnesty policy in its Sexual Misconduct Response policy, as well as in its Code of Student Conduct.) FIT expects that members of the community will look out for each other and immediately report troubling behavior so that FIT can intercede to stop such behavior, address the effects of the behavior, and prevent its recurrence.

## **Risk Reduction: Sexual Assault**

- Surround yourself with people who respect each other. You're safest in communities that share values of mutual respect. Don't tolerate disrespect or pressure in your communities; even small incidents can contribute to a negative climate.
- Look out for people around you. Simply stepping in to act when you see a troubling situation can make a big difference. If you see something that causes you concern—even if you're not sure—check in. Call on friends, allies, and authority figures to help if necessary.
- Respond to even minor issues. Serious situations can often be averted by response at the first sign of trouble. The Title IX coordinator and Public Safety are always available to discuss such incidents. If you are in a position of authority, you have a responsibility to establish and maintain a respectful environment. If you are a supervisor, you must report any sexual misconduct that comes to your attention to the Title IX coordinator.
- Take sexual pressure seriously. Many sexual assaults begin with low-level sexual pressure. Though sexual pressure and disregard don't always lead to assault, you deserve to have your boundaries respected, not pushed.
- Hold out for enthusiasm. In general, it's easy to tell if someone is enthusiastic about an encounter or not. Take any signs of reluctance or refusal, including nonverbal signs, very seriously. If the signs are ambiguous, be sure to stop, and then check in or ask questions.
- Be wary of extreme drunkenness. While drunkenness does not cause or excuse sexual misconduct, drunk people are more likely to disregard other people's signals.
- Communicate with your sexual and romantic partners. Open discussion of desires and limits is a critical part of building a positive sexual culture.
- Be alert to patterns, not just isolated actions. Sometimes, sexual misconduct can take the form of patterns of behaviors that might not be worrying in isolation, but that together constitute a problem. Take repeated disrespect, intimidation, and threats seriously, even if they seem small alone.
- Walk with a friend if possible, especially if it's at night or in a remote location. If you're going on a jog, bring a companion.
- Stick to populated, well-lit areas if you need to walk alone. Avoid poorly lit areas.
- Carry a cell phone. The phone is helpful for dialing emergency numbers in case you are attacked. Have emergency numbers on speed dial so that you can dial quickly.
- If walking on a sidewalk, walk next to the street, not next to the buildings, where



someone can hide in a doorway, alleyway, etc.

**Reducing Risk and Recognizing Stalking (also available [online](#))**

Stalking is serious, and it can happen to anyone. At least 3 million to 4 million people in the United States are victims of stalking every year, according to a U.S. Department of Justice study in 2009. If you quickly recognize the actions of a stalker, you can respond appropriately and perhaps avoid an escalation to physical violence. As soon as you become aware of potential stalking behavior, keep a written record of any contact whatsoever with this person.

- Watch for any unwanted contact or pursuit that would cause a reasonable person to feel fear. Typical stalking behaviors include phone calls at all hours of the day or night and anonymous calls in which the caller just hangs up.
- Be attuned to repeated but seemingly casual meetings. A friend, an ex-partner, or a stranger waiting uninvited outside a home or workplace is a typical stalking behavior.
- Listen for threats, even heavily veiled ones, against someone specific, including friends, family members, pets, or possessions.
- Consider unwanted written messages and unexpected gifts as possible signs of stalking.
- Be aware of defamation of character, another tool in the stalker's arsenal. A stalker may spread rumors in social circles or post lies online.
- Stalking is a crime. You do not have to put up with behavior that makes you feel afraid or uncomfortable. If you believe you are being stalked, report it.
- Tell the stalker once and only once to stop the behavior. Be firm and direct. Do not try to be nice or spare the feelings of the stalker.
- Avoid all contact with the stalker. Any response you make, positive or negative, may be perceived as encouragement.
- Behavior that is ignored is more likely to stop. However, it may get worse before it stops completely.
- Turn to family, friends, neighbors, and coworkers for support. Do not listen to people who think you are inventing or exaggerating the stalking events or that the stalker is merely an overzealous romantic.
- Let people know about the situation so they can help you. Provide them with a photo and/or a description of the suspect.

## **Reducing Risk and Recognizing Domestic/Intimate Partner Violence (also available [online](#))**

Anyone can be a victim of domestic abuse. It can happen to people of any age, race, religion, ethnic group, or socioeconomic or educational background. Women are by far the most common victims, but men can be victims, too. Domestic abuse can affect people in all kinds of relationships, straight or gay, married, divorced, living together, or dating.

Though domestic abuse is common, it is often hidden. Many victims remain silent out of shame or fear or because they don't know that help is available.

- Recognizing abuse is the first step toward getting help. Not all abuse involves hitting or threats of physical violence. Remember that someone who is scared, denied access to money, or put down is being abused as well. It might be you, your parent, your brother, your child, a friend.
- Domestic violence and abuse can happen to anyone, regardless of physical stature, income, or gender, yet the problem is often overlooked, excused, or denied. This is especially true when the abuse is psychological, rather than physical.
- Domestic abuse often escalates from threats and verbal abuse to physical violence. And while physical injury may be the most obvious danger, the emotional and psychological consequences are also severe. The abuser may also threaten or hurt those around the abused. Emotionally abusive relationships can destroy your self-worth, lead to anxiety and depression, and make you feel helpless and alone.
- Defining an Abuser
  - There are many signs of an abusive relationship. The most telling sign is fear of a partner. If someone feels they have to constantly watch what they say and do in order to avoid a blowup, it's likely the relationship is unhealthy and abusive. Other signs of an abusive relationship include when someone tries to belittle, control, or isolate his or her partner from family members and friends. An abuser doesn't "play fair." Abusers use fear, guilt, shame, and intimidation to wear their target down and control him or her. The abused person may have feelings of self-loathing, helplessness, and desperation.
  - Abusers can control their behavior; they do it all the time.
  - Abusers choose whom to abuse. They don't insult, threaten, or assault everyone in their life who angers or annoys them. They usually abuse the people closest to them, the ones they claim to love.
  - Abusers choose when and where to abuse. They control themselves until no one else is around to see their behavior. In public, they may act like everything is fine but lash out as soon as you're alone.
  - Abusers are able to stop their abusive behavior when it benefits them. Most abusers are able to immediately stop their abusive behavior when it's to their advantage to do so (for example, when the police show up or their boss calls).
  - Violent abusers usually direct their blows where the marks won't show. Rather than act out in a mindless rage, many physically violent abusers carefully aim their kicks and punches where the bruises can't be seen.
- People who are being abused may:
  - seem afraid of or anxious to please their partner;
  - go along with everything their partner says and does;
  - check in often with their partner to report where they are and what they're doing;
  - receive frequent, harassing phone calls from their partner;
  - talk about their partner's temper, jealousy, or possessiveness;

- have very low self-esteem, even if they used to be confident;
- show major personality changes (e.g., an outgoing person becomes withdrawn); and/or
- be depressed, anxious, or suicidal.
- People who are being physically abused may: have frequent injuries, which they explain as “accidents”; often miss work, school, or social occasions without explanation; and/or wear clothing designed to hide bruises or scars (e.g., long sleeves in summer or sunglasses indoors).
- People who are being isolated by their abuser may: be restricted from seeing family and friends; rarely go out in public without their partner; and/or have limited access to money, credit cards, or the car.
- If you suspect that someone you know is being abused, speak up! If you’re hesitating, thinking that it’s none of your business, that you might be wrong, or that the person might not want to talk about it, keep in mind that expressing your concern will let the person know you care. It may even save his or her life.
  - DO: Ask if something is wrong.  
Express concern.  
Listen and validate.  
Offer help.  
Refer for assistance and support.
  - DON’T: Wait for him or her to come to you.  
Judge or blame.  
Pressure her or him.  
Give advice.  
Place conditions on your support.
- Talk to the person in private and let her or him know you’re concerned. Remember, abusers are very good at controlling and manipulating their victims. People who have been emotionally abused or battered are depressed, scared, ashamed, and confused. They need help to get out of the relationship, but they’ve often been isolated from family and friends. By picking up on the warning signs and offering support, you can help them escape an abusive situation and begin healing.

## SEXUAL MISCONDUCT REPORTING

FIT has adopted comprehensive procedures to receive, investigate, and resolve complaints of discrimination on the basis of sex and sexual misconduct. Full details are available in FIT's Sexual Misconduct Response policy. The procedures are designed to provide a supportive process for those who file complaints and to ensure a fair process for respondents accused of discriminatory conduct and sexual misconduct. Sexual misconduct, including sexual assault, domestic violence, dating violence, stalking, sexual exploitation, sexual intimidation, and sexual or gender-based harassment, has been recognized as a form of sex or gender discrimination in violation of Title IX and FIT policy.

FIT's procedures seek to ensure a prompt, fair, and impartial investigation and resolution and will seek to resolve sexual misconduct cases within approximately 60 days. This time frame may be extended for good cause (such as cooperating with compliance requests from law enforcement and the time of year) as necessary to ensure integrity and completeness of the process. Procedures will be conducted by college officials who receive annual training on issues related to sex discrimination and sexual misconduct, as well as on conducting investigations and managing the hearing process that protects victim safety and promotes accountability. The standard of evidence used in the adjudication of these cases will be Preponderance of Evidence. Retaliation of any kind against a complainant, respondent, or any other individual participating in the investigation is strictly prohibited. Any retaliation will be treated as a new and additional violation of FIT policy.

Individuals have the right to report sexual misconduct to FIT and to request that charges be brought against a respondent who has engaged in sexual misconduct. Complainants have the option to choose not to participate in an investigation and the right to withdraw their report and their involvement in FIT's disciplinary process at any time. The Title IX coordinator will honor the request of a complainant who declines to consent to participate in an investigation. While honoring such a request may limit the college's ability to meaningfully investigate and pursue conduct action against an accused individual, the Title IX coordinator may still need to proceed with an investigation even if a complainant specifically requests that the matter not be pursued or withdraws their report. The Title IX coordinator will consider the following factors in determining whether to pursue investigation and/or conduct action:

- a. Whether the accused has a history of violent behavior or is a repeat offender;
- b. Whether the incident represents escalation in unlawful conduct on behalf of the accused;
- c. The increased risk that the accused will commit additional acts of violence;
- d. Whether the accused used a weapon or force;
- e. Whether the reporting individual is a minor;
- f. Whether the college possesses other means to obtain evidence such as security footage, and whether available information reveals a pattern of perpetration at a given location or by a particular group.

If a complainant self-identifies but asks to remain anonymous during an investigation, the Title IX coordinator will consider how to proceed, taking into account the complainant's articulated concerns, the safety, well-being and best interests of the FIT community, fair treatment of all individuals involved, and FIT's obligations under all applicable laws. If a student-respondent withdraws from FIT while conduct charges are pending and the student-respondent declines to complete the student disciplinary process, the following notation will be listed on that student's transcript: "Withdrew with conduct charges pending."

### **Filing a Report on Campus—Students**

Any student who experiences conduct that the student believes is in violation of Title IX and the Sexual Misconduct Response policy may (a) report that conduct to the Title IX coordinator (333 Seventh Avenue, 16th Floor; [titleix@fitnyc.edu](mailto:titleix@fitnyc.edu); (212) 217-3365); or (b) report that conduct to a responsible employee, as defined below.

A responsible employee is an FIT employee who has a duty to report incidents of sexual misconduct or who a student could reasonably believe has this authority or duty. This definition encompasses virtually every FIT employee, including all faculty, staff, and administrators with the exception of professional counselors (and those who act under their supervision) working in FIT's Counseling Center and medical providers working in FIT's Health Services. A responsible employee must report all relevant details about the learned incident to the Title IX coordinator or other offices designed to streamline the accepting of reports such as Public Safety or the dean of students. Please note that these responsible employees cannot guarantee confidentiality, but will maintain the student's privacy to the greatest extent possible. Students seeking confidential support should contact FIT's Counseling Center and/or FIT Health Services.

The student may also report to Public Safety or local law enforcement for legal action if the conduct violates New York State or local laws. FIT can assist students in making such a report, if the student so chooses. Both of these processes can happen simultaneously. Students also have the right to decline to notify law enforcement.

### **Filing a Report on Campus—Employees and Third Parties**

Any employee or any third party who experiences conduct that they believe is in violation of Title IX and the Sexual Misconduct Response policy may report that conduct to the Title IX coordinator, Public Safety, or the Department of Human Resource Management and Labor Relations.

Employees and third parties may also report to Public Safety or local law enforcement for legal action if the conduct violates New York State or local laws. FIT can assist employees and third parties in making such a report, if the non-student so chooses. Both of these processes can happen simultaneously. Employees and third parties also have the right to decline to notify law enforcement.

### **Filing a Report Off Campus**

All complainants, whether students, employees, or third parties, also have the option of filing a report off-campus with a number of New York State and community resources. However, disclosures to such organizations do not provide any notice to FIT about a potential violation of Title IX or FIT's Sexual Misconduct Response policy. For this reason, individuals are encouraged to additionally contact an on-campus support resource that is not bound by confidentiality so that FIT receives notice of such violation and can take the appropriate action. Information on outside resources is available at FIT's Help for Victims website and many resources are listed in the Sexual Misconduct Response policy.

### **Confidentiality**

The college recognizes that confidentiality is particularly important to victims of sexual misconduct. A victim who has made a report to a non-confidential resource at FIT may make a request for privacy, but must understand that FIT cannot guarantee complete confidentiality because of its responsibility to safeguard all members of the community and its obligations under the law, including Title IX. Even FIT offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX coordinator to investigate and/or seek a resolution.

FIT understands that it may be difficult for a victim to come forward, and there are several options available for individuals who wish to maintain confidentiality while getting the support they need. Certain employees on campus and off-campus professionals have different abilities to maintain confidentiality:

- **Confidential Resources:** Medical providers, licensed mental health counselors, staff in medical and counseling offices supervised by those with a professional licensing requiring confidentiality, clergy, and off-campus counselors and advocates are not required to re-disclose any information provided by an individual except in the cases where there is an imminent health or safety risk, in some circumstances involving a child, or a lawfully issued subpoena. Confidential resources on the FIT campus are the FIT Counseling Center and FIT Health Services (for students) and the Employee Assistance Program (for employees). Contact information and more details on these services is included on previous pages of this report.
- **Non-Confidential Resources:** All other FIT employees are required to report all relevant information to the Title IX coordinator. A report to any FIT employee, including faculty, chairpersons, and department heads, constitutes a report to FIT. FIT is obligated to take appropriate steps to address the situation, and the Title IX coordinator will confer with the victim before determining whether to conduct an investigation. While not bound by confidentiality, these employees will be discreet and will respect the privacy of those involved.
- **Note on Public Awareness Events:** FIT is not obligated to conduct an investigation based on information disclosed during public awareness events such as candlelight vigils, protests, or “Take Back the Night” events.

Statistics of sexual misconduct and other crimes in public recordkeeping, such as the publication of the Clery Act’s Annual Security Report and daily crime log, are always reported without inclusion of personally identifying information about victims. This report always presents statistics in an aggregate form. To ensure that its statistics are complete, FIT uses its best efforts to collect crime statistics reported to confidential resources at FIT in a de-identified, anonymized way that strictly maintains patient confidentiality. FIT also encourages its confidential resource professionals, where appropriate, to advise on other reporting options, including the option to anonymously report crimes for inclusion in Clery Act statistics (described in detail above in this report).

## TREATMENT AND PRESERVATION OF EVIDENCE

Emergency medical assistance, Public Safety ((212) 217-7777), and local law enforcement assistance are available both on and off campus. Individuals may contact FIT Public Safety and/or local law enforcement and seek medical treatment following an incident that poses a threat to safety or physical well-being or following a potential crime. Treatment and preservation of evidence are crucial to a criminal investigation and evidence is best gathered as soon as possible after an incident. It may also be helpful in obtaining an order of protection. Victims wishing to contact local law enforcement may contact the NYPD’s 10th Precinct at 230 W. 20th Street, New York, NY, or by calling (212) 741-8211 or 911.

An individual who may be a victim of sexual misconduct as a consequence of alcohol and/or other drugs should have a toxicology examination at the hospital as quickly as possible as drugs may remain in a person’s system for only a short time. Most hospitals have rape victim protocols that are very supportive of victims. Victims are able to receive a sexual assault forensic examination (commonly referred to as a “rape kit”) within 96 hours of an assault. You are encouraged to let hospital personnel know if you do not want your insurance policy holder to be notified about your access to these services. The New York State Office of Victim Services may

be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found at [ovs.ny.gov/forms-and-publications](https://ovs.ny.gov/forms-and-publications) or by calling (800) 247-8035.

## PROTECTION AND ACCOMMODATIONS

In deciding on the appropriate accommodation/protective measure, factors considered include, but are not limited to: the specific need expressed or information provided by the complainant or respondent; the age of the students involved; the severity or pervasiveness of the allegations; any continuing effects on the complainant or respondent; whether the complainant and respondent share the same residence hall, dining hall, class, transportation, or job location; and whether other judicial measures have been taken to protect the parties (e.g., civil protection orders). While requests for accommodations may be made by or on behalf of the complainant to any of the offices referenced in the [Sexual Misconduct Response policy](#), (1) where the individual(s) is a student or a third party, the Title IX coordinator will decide the appropriate protections and accommodations<sup>3</sup>; and (2) where the individual(s) is an employee, the Title IX coordinator will recommend the appropriate protections and accommodations to the vice president of Human Resource Management and Labor Relations or their designee(s). All accommodations or protective measures will be treated as confidential to the extent it is possible to do so without impairing implementation of the measures.

Both the respondent and the complainant have the right to request a prompt review—that is reasonable under the circumstances—of the terms of and need for any protections and accommodations that directly affect them (such as the terms of a no contact order or interim suspension), including potential modifications. Both parties shall be allowed to submit evidence in support of their request.

### **FIT Protections and Accommodations—Students**

The following protections and accommodations are offered by FIT to students involved in a Sexual Misconduct investigation. As mentioned above, the Title IX coordinator will weigh a number of factors in deciding on the appropriate accommodation/protective measures.

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<sup>3</sup> Should the Title IX coordinator believe that interim suspension is an accommodation worth considering during an investigation, the Title IX coordinator will confer with the dean of students. The dean of students will then make the final determination as to whether interim suspension is an appropriate accommodation during an investigation.

- **No Contact Orders**—once a “no contact order” has been issued, intentional attempts to contact or come into contact with the other party is prohibited for the duration of the investigation. Violation of a “no contact order” after it has been issued is a violation of college policy and the individual will be subject to additional misconduct charges.
- **Accommodations**—to obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment.
- **Interim Suspension**—to have the respondent placed on interim suspension where the respondent is a student and presents a continuing threat to the health and safety of the community. Should the Title IX coordinator believe that interim suspension is an accommodation worth considering during an investigation, the Title IX coordinator will confer with the dean of students. The dean of students will then make the final determination as to whether interim suspension is an appropriate accommodation during an investigation.
- **Persona Non Grata**—to have assistance from Public Safety or the Title IX coordinator in obtaining a persona non grata letter, subject to legal requirements and college policy—when the respondent is not a member of the college community.

#### **FIT Protections and Accommodations—Employees**

The following protections and accommodations are offered by FIT to employees involved in a Sexual Misconduct investigation. As mentioned above, the Title IX coordinator will weigh a number of factors in deciding which appropriate accommodations/protective measures to recommend to the vice president of Human Resource Management and Labor Relations or their designee(s).

- **No Contact Orders**—Once a “no contact order” has been issued, intentional attempts to contact or come into contact with the other party is prohibited for the duration of the investigation. Violation of a “no contact order” after it has been issued is a violation of college policy and the individual will be subject to additional misconduct charges.
- **Accommodations**—to obtain reasonable and available interim measures and accommodations that effect a change in employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment.
- **Persona Non Grata**—to have assistance from Public Safety or the Title IX coordinator in obtaining a persona non grata letter, subject to legal requirements and college policy—when the respondent is not a member of the college community.

#### **Non-FIT Protections and Accommodations**

Members of the FIT community may obtain an Order of Protection or, if outside of New York State, an equivalent protective or restraining order. Should a member of the FIT community have interest in obtaining an Order of Protection, FIT will provide assistance in the following ways:



- Upon request, Public Safety or the Title IX coordinator will assist in obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.
- If an individual is granted an Order of Protection, they will receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a college official, such as the Title IX coordinator, who can explain the order and answer questions about it, including information from the Order of Protection about the respondent's responsibility to stay away from the complainant.
- Explain the consequences for violating the Order of Protection, including but not limited to arrest, additional conduct charges, and interim suspension.
- When an individual violates an Order of Protection or equivalent protective or restraining order from outside New York State, to have Public Safety assist in calling and assisting local law enforcement in effecting an arrest.

FIT shall comply and assist with enforcement of all known Orders of Protection. Students are encouraged to bring their Orders of Protection to the Title IX coordinator or Public Safety's attention and are responsible for notifying these officials/departments if there are any changes to the Order of Protection. Employees are encouraged to bring their Orders of Protection to the attention of the vice president for Human Resource Management and Labor Relations or Public Safety and are responsible for notifying these officials/departments if there are any changes to the Order of Protection.

## WRITTEN NOTIFICATION OF RESOURCES

The college provides written notification to victims of sexual misconduct about existing counseling; mental health, health, legal, visa, and immigration assistance; victim advocacy; student financial aid; and other services available to victims, including accommodations and protective measures, both at FIT and in the community. This information is provided regardless of where the misconduct occurred and regardless of whether a victim notifies Public Safety or local law enforcement. More details on these resources both on and off campus can also be found in this report, in the [Sexual Misconduct Response policy](#), and on FIT's [website](#), including the [Help for Victims](#) page.

International students and scholars who have been victims of sexual and interpersonal violence with questions about their immigration and visa status are encouraged to visit FIT's [FAQ page](#) for answers to some frequently asked questions and to contact:

**For students:** International Student Services  
 Business and Liberal Arts Center, Room B103  
 (212) 217-3700  
 (212) 217-3701 fax  
[fit\\_oisa@fitnyc.edu](mailto:fit_oisa@fitnyc.edu)

**For employees:** Human Resources  
 333 Seventh Ave., 16th Floor  
 (212) 217-3650  
 (212) 217-3651 fax  
[humanresources1@fitnyc.edu](mailto:humanresources1@fitnyc.edu)

## SEXUAL MISCONDUCT DISCIPLINARY ACTION

The status of the respondent will determine the disciplinary procedures used in response to a complaint or report of sexual misconduct. For example, if the respondent is a student, the disciplinary procedures used will be those delineated for students in the Sexual Misconduct Response policy. If the respondent is an employee, the appropriate disciplinary procedures will be determined by the vice president for Human Resource Management and Labor Relations. Some claims of gender discrimination may be more appropriately handled under FIT's Nondiscrimination and Anti-Harassment policy. FIT will make the determination as to which policy is most appropriate.<sup>4</sup>

### **Student as Respondent**

Pre-Adjudication: The Title IX coordinator will review the report and conduct an initial assessment to determine if the case falls under the guidelines of this policy and its procedures. Following the initial assessment, the Title IX coordinator may take any of the following actions:

- If the Title IX coordinator determines that the report, even if substantiated, would not rise to the level of a policy violation, or, after consultation with the complainant about the complainant's preferences regarding participation, the Title IX coordinator determines that there will be insufficient information to investigate the matter, the Title IX coordinator may dismiss the report. The Title IX coordinator will inform the parties involved of dismissal with rationale for the dismissal in writing.
- If the Title IX coordinator determines at any point prior to adjudication that a matter may be resolved through an informal process, the coordinator may begin that process by first discussing the possibility with the complainant. At no time will the Title IX coordinator attempt to mediate a complaint of sexual misconduct. In addition, the Title IX coordinator will only attempt to resolve a matter informally with the consent of the complainant.
- If the Title IX coordinator determines that the report is outside the scope of this policy, the Title IX coordinator may refer the report to another office for review. The Title IX coordinator will inform the parties of the transfer in writing.
- If the Title IX coordinator determines that the report would, if substantiated, constitute a violation of the Sexual Misconduct policy, the Title IX coordinator will initiate an investigation and determine appropriate interim measures and accommodations. Both the respondent and the complainant have the right to request a prompt review, that is reasonable under the circumstances, of the terms of, and need for, any protections and accommodations that directly affect them (such as the terms of a "no contact order" or interim suspension) including potential modifications. Both parties shall be allowed to submit evidence in support of their request. The Title IX coordinator will inform the parties involved of the commencement of the investigation in writing.
- *Informal Resolution:* At the request of either the complainant or the respondent any time prior to adjudication, the Title IX coordinator will assess whether a matter may be resolved through an informal process. If the Title IX coordinator determines an informal process may be appropriate, the coordinator may begin that process after obtaining permission to do so by both the complainant and the respondent. At no time will the Title IX coordinator attempt to mediate a complaint of Sexual Assault–Contact or Sexual Assault–Penetration.

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<sup>4</sup> FIT reserves the right to amend discrete aspects of its Investigation and Disciplinary Procedures, as set forth in the Sexual Misconduct Response policy, based on parties' minor status and status in its Precollege programs. Any such amendments will be communicated to the parties at the outset of the process.

## Investigation:

- *Initial Meeting:* The Title IX coordinator will interview the parties to the report separately and advise them of their rights at the outset of the investigation including their right to have a non-legal advisor or legal counsel present at any meeting or hearing. Each party will be notified prior to any meeting they are eligible to attend. The Title IX coordinator will interview witnesses as necessary. Witnesses may not bring a non-legal advisor or legal counsel. At the conclusion of each interview, the Title IX coordinator will review the notes with the interviewee.
- *Case File:* The Title IX coordinator will prepare a case file of all interview summaries, witness statements, and other documents. The file, redacted of personally identifiable information as necessary, will be shared with the complainant and the respondent. The Title IX coordinator will describe in writing for the parties the charges that will be adjudicated, the basis for such charges, and the potential sanctions that may be levied if the respondent is found responsible. This charge letter will be available in the case file for complainant's and respondent's review.
- *Complainant/Respondent Review:* After reviewing the file, each party will have an opportunity (1) to meet again with the Title IX coordinator, (2) to respond in writing, (3) to request the collection of other information by the Title IX coordinator, and (4) to identify individuals who may possess relevant information (and request that such individuals be interviewed). If any additional information is gathered, a summary of that information will be shared with both parties and each will have the opportunity for a final response. The Title IX coordinator will designate reasonably prompt time frames to ensure a timely completion of the process but also an adequate opportunity for both sides to respond thoroughly to the information gathered in the investigation.
- *Accepting Responsibility:* Upon receipt and review of the case file, the respondent also has the opportunity to accept responsibility for the charges listed in the charge letter. If the respondent accepts responsibility, the Title IX coordinator will notify the complainant and respondent in writing of the responsible finding and that the case file has been forwarded to the dean of students for disciplinary sanctions. Depending on the circumstances, a respondent who accepts responsibility may also have a notation on their transcript. In cases where a respondent accepts responsibility for charges, the respondent and/or complainant may appeal the sanction but not the finding of the violation itself.
- If the respondent does not accept responsibility for the charges, or the complainant and the respondent have not consented to an informal resolution process, at the conclusion of the investigation, the Title IX coordinator will notify the complainant and respondent in writing that the case file has been forwarded to the hearing panel for adjudication.

Adjudication: After the conclusion of the investigation of the facts, the Title IX coordinator will forward the case file to a hearing panel for adjudication. Every reasonable effort will be made to conduct the hearing within 10 business days of the Title IX coordinator's referral of the case file.

- *Panelists:* The president or the president's designee(s) will appoint a three-person hearing panel consisting of three voting faculty or staff members, one of whom will serve as chair. All panelists will have training in investigating and evaluating conduct prohibited under the Sexual Misconduct Response policy. The panelists will also be impartial and unbiased. All hearing panel members must be present for the adjudication hearing.
- *Appearance Before Panel:* Both the complainant and the respondent are afforded the equal opportunity to participate in the hearing in person and will be presented with the opportunity to meet with the Title IX coordinator before the hearing. If either party is not comfortable

being in the same room with the other during the hearing, the college will make arrangements for the parties to participate in real time in separate rooms via telephone or video conference. When it is their turn to appear before the hearing panel, the complainant, the respondent, and/or witnesses will appear individually before the panel.

- *Submission of Evidence:* Each party has the right to present witnesses and cross-examine witnesses through the hearing panel and should submit questions in writing to the Title IX coordinator two (2) business days before the scheduled hearing. A list of witnesses, any written evidence, and notice of whether a non-legal advisor or legal counsel will be present must be submitted in writing to the Title IX coordinator four (4) business days before the scheduled hearing. Additionally, each party will have the opportunity to present discrete additional questions to the hearing panel to ask of the witness(es) during the hearing. The hearing panel reserves the right to refuse to ask a witness a question if that question is collectively determined by the panel to be inappropriate. The complainant and respondent will also have the opportunity to provide an opening and closing statement if they choose to do so.
- *Panel Deliberations and Record Retention:* The hearing panel will make and retain a verbatim record of the hearing in the form of a complete tape recording that will be retained by the Title IX coordinator in accordance with FIT's Records Retention and Disposition policy. After all presentations are complete, the hearing panel will deliberate in a closed session and arrive at a decision and determine, by a majority decision, whether the respondent, based on the Preponderance of Evidence standard, violated this policy. The deliberations and vote will remain confidential.

Following the conclusion of the hearing, the hearing panel will prepare an outcome letter, which will include findings of fact, findings of responsibility, and the hearing panel's rationale for its decisions. The Title IX coordinator will endeavor to send the outcome letter to the complainant and respondent simultaneously within five (5) business days of the hearing.

FIT will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18 of the United States Code), or a non-forcible sex offense (incest or statutory rape), the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for such purposes. Please note that under the Sexual Misconduct Response policy, FIT notifies both the complainant and respondent simultaneously and thus it is not necessary to make a written request.

Disciplinary Sanctions: If a student is found responsible for violating the Sexual Misconduct Response policy, the Title IX coordinator will forward the entire case file to the dean of students who will determine if there may be justification to suspend or expel the student based on the charge. If it is determined there is justification, the hearing panel will determine whether to suspend or expel the student.

If the dean of students finds that there are no grounds to refer the matter back to the hearing panel for consideration of suspension or expulsion, or if upon such referral the hearing panel determines that suspension or expulsion are not warranted, then the dean of students shall determine the student's sanction. Sanctions will be determined based on the seriousness of the misconduct and the student's prior disciplinary record.

Prior to the imposition of the sanction, both the complainant and the respondent may provide a written impact statement to the Title IX coordinator for either the hearing panel's or the dean of students' review prior to their imposition of sanction(s). FIT may impose a disciplinary sanction that may include, but is not limited to, suspension, expulsion, transcript notations, and one or more of the disciplinary sanctions listed in the Code of Student Conduct. Sanctions will be communicated simultaneously and in writing to the complainant and the respondent by the Title IX coordinator.

- *Transcript Notations:* Where a student is suspended, the following notation will be listed on that student’s transcript: “Suspended after a finding of responsibility for a code of conduct violation.” Where a student is expelled, the following notation will be listed on that student’s transcript: “Expelled after a finding of responsibility for a code of conduct violation.” Should a student withdraw from the college while conduct charges are pending and the student declines to complete the student disciplinary process, the following notation will be listed on that student’s transcript: “Withdrew with conduct charges pending.” If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.
- *Appeal of Transcript Notations:* A notation of suspension may be appealed, in writing, to the dean of students. Appeals for the removal of a suspension transcript notation may be granted provided that one year has passed since the conclusion of the suspension, the term of suspension was completed and any conditions complied with, and the dean of students has determined that the student is once again in good standing with all applicable college standards. Notations for expulsion may not be appealed or removed.

Appeals: Both parties have the equal right to request an appeal of the decision and/or the sanction. Appeals will be heard by a panel.

- The purpose of an appeal is not to initiate a review of substantive issues of fact or to re-hear the case. The right to appeal is limited to: (i) procedural error affecting the decision or sanction; (ii) the appearance of substantive new evidence not available at the time of the decision; or (iii) excessiveness or insufficiency of the sanction. Neither deliberate omission of information by the appealing party in the original investigation nor disagreement with the decision or sanction are, by themselves, grounds for appeal.
- Each party has 10 business days following the receipt of the written decision of the dean of students or the hearing panel, as communicated to each party by the Title IX coordinator, to indicate their intention to appeal. Requests for appeal, with reasons, should be sent in writing to the Title IX coordinator at [titleix@fitnyc.edu](mailto:titleix@fitnyc.edu). Any new evidence or proof of a procedural error should be included in the request for the Title IX coordinator’s review<sup>5</sup>. If the request is granted, the appeal will be heard before an appellate panel appointed by the president or the president’s designee(s) that is fair and impartial and does not include individuals with a conflict of interest.
- The appellate panel may (i) return the case to the original hearing panel and task them with reviewing the decision with the substantial new information; (ii) return the case to the original hearing panel to correct the procedural problem and re-review the case; or (iii) change the sanction or task the dean of students or the hearing panel with reviewing and amending the originally imposed sanction. If the original decision is upheld by the original hearing panel, this decision will be final. Additionally, decisions made by the appellate panel are also final. The results of any appeal will be communicated simultaneously and in writing to the complainant and the respondent by the Title IX coordinator.

## **Employee as Respondent**

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<sup>5</sup> The Title IX coordinator’s review is to check that the request for an appeal is appropriate and fits within the prescribed grounds for an appeal. This is not a substantive review.

The complainant or third party should contact the Title IX coordinator to make any report of a violation of the Sexual Misconduct Response policy. The Title IX coordinator will notify the respondent that a report has been made, giving the respondent the opportunity to respond to the allegations. The Title IX coordinator will review supporting documentation and will interview witnesses to investigate the complaint. At the end of the investigation, the Title IX coordinator shall submit a summary of the investigation to the vice president for Human Resource Management and Labor Relations or their designee(s).

For employees in the collective bargaining unit, the vice president for Human Resource Management and Labor Relations or their designee(s) will review the summary and determine appropriate action, which may include disciplinary action or other action under the applicable collective bargaining agreement.

For employees not in the collective bargaining unit, the vice president for Human Resource Management and Labor Relations or their designee(s) will review the summary and may make a recommendation to the president to take such administrative action, including, but not limited to disciplinary action such as dismissal, demotion, reassignment, suspension, reprimand, removal of privileges, or training.

### **Third Party as Complainant or Respondent**

When a third party is involved as a complainant or respondent, FIT will use the disciplinary procedures that are generally consistent with the procedures for students or employees, appropriately modified based on the particular circumstances involved, the status of the member of the FIT community involved in the complaint, and taking into account privacy requirements.

## **SEXUAL MISCONDUCT: BILL OF RIGHTS**

FIT has created the Student Bill of Rights to educate all students about their rights to be treated with respect and dignity when reporting sexual misconduct, as well as all students accused of sexual misconduct. Students have the right to make a report to Public Safety, local law enforcement, and/or state police or choose not to report; to report the incident to the college; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from the institution. This Bill of Rights can be found below and is available on FIT's website.

The State University of New York and the Fashion Institute of Technology are committed to providing options, support, and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in college/university-wide and campus programs, activities, and employment. The following rights apply to students reporting or otherwise involved in instances of sexual misconduct covered by FIT policy.

All students have the right to:

- Make a report to local law enforcement and/or state police;
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;

- Be treated with dignity and receive from the institution courteous, fair, and respectful health care and counseling services, where 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;
- Have 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; and
- Exercise civil rights and practice religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

### **Options in Brief:**

Victims/survivors have many options that can be pursued simultaneously, including one or more of the following:

- receiving resources, such as counseling and medical attention;
- confidentially or anonymously disclosing a crime or violation;
- making a report to:  
Title IX coordinator at (212) 217-3360 or [titleix@fitnyc.edu](mailto:titleix@fitnyc.edu);  
Office of Public Safety at (212) 217-7777;  
Dean of Students Office at (212) 217-3800 or [dean\\_of\\_students@fitnyc.edu](mailto:dean_of_students@fitnyc.edu);  
NYPD Special Victims Division at (646) 610-7272;  
and/or family court or civil court.

## **SEX CRIMES IN APPLICABLE JURISDICTIONS**

For educational and awareness purposes, FIT provides summaries of various sexual misconduct offenses for the relevant jurisdictions of each of its Clery Act separate campuses, including New York State laws, in Appendix A.

## **SEX OFFENDER REGISTRATION**

In conjunction with the Campus Sex Crimes Prevention Act of 2000 and Article 6-C of New York's Sex Offender Registration Act, a statewide list of registered sex offenders is provided at [criminaljustice.ny.gov](http://criminaljustice.ny.gov) as a service to the community. Italy does not, as of the date of publication of this ASR, maintain a sex offender registration. South Korea maintains a sex offender registration website at [sexoffender.go.kr](http://sexoffender.go.kr).



# ADDITIONAL SAFETY POLICIES

## MISSING STUDENT POLICY

FIT has a policy on missing students who reside in on-campus residence halls. A missing student is defined in FIT policy as follows: An FIT student who resides in a facility owned or operated by FIT is considered “missing” when they have not been seen by friends or associates for a reasonable amount of time, when there is no reasonable explanation for his or her absence, and when circumstances indicate the student’s unaccountable or involuntary disappearance. A reasonable amount of time is generally 24 hours or more, but may vary depending upon the circumstances.

If a member of the FIT community or any other person has reason to believe or has received a report that a student who resides in on-campus housing is missing, they should immediately notify Public Safety at (212) 217-7777. Public Safety will generate a missing person report and initiate an investigation into the missing student.

In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted in the event the student is determined to be missing. All residential students are given the opportunity to identify a confidential contact on their housing application. A student’s confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation.

After investigating a missing person report, should Public Safety determine that the missing student is missing, FIT will notify the student’s confidential contact, if the student has identified such an individual, no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, FIT will notify the student’s custodial parent or legal guardian no later than 24 hours after the student is determined to be missing, in addition to notifying the student’s confidential contact. Additionally, the college will notify law enforcement no later than 24 hours after a missing student is determined to be missing.

**Other Missing Persons:** If a member of the FIT community has reason to believe that any other member of the FIT community, including students who do not reside in on-campus housing, is missing, they should immediately notify the New York City Police Department (NYPD). Public Safety will, in appropriate circumstances, assist individuals in making a report to NYPD, but in all cases where the individual is not a residential student, NYPD will investigate the report.

## DRUG AND ALCOHOL POLICY

FIT's Drug and Alcohol Abuse Prevention policy explains the college's commitment to a drug-free environment in accordance with current statutory provisions. The policy prescribes prohibited conduct related to drugs and alcohol and outlines disciplinary and legal sanctions and health risks associated with the use of drugs and alcohol. The policy also describes drug and alcohol programs and resources available at the college and in the community. A copy of this policy is distributed simultaneously with this report in compliance with the Drug-Free Schools and Communities Act Amendments of 1989.

## BIAS CRIME POLICY

Hate crimes, also called bias crimes or bias-related crimes, are criminal activities motivated by bias or attitude against an individual or group based on perceived or actual personal characteristics, such as race, religion, ethnicity, gender, sexual orientation, disability, or other characteristics.

As explained in FIT's Bias Crime Prevention policy, a hate or bias-related crime is defined under the New York State Hate Crimes Act of 2000 as when a person commits a hate crime when he or she commits a specified offense that is specified in the act and either: (a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of a person, regardless of whether the belief or perception is correct; or (b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of a person, regardless of whether the belief or perception is correct.

Students are informed about hate/bias-related crime prevention measures during the college's student orientation. Penalties for bias crimes are very serious and can range from fines to extended prison sentences, depending on the nature of the underlying criminal offense, the use of violence, or previous convictions of the offender. In addition to criminal penalties, students found responsible for committing a hate/bias-related crime or incident may be subject to sanctions, including suspension and expulsion from the college, as set forth in the relevant FIT policies governing conduct.

If you are a victim of, or a witness to, a hate/bias-related crime on campus, report it to Public Safety at (212) 217-7777. Public Safety will conduct an initial investigation and make appropriate referrals to the assistant vice president for Student Success and dean of students, with a notification to the affirmative action officer/Title IX coordinator. Although FIT encourages crimes to be reported to Public Safety, crimes may also be reported to the dean of students, Business and Liberal Arts Center, Room B221, (212) 217-3800, to the Title IX coordinator/affirmative action officer, (212) 217-3360, or to any senior administrator of the college.

FIT also prohibits, and works to prevent and address, hate/bias-related incidents that do not rise to the level of a crime under the New York State Hate Crimes Act of 2000. Such incidents may be prohibited by FIT's Nondiscrimination and Anti-Harassment policy. Hate/bias-related incidents, whether crimes or not, may additionally implicate conduct prohibited by FIT's Code of Student Conduct and FIT's Sexual Misconduct Response policy. FIT will make the determination as to which policy is most appropriate.

## NONDISCRIMINATION AND ANTI-HARASSMENT POLICY

FIT is committed to prohibiting discrimination, whether based on age, caregiver status, citizenship status (except as required to comply with law), color, creed, disability, ethnic background, familial status, gender, gender identity, genetic information, marital status, military service or veteran status, national origin, pregnancy (including childbirth and breastfeeding), race, sex, sexual orientation, transgender status, unemployment status, an individual's relationship or association with a member of a protected category, or any other criterion prohibited by applicable federal, state, or local laws. FIT is also an equal opportunity employer.

The college provides members of the campus community who believe they have been the subject of discrimination or discriminatory harassment with mechanisms for seeking redress and strictly prohibits retaliation against individuals who participate in that process in good faith. These procedures are described in FIT's Nondiscrimination and Anti-Harassment policy. Everyone at FIT is expected to adhere to the applicable policies and to report conduct or behavior they believe to be in violation of the Nondiscrimination and Anti-Harassment policy.

## CODE OF STUDENT CONDUCT

FIT encourages the development of independence, maturity, and ethical sensitivity of students. To achieve its purpose, the Fashion Institute of Technology expects students to conduct themselves in a manner consistent with their respective positions within the academic community and comply with the directions of employees who are acting in the performance of their duties. In particular, students are expected to refrain from conduct that threatens or endangers the health, safety, and welfare of their community. All members of the FIT community have an obligation to support and obey college regulations, and all federal, state, and local laws. Those who do not comply will be subject to disciplinary action by the college and, where applicable, may face action by federal, local, and/or state authorities.

The essential purpose of the college's governing of student conduct is to protect and promote its effective and orderly function as an educational institution. The codes of student conduct were prepared to inform the FIT community of the policies regarding the standards regulating student conduct, primarily those prohibiting misconduct on FIT-owned or -affiliated property, but may also address off-campus behavior as set forth in the code. The code is also intended to give general guidance to the college as it handles specific cases arising under regulations authorized by the board of trustees and approved by the president. The code provides a means for the exercise of student rights and responsibilities within the college's student conduct system. The code seeks to preserve the individual rights of students while ensuring that the interests of the entire college community are also maintained.

FIT's Code of Student Conduct is accessible online. It prohibits or otherwise addresses a variety of conduct, including physical abuse, harassment, theft/unauthorized possession/damage/misuse of property, drugs and alcohol, tobacco, misappropriation and unauthorized use, dishonesty, disruption, unauthorized use or misuse of electronic devices, cyberbullying and related online conduct, inappropriate use of FIT's computer and network resources, hazing, unauthorized access to campus, unlawful protest, food and beverage restrictions, animals, wheeled recreational equipment, gambling and gaming, weapons, hazardous materials and chemicals, fire risks, failure to comply with instructions of college officials, and violations of other FIT policies or laws. It provides for procedures for conduct violations and specifically enumerates possible sanctions for students' violation of the code or other FIT policies.

In addition to the Alcohol and/or Drug Use Amnesty policy in FIT's Sexual Misconduct Response policy, the Code of Student Conduct also has a Good Samaritan/Medical Amnesty policy to help students take an active role in assisting themselves or other students if either the student themselves or another person is under the influence of alcohol and/or drugs and need medical attention. If students seek out medical assistance for themselves or assist others who may be intoxicated or under the influence of drugs, both will be granted amnesty from formal disciplinary charges at FIT if certain criteria are met. Details are available in the Code of Student Conduct.

## ADDITIONAL POLICY ITEMS IN THE SAFETY AND SECURITY POLICY

In addition to the policies already summarized throughout this report, FIT's Campus Safety and Security policy provides for several other additional safety-related policies, including but not limited to:

### **Emergency Procedures**

The president of FIT has established an Emergency Preparedness and Response Group (EPRG), which recommends and implements emergency mitigation measures and coordinates planning for emergency situations affecting the college, including implementation of training and exercise activities throughout the FIT community. The EPRG meets regularly to plan for emergency situations that may affect the FIT community. FIT has developed an Emergency Preparedness Plan, accessible online at [fitnyc.edu/emergency](http://fitnyc.edu/emergency), which outlines the procedures it will follow to respond to specific types of emergencies. In medical emergencies, personnel from Public Safety and Health Services work together as a team to respond. Health Services operates as an ambulatory care unit and handles most medical emergencies occurring on campus. At times, however, a 911 operator may be contacted to request the immediate response of an ambulance to transport an injured or ill person to a local hospital. In case of other emergencies, please see a list of possible emergency scenarios and corresponding procedures to follow at [fitnyc.edu/emergency/what-to-do](http://fitnyc.edu/emergency/what-to-do).

### **Advisory Committee on Campus Security**

The president of FIT has appointed a President's Advisory Committee on Campus Security to review campus security policies and procedures, and to make written findings and recommendations at least once each academic year for improving campus safety. Such reports will be made available upon request. See President's Advisory Committee on Campus Security.

### **Rules for Maintenance of Public Order**

FIT's Rules for the Maintenance of Public Order prohibit any person whether singly or in concert with others from:

- willfully threatening or causing physical injury to another person;
- physically restraining or detaining any other person;
- removing anyone from any place where he or she is authorized to remain;
- willfully damaging or destroying property of FIT or under FIT's control;
- removing FIT property or property under FIT's care;
- using FIT property or property in FIT's control without authorization;
- entering into any private office of an administrative officer, member of the faculty, or staff member without implied or explicit permission;

- entering into and remaining in any campus building for any purpose other than its authorized uses or in such manner as to obstruct its authorized uses;
- remaining in any campus building after it is closed without authorization;
- refusing to leave a campus building after being required to do so by an authorized administrative officer or public safety guard;
- obstructing the free movement of people and vehicles in any place to which these rules apply;
- deliberately disrupting or preventing the peaceful and orderly conduct of classes, lectures, and meetings;
- deliberately disrupting or preventing the freedom of any person to express his or her views, including invited speakers;
- knowingly having in his or her possession on premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without the written authorization of the president whether or not a license to possess the weapon has been issued to the person;
- willfully inciting others to commit any of the acts prohibited hereby with the specific intent to procure them to do so; or
- taking any action, or creating or participating in the creation of any situation, which recklessly or intentionally endangers the mental or physical health of anyone or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.

Nothing in these rules shall be construed to limit or restrict the freedoms of speech and peaceful assembly.

These Rules for the Maintenance of Public Order apply to the conduct of students, faculty, all other staff, licensees, invitees, and all other persons, whether or not their presence is authorized, upon any FIT campus property; other property owned, leased, or otherwise controlled by FIT and used for, related to, or supporting FIT's educational purposes; or in any FIT activity (any event, function, or activity that is organized, supported, or financed in whole or in part by the college or by any FIT office, department, division, course, program, or organization, including student organizations/clubs/teams). A copy of these rules is provided to all students, faculty, and staff and are deemed to be part of the bylaws of all FIT-recognized organizations. Additional rules and regulations on conduct are outlined in other FIT policies (including but not limited to the FIT Code of Student Conduct and Sexual Misconduct Response policy).

In the case of a student or employee violator, his or her suspension, expulsion, termination, or other appropriate disciplinary action will be determined in accordance with the applicable student judicial process or employee disciplinary process. In the case of any organization that authorizes such conduct, its permission to operate on FIT property or property controlled by FIT will be rescinded. Any licensee or invitee who violates any provision of these rules will have the license or invitation revoked and they and any other person who violates the rules will be directed to leave the college's property. In the event of a failure or refusal to leave FIT's property, such person(s) shall be ejected from the property.

## **Violent Felony Offenses**

In instances involving a violent felony offense (as defined in Section 70.02(1) of the Penal Law of the State of New York) occurring in the buildings and on the grounds of the college, Public Safety will coordinate with local law enforcement to promptly investigate. Public Safety will notify local law enforcement as soon as practicable but in no case more than 24 hours after a report of a violent felony, provided, however, that victims of sexual misconduct shall be informed of their options to notify proper law enforcement authorities, their right to report or not to report such offense to local law enforcement, and the option to be assisted by FIT authorities should the victim wish to notify local law enforcement. More information on reporting options for victims of sexual misconduct is available in FIT's Sexual Misconduct Response policy.

## **DISCLOSURE TO VICTIMS OF CRIMES OF VIOLENCE**

As set forth in the Code of Student Conduct and the Sexual Misconduct Response policy, FIT will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18 of the United States Code), or a non-forcible sex offense (incest or statutory rape), the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for such purposes. Note that in cases of sexual misconduct, FIT notifies both the complainant and respondent simultaneously and thus it is not necessary to make a written request.

# FIT ABROAD

FIT offers students the opportunity to study at one of the FIT programs in Florence and Milan, Italy, and at SUNY Korea in Songdo, South Korea.

## FIT IN FLORENCE

The Florence program is operated out of the Polimoda institution, with its main location of the Villa Favard and the Scuderie buildings in Florence and a design lab located in Scandicci.

### **Options for Reporting Crimes and Incidents in Florence**

The Fashion Institute of Technology encourages students, faculty, staff, and other members of its educational community to report crimes and other safety incidents promptly to any or all of the administrators below:

- Resident Director: +(39) 055-275-0637; Villa Favard Building, Second Floor. The resident director is a CSA for Clery Act purposes; CSAs are described in further detail in this report on pages 4–5.
- Office of International Programs and Office of the Dean of International Education: (212) 217-5380; Room B119 on the New York campus

In case of emergency in Florence, FIT students may also contact:

- Resident Director Emergency Number: +39-348-3937130
- FIT in Florence Emergency Number: +39-366-442-7959
- Polimoda Security: +(39) 055-275 647; Villa Favard Building, Second Floor
- U.S. Consulate in Florence: +(39) 055 266951; Lungarno Amerigo Vespucci, 38, 50123 Firenze
- In off-campus emergencies, dial 118 (medical emergencies) or 113 (police)

FIT students may also contact any of the following persons in New York to report a crime or incident:

- Department of Public Safety: (212) 217-7777 (staffed 24 hours a day, every day)
- Director of Public Safety: (212) 217-4999 (administrative line)
- Dean of Students: (212) 217-3800
- Title IX Coordinator: (212) 217-3360

FIT encourages accurate and prompt reporting of all crimes to FIT and to local law enforcement, when the victim of a crime elects to (or is unable to) make such a report.

Persons wanting to anonymously report a crime or incident can do so by contacting FIT's Tip Line based in New York at (212) 217-TIPS ((212) 217-8477); information on this program is available in this report on page 5.

## **Safety on the Florence Campus**

Security services are provided by Polimoda; FIT does not have its own security department in Florence.<sup>6</sup> The campus is gated with Polimoda electronic badge and/or check-in with staff at the front desk/reception area required to enter the premises. Premises, including all building doors and main gates, are locked after hours with alarm settings. Phones are available in all classrooms and office spaces. Designated Polimoda front desk personnel in each location and additional Polimoda personnel are trained and assigned to handle health-related incidents (CPR, etc.) and minor on-campus emergencies, and to follow response protocols to serious incidents (fire, earthquake, etc.).

Programming on safety while traveling abroad and studying in the Florence program is provided both in mandatory pre-departure orientation and in orientation in Florence each semester. This programming includes:

- Information from a local police sergeant session in Florence on safety and security in Florence, as well as laws regarding drugs, alcohol, and other crimes.
- Information on medical issues, hospitals, doctors, and insurance abroad.
- Distribution of information on: enrollment in the U.S. State Department's Smart Traveler Enrollment Program (STEP); assistance for American victims of crime overseas via the U.S. State Department and local consulate; contact information for the local U.S. consulate; 24-hour emergency contact information for the FIT in Florence office; and instructions on how to use the resources of HTH/GeoBlue, FIT's mandatory insurance for study abroad.
- Distribution of a wallet emergency card with emergency numbers (police, ambulance, resident director, and FIT in Florence emergency numbers, etc.) with Florence office and Polimoda contact, nearest hospital and police addresses, and, if on an academic trip outside of Florence, the hotel address/phone and cellphones of traveling professors or staff. For all academic trips, a handout is distributed with all city emergency info and instructions on what to do in case of emergency.

## **Additional Policies and Resources in Florence**

All generally applicable FIT policies and procedures apply to programs abroad, including FIT in Italy and the Florence campus. These policies include, but are not limited to, all conduct-related policies and procedures, including the Code of Student Conduct, the Sexual Misconduct Response policy, the Nondiscrimination and Anti-Harassment policy, and Drug and Alcohol Abuse Prevention policy. Information on these policies is available earlier in this report. FIT in Italy works with administrators in New York to respond to and address instances of misconduct and to provide a similar level of support resources to victims of crimes (whether through direct support from FIT staff via technological means or through assistance in securing local referrals in Italy). The resident director is provided training by the Title IX coordinator on an annual basis.

## **FIT IN MILAN**

The Milan program is operated out of the Politecnico di Milano, on the Campus Bovisa Via Candiani 72 campus.

## **Options for Reporting Crimes and Incidents in Milan**

The Fashion Institute of Technology encourages students, faculty, staff, and other members of its

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<sup>6</sup> Because FIT does not have any non-campus locations of student organizations officially recognized by the institution, FIT does not have any agreement with local law enforcement in Florence to monitor such locations.



educational community to report crimes and other safety incidents promptly to any or all of the administrators below:

- Resident Director: +(39) 0223995768/69/61; Via Candiani 72, Edificio 8 Piano 2. The resident director is a CSA for Clery Act purposes; CSAs are described in further detail in this report on pages 4–5.
- Office of International Programs and Office of the Dean of International Education: (212) 217-5380; Room B119 on the New York campus

In case of emergency in Milan, FIT students may also contact:

- Politecnico Security: + (39) 0223995600 (internal extension 5600); Main Desk B2 Building
- Politecnico 24/7 Call Center: +(39) 0223999300 (internal extension 9300)
- U.S. Consulate in Milan: +(39) 02290351; Via Principe Amedeo, 2/10, Milan, 20121
- In off-campus emergencies, dial 112

FIT students may also contact any of the following persons in New York to report a crime or incident:

- Department of Public Safety: (212) 217-7777 (staffed 24 hours a day, every day)
- Director of Public Safety: (212) 217-4999 (administrative line)
- Dean of Students: (212) 217-3800
- Title IX Coordinator: (212) 217-3360

FIT encourages accurate and prompt reporting of all crimes to FIT and to local law enforcement, when the victim of a crime elects to (or is unable to) make such a report.

Persons wanting to anonymously report a crime or incident can do so by contacting FIT’s Tip Line based in New York at (212) 217-TIPS ((212) 217-8477); information on this program is available in this report on page 5.

### **Safety on the Milan Campus**

Security services are provided by Politecnico; FIT does not have its own security department in Milan.<sup>7</sup> Politecnico maintains a safety website available at [dipartimentodesign.polimi.it/en/safety](http://dipartimentodesign.polimi.it/en/safety). Staff at the call center, which is available 24/7, are able to see security cameras at the main entrance of the Via Candiani 72 campus as well as a pedestrian entrance near the B3 building. Emergency phones are located on the main floors of buildings with posted internal and external emergency numbers. Each building on campus has a designated employee who has received emergency training and is on call as a “first responder” in an emergency and may direct members of the community until appropriate emergency authorities arrive. The gates to the campus are open 7 am to 9 pm, Monday through Friday, and 7 am to 1 pm on Saturday. Only students with a valid safety ID may enter the laboratories.

Programming on safety while traveling abroad and studying in the Milan program is provided both in mandatory pre-departure orientation and in orientation in Milan. This programming includes:

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<sup>7</sup> Because FIT does not have any non-campus locations of student organizations officially recognized by the institution, FIT does not have any agreement with local law enforcement in Milan to monitor such locations.

- Distribution of information on enrollment in the U.S. State Department’s Smart Traveler Enrollment Program (STEP); assistance for American victims of crime overseas via the U.S. State Department and local consulate; contact information for the local U.S. consulate; 24-hour emergency contact information for the FIT in Milan office; and instructions on how to use the resources of HTH/GeoBlue, FIT’s mandatory insurance for study abroad.
- A session at the Milan orientation with the American Security Consul addressing safety and security.
- Information on laws regarding drugs, alcohol, and other crimes, as well as information on medical issues, hospitals, doctors, and insurance abroad.
- Distribution of a wallet emergency card with emergency numbers (police, ambulance, etc.) with Milan in FIT emergency number and contact information, Politecnico contact information, nearest hospital and police addresses, taxi and emergency numbers, and, if on an academic trip outside of Milan, the hotel address/phone and cell phones of traveling professors or staff. For all academic trips, a handout is distributed with all city emergency info and instructions on what to do in case of emergency.
- Completion of an online test covering fire/evacuation procedures, required for all members of the Politecnico.

### **Additional Policies and Resources in Milan**

All generally applicable FIT policies and procedures apply to programs abroad, including FIT in Italy and the Milan campus. These policies include, but are not limited to, all conduct-related policies and procedures, including the Code of Student Conduct, the Sexual Misconduct Response policy, the Nondiscrimination and Anti-Harassment policy, and Drug and Alcohol Abuse Prevention policy. Information on these policies is available above in this report. FIT in Italy works with administrators in New York to respond to and address instances of misconduct and to provide a similar level of support resources to victims of crimes (whether through direct support from FIT staff via technological means or through assistance in securing local referrals in Italy). The resident director is provided training by the Title IX coordinator on an annual basis.

## **FIT AT SUNY KOREA**

FIT’s SUNY Korea program is operated out of the Incheon Global Campus in Songdo, South Korea.

### **Options for Reporting Crimes and Incidents in South Korea**

FIT and SUNY Korea staff notified of a crime or incident will collaborate to ensure that all reports are handled and addressed promptly and appropriately. FIT encourages students, faculty, staff, and other members of its educational community to report crimes and other safety incidents promptly to any or all of the administrators below:

- Student Affairs Team Leader: 032-626-1190; [sunghyun.lee@sunykorea.ac.kr](mailto:sunghyun.lee@sunykorea.ac.kr)
- Dean of Academic and Student Affairs: 032-626-1120; [jungmin.hong@sunykorea.ac.kr](mailto:jungmin.hong@sunykorea.ac.kr)
- SUNY Korea Title IX Coordinator: 032-626-1191; [rachel.stuckey@sunykorea.ac.kr](mailto:rachel.stuckey@sunykorea.ac.kr)  
Additional Title IX contacts include:
  - Hae Young Kim (for students): 032-626-1190; [haeyoung.kim@sunykorea.ac.kr](mailto:haeyoung.kim@sunykorea.ac.kr)
  - Seungjun Lee (for faculty): 032-626-1121; [sjlee@sunykorea.ac.kr](mailto:sjlee@sunykorea.ac.kr)
  - Hyokbom Kwon (for staff): 032-626-1140; [hbkwon@sunykorea.ac.kr](mailto:hbkwon@sunykorea.ac.kr)

- Chair, Committee on Institutional Diversity and Equity: 032-626-1120
- Office of International Programs and Office of the Dean of International Education: (212) 217-5380; Room B119 on the New York campus
- FIT faculty members who are designated as CSAs; CSAs are described in further detail in this report on pages 4–5

In case of emergency at SUNY Korea, FIT students may also contact:

- IGC Safety Control Center: 032-626-0100
- IGC Security Office (A107): 032-626-1607
- Incheon Yeonsu Police Station, 138 Woninjae-ro, Yeonsu 2(i)-dong, Yeonsu-gu, Incheon, South Korea; 032-453-0762
- U.S. Embassy Seoul, 188 Sejong-daero, Jongno-gu, Seoul, South Korea 03141; +82 (0)2-397-4114.
- U.S. Consulate Busan, #993, Joongangdae-Ro, Busanjin-Gu, Room 612 (Lotte Gold Rose), Busan, South Korea 47209; +82 (0)2-397-4114
- In police emergencies, dial 112
- In fire/medical emergencies, dial 119 (English service 02-119)

FIT students may also contact any of the following persons in New York to report a crime or incident:

- Department of Public Safety: (212) 217-7777 (staffed 24 hours a day, every day)
- Director of Public Safety: (212) 217-4999 (administrative line)
- Dean of Students: (212) 217-3800
- Title IX Coordinator: (212) 217-3360

FIT encourages accurate and prompt reporting of all crimes to FIT and to local law enforcement, when the victim of a crime elects to (or is unable to) make such a report.

Persons wanting to anonymously report a crime or incident can do so by contacting FIT's Tip Line based in New York at (212) 217-TIPS ((212) 217-8477); information on this program is available in this report on page 5.

### **Safety on the South Korea Campus**

Security services are provided by IGC; FIT does not have its own security department in South Korea.<sup>8</sup> IGC security staff patrol the campus 24 hours a day, seven days a week. IGC trains its security staff on a monthly basis. IGC provides general safety training for all new students, twice a year, along with an annual fire safety drill in partnership with the Songdo fire department.

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<sup>8</sup> Because FIT does not have any non-campus locations of student organizations officially recognized by the institution, FIT does not have any agreement with local law enforcement in South Korea to monitor such locations.

FIT at SUNY Korea is under the jurisdiction of Yeonsu Police Station, which is a regional branch office of Incheon Metropolitan Police Agency. SUNY Korea maintains a close liaison with a designated police officer at Yeonsu Police Station, who is responsible for the Songdo region. SUNY Korea is readily able to reach out to the local police and the other relevant government offices if needed.

Campus buildings and restricted areas have limited access. Members of the IGC community receive identification to grants access to such areas. Access control systems are set off from 7 am to 10 pm. SUNY Korea buildings with offices and labs maintain security cameras. Additionally, IGC maintains security cameras, monitored by IGC security 24/7, in common areas such as hallways and elevators. Emergency call boxes are installed in the parking lots on the IGC campus.

IGC maintains a fire safety manager and disaster prevention team on campus. This team is responsible for addressing emergency situations and, where necessary, alerting the campus through a public address system.

### **Additional SUNY Korea Policies**

SUNY Korea publishes policies applicable to FIT students in the program online at [sunkorea.ac.kr/page/policiesregulations](http://sunkorea.ac.kr/page/policiesregulations). To the extent not covered by an applicable SUNY Korea policy, generally applicable FIT policies and procedures may apply where relevant.

### **SUNY Korea Missing Students Policy**

SUNY Korea's Missing Student Protocol provides for a protocol where a student does not respond to the resident assistant (RA) for more than 24 hours after a roll call. The RA reports the missing student to the residential hall director (RHD). The RHD attempts to communicate with the student via phone and email, and by visiting the student's dorm room. If no response is established by the RHD within 24 hours, the missing student's emergency contact is notified.

The dean of the Department of Academic and Student Affairs is responsible for the development, compliance monitoring, and review of the procedures and associated guidelines. The Student Services and Career Team is responsible for the promulgation and implementation of the Missing Student Protocol procedures in accordance with the protocol.

### **SUNY Korea Sexual Misconduct and Interpersonal Violence Prevention and Response**

SUNY Korea is committed to fostering diverse and inclusive educational and recreational environments that are safe and accessible and free from all forms of discrimination, discriminatory harassment, and sexual harassment, including nonconsensual sexual contact, sexual violence, dating/domestic violence, stalking, and retaliation toward any individual(s) who reports or participates in the investigation of any alleged incident of sex and/or gender-based discrimination. SUNY Korea's prohibitions are consistent with the definitions under the Clery Act. SUNY Korea further prohibits harassment and discrimination on other protected characteristics, governed by its Complaint Procedure for Allegations of Discrimination, and prohibits other forms of harassment in its Rules of Student Conduct of the University Student Conduct Code. The following section provides information on SUNY Korea's prevention and response to sexual misconduct. Members of the community are encouraged to review in detail SUNY Korea's Sexual Misconduct Policy and Procedure in its University Student Conduct Code, the Complaint Procedure for Allegations of Discrimination, and the Reporting Options and Resources document.

### **SUNY Korea Sexual Misconduct Prevention**

SUNY Korea has educational training programs to promote awareness of and help protect all members of the college community from sexual misconduct. Programming consists of training provided for administrators, faculty, and students by the Title IX coordinator of SUNY Stony Brook, a fellow institution within SUNY Korea. FIT faculty in South Korea are provided training by the Title IX coordinator on an annual basis.

Two FIT online training programs, Preventing Sexual Misconduct (Title IX) and Preventing Discrimination and Harassment, are provided for FIT employees, including those with appointments at SUNY Korea. Completion of these programs is mandatory and must be renewed every two and three years, respectively.

The recognition and prevention tips provided by FIT above in this report on pages 16–19 on bystander intervention, sexual assault, stalking, and domestic abuse apply equally in other jurisdictions, including at SUNY Korea.

### **SUNY Korea Sexual Misconduct Policy**

SUNY Korea has adopted procedures to receive, investigate, and resolve complaints. Full details are available in SUNY Korea's [Sexual Misconduct Policy and Procedure in its University Student Conduct Code](#), the [Complaint Procedure for Allegations of Discrimination](#), and the [Reporting Options and Resources](#) document.

SUNY Korea takes all complaints of sexual misconduct very seriously and will respond to all allegations brought to its attention. A complaint may be filed with any of the following offices:

- Department of Academic and Student Affairs: Academic Building, Room A201; (032) 626-1195; [student@sunykorea.ac.kr](mailto:student@sunykorea.ac.kr) or [academicaffairs@sunykorea.ac.kr](mailto:academicaffairs@sunykorea.ac.kr)
- Committee of Institutional Diversity and Equity (CIDE): Academic Building, Room A201-1; (032) 626-1120
- Title IX Coordinator for Students: Academic Building, Room A208; (032) 626-1190

Students who wish to speak confidentiality about an incident should contact:

- SUNY Korea Counseling Center: Academic Building, Room B509; (032) 626-1167
- Incheon Global Campus Health Center: Monday–Friday, 09:00–17:30 (closed 12:00–13:00); IGC Support Center (Multi-Complex Building), Room 3068; (032) 626-0553

Should a complaint result in an administrative hearing, a complainant has options regarding their level of involvement in the Review Panel proceedings (detailed below), which includes but is not limited to: acting as a complainant and presenting their case to the Review Panel; or acting as a witness and providing testimony to the Review Panel. Regardless of which option(s) they choose, the complainant may further choose to: have a partition between the complainant and respondent; teleconference/video conference in to the proceeding; or request another method of shielding. The complainant may also choose not to attend the hearing at all. The level of complainant's involvement (presence or absence) at the Review Panel proceedings will not factor into the Review Panel's determination.

### **SUNY Korea Students' Bill of Rights**

All students have the right to:

- Make a report to local law enforcement and/or 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 university;
- Participate in a process that is fair and 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 university representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- Be protected from retaliation by the university, any student, the accused and/or the respondent, and/or their friends, family, and acquaintances within the jurisdiction of the university;
- 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; and
- Exercise civil rights and practice of religion without interference by investigative, criminal justice, or judicial or conduct process of the university. The university has outlined in the following pages the sexual misconduct policy and the procedure for adjudicating any allegations when the accused (respondent) is a student.

### **SUNY Korea Sexual Misconduct Policy**

- **Confidentiality:** The Department of Academic and Student Affairs, in collaboration with the Title IX investigator, will conduct the investigation in a confidential manner to the extent practicable and/or permitted by law. The parties and witnesses are expected to cooperate fully in the investigation and maintain and preserve the confidentiality of the investigation. Hearings shall be closed to members of the campus community and to the public. Student disciplinary records, except as hereinafter provided, will be confidential in accordance with national and local laws relating to disclosure.
- **Privacy Versus Confidentiality:** Students who wish to speak confidentiality about an incident should contact the SUNY Korea Counseling Center at (032) 626-1167, or the IGC Health Center at (032) 626-0553. Even SUNY Korea offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for University Community Standards and for the Title IX coordinator and/or

Title IX investigator to investigate and/or seek a resolution as required under national and local law. SUNY Korea will limit the disclosure as much as possible, even if the Title IX coordinator determines that the request for confidentiality cannot be honored.

- **Amnesty:** The health and safety of every student at the State University of New York and its state-operated and community colleges is of utmost importance. SUNY Korea 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. SUNY Korea strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to university 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 SUNY Korea officials or law enforcement will not be subject to SUNY Korea University Code of Conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.
- **Retaliation:** No member of the university community shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against a person who files any complaint, serves as a witness, assists, or participates in a proceeding in any manner. Participants who experience retaliation in a Title IX–related matter should report the incident to the Title IX coordinator and the Department of Academic and Student Affairs.
- **Sexual Misconduct:** Sexual misconduct, which can occur in many forms, is discrimination on the basis of sex and/or gender, and may occur between people of the same or opposite sex, or who identify as LGBTQ, and it is prohibited. The parties will be made aware of their Title IX rights and available resources. The following behaviors constitute sexual misconduct:
  - *Sexual Harassment:* No student shall perform any acts that are considered to be sexual harassment. Sexual harassment encompasses unwelcome sexual advances, unwelcome requests for sexual favors or requests for sexual favors in exchange for some benefit, and/or verbal or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment. Sexual harassment is a form of sexual discrimination. Sexual harassment occurs when: (1) submission to such conduct is made either explicitly or implicitly a term of or condition of any individual’s employment or education; or (2) submission to or rejection of such behavior by an individual is used as the basis for employment or educational decisions affecting the individual; or (3) A behavior is sufficiently severe or pervasive to interfere with any individual’s work or educational performance, or create an intimidating, hostile, or offensive work or educational environment. Such prohibited conduct includes, but is not limited to, unwelcome sexual communication, touching, and nonconsensual sexual contact, including but not limited to sexual touching, intercourse, and violence. Examples of sexual harassment include, but are not limited to: (a) comments; (b) derogatory statements or other verbal abuse; (c) exploitation; (d) graphic or sexually suggestive comments about an individual’s attire or body; (e) graphic or sexually suggestive gestures; (f) exposing one’s genitals; (g) inquiries or discussions about sexual activities; (h) profanities; (i) sexually suggestive letters or other written materials; (j) slurs; (k) teasing; and (l) touching.

- *Nonconsensual Sexual Contact*: No student shall perform any acts that are considered to be nonconsensual sexual contact. Nonconsensual sexual contact is any contact of a sexual nature that is unwanted or unwelcome. Sexual contact with another person without consent is prohibited. Nonconsensual sexual contact may include but is not limited to: (1) attempted penetration; (2) brushing up against another in a sexual manner; (3) fondling; (4) grabbing; (5) kissing; and (6) pinching.
- *Nonconsensual Sexual Intercourse and/or Penetration*: No student shall perform any acts that are considered to be nonconsensual sexual intercourse and/or penetration. Nonconsensual sexual intercourse and/or penetration is any sexual penetration or intercourse that is unwanted or unwelcome. Prohibited conduct includes but is not limited to nonconsensual: (1) anal and vaginal penetration and attempted penetration and/or intercourse; (2) oral sex or attempted oral sex, or the insertion of a foreign object into the vagina, urethra, penis, or rectum of another; (3); this also includes what may be referred to as sexual assault, which is also commonly known as “rape,” whether forcible, or non-forcible, “date rape” and “acquaintance rape.” For parties found responsible for violating this, the available sanctions are suspension with additional requirements and expulsion.
- *Nonconsensual Physical Violent Contact During Sexual Contact*: No student shall perform any acts that are considered to be nonconsensual physical violent contact during sexual contact. Prohibited conduct includes but is not limited to punching, choking, burning or otherwise intentionally causing serious physical harm without consent of a partner.
- *Dating Violence*: No student shall perform any acts that are considered to be dating violence. Dating violence is any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim’s statement and with consideration of the nature and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary socializing between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence. Dating violence includes: (1) isolation: trying to cut off relationships with other family and friends; (2) emotional abuse: humiliating the complainant in front of friends, guilt and manipulation if confronted, and/or extreme and persistent jealousy; (3) intimidation: instilling fear through threatening behavior, verbal aggression, abuse of animals, or destruction of property; (4) coercion: threatening to harm themselves or a third party if demands are not met or the relationship is ended; (5) physical violence: using or threatening to use physically assaultive behavior such as hitting, shoving, grabbing, shaking, slapping, beating, kicking, etc.; (6) sexual violence: nonconsensual sexual touching or nonconsensual sexual activity; and (7) harassment: using electronic media (internet, cellphones, texting, and social media) or other means to keep track of the complainant.
- *Domestic Violence*: No student shall perform any acts that are considered to be domestic violence. Domestic violence is any felony or misdemeanor crime of violence committed by a current and/or former spouse and/or intimate partner of



the victim. An 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.

- *Stalking*: No student shall engage in stalking. The term “stalking” means intentionally engaging in a course of conduct directed at a specific person that is likely to cause a reasonable person to fear his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s); repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose; and repeatedly communicating by any means, including electronic means (cyberstalking), with such person(s) in a manner likely to harass, intimidate, annoy, or create a nuisance or alarm.
- **Affirmative Consent**: 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.
  - **Non-Consent/Limitations of Consent**
    - (1) Consent to any sexual contact or any specific sexual act cannot be given if an individual is under the age of 17.
    - (2) 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.
    - (3) Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with any other person.
    - (4) Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
    - (5) 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: (a) a physical or mental condition, infirmity or disability that limited informed decision making; (b) the lack of consciousness or being asleep; (c) being involuntarily restrained; or (d) if an individual otherwise cannot consent.
    - (6) Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants (whether involuntary or voluntary) may be incapacitated and therefore unable to consent. (a) Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of immediate or future harm. (b) Coercion is the use of an unreasonable amount of pressure to engage in sexual activity. Coercion is more than an effort to persuade, entice or attract another person to engage in sexual activity. (c) Intimidation is an implied threat that menaces or causes reasonable fear in another person.
    - (7) Consent cannot be given when it is the result of the use of physical intimidation to secure compliance with sexual activity.

(8) Intoxication or impairment of the respondent is no defense to charges of sexual misconduct.

○ **Revocation of Consent**

(1) Consent may be initially given, but it may be revoked/or withdrawn at any time, either verbally, through physical resistance, or by losing consciousness.

(2) When consent is withdrawn or cannot be given, sexual activity must stop.

(3) Failure to cease sexual contact promptly in response to withdrawal of consent constitutes prohibited nonconsensual sexual contact.

**SUNY Korea Sexual Misconduct Procedures/Resolving Complaints**

The complainant has the right to make a complaint against the respondent. If charges are brought and a hearing is conducted, a finding of responsibility as to each of the charges must be supported by a preponderance of the evidence; whether it is “more likely than not” that the incident occurred. If the totality of all the information presented meets this standard, then the respondent will be found responsible.

• **Time Frame**

- In order to facilitate a timely investigation and processing of complaints, it is preferable that complaints or referrals alleging sexual misconduct be made within 30 days following the date of the incident giving rise to the complaint. The time frame is meant as a guideline; exceptions will be made as deemed appropriate.
- The university will conduct a timely review of all complaints of sexual misconduct. Absent extenuating circumstances, review and resolution (as outlined below) is expected to take place within 60 calendar days from university’s receipt of the complaint.
- The preliminary review of all complaints, including any necessary interviews/investigations and interim measures, will usually be completed within 20 calendar days of receipt of the complaint.
- The subsequent, comprehensive review and investigation of the complaint, including interviews and the gathering of evidence, is usually completed within 30 calendar days from receipt of the complaint.
- SUNY Korea will comply with law enforcement requests for cooperation, which may require the Department of Academic and Student Affairs and other university offices to temporarily suspend the fact-finding aspect of a Title IX–related investigation while the law enforcement agency is in the process of gathering evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay. SUNY Korea will promptly resume its investigation as soon as notified by the law enforcement agency that it has completed the evidence-gathering process. As necessary, SUNY Korea will implement appropriate interim steps during the law enforcement agency’s investigation to provide for the safety of the parties and the university community and to avoid retaliation.
- Results of the complaint/investigation, via either a waiver of charges or directive to appear/notice of charges, are typically issued within 40 calendar days of receipt of the complaint. The Review Panel will typically occur within 50 calendar days

of the initial complaint.

- Timely written or electronic notice will be provided to complainant(s)/respondent(s) of any time frame extensions and the reason for the extension. All deadlines and time requirements in the code may be extended for good cause as determined by the dean of Academic and Student Affairs or designee. Both the complainant(s) and respondent(s) will be notified in writing of the delay and the reason for delay and provided the date of the new deadline or event.

- **Timely Notice of Meetings**

Both parties will be given timely notice of any meeting they are required or eligible to attend.

- **Interim Measures**

When deemed necessary the university will take appropriate interim measures concerning the interaction of the parties: Pending the investigation process; and before the final outcome of the investigation and if applicable, Review Panel. Interim measures include but are not limited to:

- *“No-Contact” Directive:* Imposing a “no contact” directive means that the parties are prohibited from having contact with one another, directly or through proxies, whether in person or via electronic means. Intentional contact with the other party is a violation of university policy and may result in additional conduct charges.
- *Interim Suspension:* Whenever the continued presence of a student charged with code violations would constitute a danger to the student or to the safety of persons or property on the premises of the institution, or his/her presence would pose a threat of disruptive interference with the normal conduct of the institution’s activities and functions, or the seriousness of the charges warrants such action, the dean of Academic and Student Affairs may issue an interim suspension. This may apply to a portion of the university or the entire campus.
- *Alternate Academic Scheduling:* A student’s academic schedule may be altered/limited. Limitations include: restricting parties from attending class/classes; reassigning parties to a different class section; allowing parties to attend their scheduled class but with restrictions; allowing students to attend classes but requiring parties to sign in and out; restricting parties from certain areas of campus; restricting parties from campus but allowing parties to fulfill class requirements via internet; and restricting parties from attending graduation or other ceremonies, etc.
- *Campus Restrictions:* Students may be restricted from: certain areas/buildings/facilities/departments/offices on campus, participating in events/activities/sponsored events, parking and/or driving on campus or in certain areas, or from utilizing certain services.
- *Technological Restrictions:* Students may be restricted from accessing campus internet or SINC sites, and/or another party’s university email accounts.
- *Housing Restrictions:* Students may be restricted from certain buildings/quads/areas on campus, relocating parties to different room assignments; or have their guest privileges restricted.

- *Employment Restrictions*: Students' employment may be restricted, including but not limited to, the dates/times/locations/hours permitted to work.

Both the complainant and the respondent may request a prompt review, reasonable under the circumstances, of the need for and terms of any interim measure (listed above), including potential modification and shall be allowed to present evidence in support of his or her request.

- **Prehearing Procedure**

A university official will inform the complainant(s) and respondent(s) of the scheduled hearing.

- *Complainant Navigator and Respondent Navigator*: The complainant(s) and respondent(s) will each be assigned a navigator by the university. The role of the navigator(s) is to assist the parties throughout the process. Navigator(s) may be present at any meeting(s) or hearing with their assigned parties but may not engage in any verbal presentation or questioning at the Review Panel.
- *Advisor*: In addition to a navigator, the parties may each select an advisor of their choice. However, the parties may each have only one person at the Review Panel. Advisors for either party may advise or assist but may not engage in any verbal presentation or questioning at the Review Panel. Attorneys may serve as advisors to the parties, subject to the same limitations and conditions as delineated above.
- *Investigation*: Investigations will be conducted by a university investigator in accordance with the time frame set forth in the policy. The investigator is a neutral, fact-finding, impartial individual who is trained annually in investigating sexual misconduct complaints. The investigation will include interviews with the parties and witnesses. Both parties will have the opportunity to offer information in support or defense of allegation(s). Students are expected to cooperate with the investigation; however, failure to respond to request for timely meetings will not halt the investigation. (1) Upon completion of the investigation, the investigator will prepare a report that the complainant(s) and respondent(s) will be permitted to review prior to the hearing. (2) In circumstances involving the investigation of complaints where the complainant does not choose to proceed, the university official reserves the right to continue its investigation regardless of complainant cooperation or involvement.
- *University's Decision to Proceed*: Upon completion of the investigation, the Title IX coordinator and the Department of Academic and Student Affairs shall determine whether there is sufficient evidence to warrant further action. If such evidence exists, the following will occur.
- *Directive to Appear and Notice of Charges*: The student charged with an alleged violation of the sexual misconduct policy will be provided written notice indicating the date, time, location, and description of the alleged incident giving rise to the charges and directed to attend a Review Panel on the date cited in the notice. The Review Panel shall be scheduled for no less than 10 days from the date of the notice.
- *Hearing Waiver*: Respondent may choose to accept responsibility for and not contest the charges against him/her. If this election is made, the student will sign a waiver of their right to a hearing and must accept the sanction(s) identified in the waiver. A student's decision to waive their hearing and accept the sanction(s) is

final and not appealable by the respondent.

- *Information in Support/Defense of Allegations:* Information in support/defense of allegations to be presented by the complainant(s) and respondent(s) during any hearing must be provided to the Department of Academic and Student Affairs five (5) days in advance of the scheduled hearing. The university official presiding at the Review Panel may exclude information in support/defense of allegation(s) that has not been provided as required above or adjourn the hearing. The university official will make the final decision relating to the admissibility of all information in support/defense of allegations. Written statements in support/defense of the allegations may be considered. First-hand oral testimony will be given greater weight than hearsay testimony.
- *Information to Be Presented at the Hearing:* All written information that will be presented at the hearing will be made available to the parties 48 hours prior to the hearing.
- **Mediation (Dispute, Conflict Resolution)**  
Mediation is not available for allegations of sexual misconduct.

- **Review Panel Members**
  - *Attendance at the Review Panel:* Those in attendance at the Review Panel may include the complainant(s), respondent(s), their navigator or advisor, witnesses (while giving testimony), the presiding university official, and Review Panel members. The presiding university official shall determine whether additional persons may be present. Hearings shall be closed to members of the campus community and to the public.
  - *Review Panel Composition:* Review panels are composed of faculty and staff members.
  - *Training:* All members of the Review Panel, upon receiving notice of appointment, shall be given necessary information about their responsibilities and the means by which they may fulfill them. Review Panel members will receive training and be knowledgeable about sexual violence and confidentiality requirements.
  
- **Review Panel Hearing**
  - *Admittance of Prior Sexual/Mental Health History/Disciplinary History:* Prior sexual history with anyone other than the parties will not be permitted. Past mental health history will not be permitted. The prior disciplinary history of the respondent(s), if any, shall not be considered until a finding of responsibility has been made and such record will be relevant only to a determination of the appropriate sanction(s).
  - *Questioning:* Parties are prohibited from directly cross-examining each other. All questions must be written and directed to the hearing officer. All questions must be directly relevant to the incident and policies allegedly violated. The hearing officer will ensure that improper questions are dismissed as such. The university may provide options for testimony without direct contact including but not limited to a room partition, separate hearing rooms, video conferencing, or phone conferencing. Each party has the right to ask questions regarding the investigation summary and/or report; parties may also question any witness present.
  - *Opening:* The presiding university official states the charges and identifies the individuals present.
  - *Challenge:* Any party may request and cite cause for the removal of any member of the Review Panel. The hearing officer will determine whether the cited cause warrants removal.
  - *Plea:* The respondent(s) will be asked to state a plea (i.e., responsible or not responsible) to each of the alleged violations.
  - *Investigation Summary/Report:* The university's designated investigator will commence the process by reading and/or summarizing the investigation report and providing the facts of the case.
  - *Complainant Presentation:* The complainant's presentation should begin with an opening statement describing the alleged conduct. The complainant(s) may opt out of presenting an opening statement, in light of the investigator presenting a summary of the facts. The presentations should also include all information in support of the allegations. The respondent(s), then the Review Panel members,

may question the complainant(s) regarding the opening statement and information in support of allegation(s).

- *Respondent Presentation:* The respondent's presentation should begin with an opening statement, describing the alleged conduct. The presentation should also include all information in defense of allegations. The complainant(s), then the Review Panel members may question the respondent regarding the opening statement and information in defense of allegation(s). The respondent may opt out of presenting an opening statement, in light of the investigator presenting a summary of the facts.
  - *Witnesses:* The hearing officer will introduce the witnesses and ask for their statements. The complainant, then the respondent, followed by the Review Panel members, may question the witnesses. The parties may only submit written statements from character witnesses. Oral statements from character witnesses will not be permitted.
  - *Closing Statement/Impact Statement:* After all witnesses have presented statements and all questioning has been completed, closing statements are made first by the respondent(s), then by the complainant(s). Both parties may provide an impact statement on how the incident/allegation has affected their university experience. No questioning is allowed during or after closing statements.
  - *Deliberation:* Upon conclusion of closing statements, the Review Panel reviews all information in support and defense of the allegation to determine the respondent's responsibility as to each of the charges.
  - *Decision:* A decision regarding the respondent(s) responsibility as to each of the charges shall be made by a majority vote of the Review Panel members. A decision of responsibility shall be made only if the allegations contained in each charge have been established by a preponderance of the evidence (more likely than not standard).
  - *Recommendation/Determination of Sanction:* The Review Panel shall recommend sanctions to the dean of Academic and Student Affairs or designee. Upon receipt of the recommendations and after review of any previous disciplinary record of the respondent, the dean of Academic and Student Affairs or designee, in consultation with the Title IX coordinator, will make a final determination of sanctions.
- **Post-Hearing Procedure/Notification of Disposition**

The disposition of the hearing will be communicated in writing to the parties. The disposition will include the date and time of the hearing, the findings, the sanctions to be imposed, the reason for any sanction imposed, and the method for submitting appeals. Each party has the right to choose whether to disclose or discuss the outcome of a hearing. Unless otherwise required by law, all information obtained during the course of the investigation and hearing shall be protected from public release.
  - **Sanctions**

The following are sanctions that may be imposed:

    - *Verbal Warning:* A verbal warning indicates that a student's action was in violation of a specific regulation. It includes an explanation of the regulation and possible consequences in the event of any repeated violations of the code.

- *Written Warning:* A written warning indicates that a student has committed an infraction of a university regulation and that continued or repeated infractions of the regulations will result in further disciplinary action.
- *Restitution:* Restitution for violations against university property may include the restoration or replacement cost of the lost or damaged property.
- *Special Restriction or Loss of Privileges:* Students may be restricted from participating in specified events or activities and may be prohibited from specific areas of the campus or from entering specific facilities and/or offices. A student's access to specific services may also be restricted.
- *Residential Probation:* Students may be placed on residential probation for a specified period of time. During this time, students are permitted to continue to reside in university housing; however, violations of university regulations during the probationary period may result in additional and more significant sanctions including but not limited to housing suspension or expulsion.
- *Disciplinary Probation:* Students may be placed on disciplinary probation for a period of time. Violations of university regulations during the probationary period may result in additional and more significant sanctions. Upon successful completion of the probation period, the student may be required to attend periodic meetings with a university official. The terms of the probation will be tailored to fit the individual circumstances and may include a recommendation for alcohol/psychological counseling or satisfactory attendance at a substance education course, prevention workshop, program, or group, or the completion of other projects and service to the university or affiliated entities. Students placed on disciplinary probation may not hold student staff positions—including but not limited to resident assistant, orientation leader, administrative assistant, department receptionist, peer tutor, computer lab assistant, and classroom tech assistant—for the duration of the probationary period. Students placed on disciplinary probation may not hold student leadership positions, including but not limited to the undergraduate student council.
- *University or Residential Service and Educational Projects and Programs:* Students may be assigned projects, programs, and service (hereinafter referred to as “university service”) to the university or affiliated entities. “University service” will be work performed at a stipulated location within the university and with a stipulated supervisor. The dean of Academic and Student Affairs, or designee, will arrange and administer university service sanctions. Failure to complete the assigned university service or educational project within the specified time period may increase the assignment or result in additional sanctions. Failure to satisfactorily complete an assigned project, program, or service will result in the notation “Conduct penalty not completed” on their academic record. The notation will be removed upon completion of the assigned educational project, program, or service.
- *Suspension from the Residence Halls/Apartments:* A student may be required to move out of the residence halls/apartments for a given period. The student may apply to be readmitted to the residence halls/apartments following the period of suspension. No preference shall be given to such student in the readmission or re-entry process. Any individual under suspension from the residence halls/apartments is prohibited from entering all residence facilities, residence hall



cafeterias, and the grounds/roadways around the residence hall quads and apartment complexes. Any individual found violating these terms of suspension from the residence halls/apartments may be suspended from the university and subject to prosecution under the law.

- *Expulsion from the Residence Halls/Apartments:* A student may be required to move out of the residence halls/apartments completely and permanently. Any student expelled from the residence halls/apartments is prohibited from entering all residence facilities, residence hall cafeterias, and the grounds/roadways around the residence hall quads and apartment complexes. Any individual found violating these terms of expulsion from the residence halls/apartments may be suspended from the university and subject to prosecution under the law.
  - *Suspension from the University:* Upon suspension from the university, a person loses all the rights and privileges of a student of the university for a stipulated period and is prohibited from using or entering the campus or its facilities. Any suspended individual found on campus during the suspension period will be subject to arrest. Suspension from the university will result in a notation on the student's academic record. After a period of five (5) years, a student may request removal of the notation. Any student suspended will be blocked from registering for classes and must schedule a meeting with the Department of Academic and Student Affairs prior to registering/returning to the university.
  - *Expulsion from the University:* Upon expulsion from the university, a person loses all of the rights and privileges of a student and is prohibited from using or entering the campus or its facilities. Any expelled individual found on campus will be subject to arrest. Expulsion from the university will result in a notation on the student's academic record.
- **Appeals**
    - *Grounds:* Either party may appeal the Review Panel findings on the following limited grounds: (1) significant procedural violations; (2) substantial new information in support/defense of allegations; and/or (3) the sanction(s) imposed is/are substantially disproportionate to the severity of the violation.
    - *Application for Appeal:* Students wishing to appeal a disposition must submit a written application to the designated office within seven (7) calendar days of receipt of the disposition. The application for appeal must identify which of the three grounds forms the basis of the appeal. Students must be in compliance with the disposition at the time of their appeal request and until a final decision on their appeal is rendered.
    - *Appeal Procedure:* If the appeal has been submitted within the specified time frame and has identified at least one of the permissible grounds for appeal, the designated Appeals Panel will review all information submitted. The Appeals Panel may also request interviews with the parties involved. The Appeals Panel will provide the student with its decision in writing. The decision of the Appeals Panel will be final.

### **Resources in Korea**

FIT at SUNY Korea collaborates with administrators in New York to respond to and address instances of misconduct and to ensure a similar level of support resources to victims of crimes (whether through direct support from SUNY Korea staff, from FIT staff via technological means, or through assistance in securing local referrals).

*Counseling Service Center:* services include crisis intervention, brief counseling for individuals, consultation with students and assistance with referrals to community resources  
032-626-1166; [yeojin.ahn@sunykorea.ac.kr](mailto:yeojin.ahn@sunykorea.ac.kr)

*IGC Campus Health Service Center:* provides medicine and basic health care services  
032-626-0553; Support Center, Multi-complex Building, Third Floor, #3068

*External Resources*

- National Human Rights Commission of Korea: 02-2125-9700
- Danuri Helpline Counseling Center: 1577-1366
- Seoul Sunflower Center (Korean and English): 032-367-0365; [help@help0365.or.kr](mailto:help@help0365.or.kr)
- Nearest emergency rooms:
  - Nasaret International Hospital: 032-899-9999
  - Inha University Hospital: 032-890-2114
  - Gachon University Gil Medical Center: 1577-2299

# CRIME STATISTICS

The Clery Act requires all post-secondary institutions receiving federal aid to include in their annual security report information about crime statistics. The following information will help you understand the statistics reported.

## CLERY ACT CRIME CATEGORIES

The categories of crimes reported in FIT's statistics are set by the Clery Act and include:

- **Criminal Offenses:** criminal homicide, including murder and non-negligent manslaughter, and manslaughter by negligence; sexual assault, including rape, fondling, incest and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; and arson.
- **Hate Crimes:** Any of the above-mentioned offenses, and any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that were motivated by bias.
- **VAWA Offenses:** Any incidents of domestic violence, dating violence, and stalking. (Sexual assault is also an offense under VAWA, but it is listed above in criminal offenses.)
- **Arrests and Referrals for Disciplinary Action:** For weapons law violations (carrying, possessing, etc.); drug abuse violations; and liquor law violations.

Definitions of each of these crimes for Clery Act reporting purposes are attached to this report as Appendix B.

## CLERY ACT GEOGRAPHY CATEGORIES

Statistical data regarding crimes are separated geographically into three categories. They are: on-campus property, public property, and non-campus property.

### **On-Campus Property**

On-campus property is defined by the Clery Act 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 (1) of this definition that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

### **Public Property**

Public property is defined by the Clery Act as: all public property, including thoroughfares, streets, sidewalks, and parking facilities that are within the campus or immediately adjacent to and accessible from the campus.

### **Non-Campus Property**

Non-campus property is defined by the Clery Act as: 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.<sup>9</sup>

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<sup>9</sup> The Clery Act also includes as non-campus property any building or property owned or controlled by a student organization that is officially recognized by the institution, but FIT does not have any such non-campus properties.

## CLERY ACT GEOGRAPHY 2017—NEW YORK

For purposes of FIT's 2017 statistics, on-campus property means all FIT-owned buildings and property controlled by FIT within, and reasonably contiguous to, the West 27th Street campus in the Chelsea neighborhood of New York. This includes all FIT academic and administrative buildings, residence halls,<sup>10</sup> space rented in portions of several nearby buildings, and space used by FIT Athletics per written agreement. A map of FIT's on-campus geography for 2017 is attached as Appendix C. Public property includes the sidewalks and roadbeds within and adjacent to FIT's on-campus geography as well as the entrances of public transit stations up to the point of paid entry. The map of FIT's on-campus geography for 2017, attached as Appendix C, includes FIT's public property geography. For purposes of FIT's 2017 statistics, non-campus property includes various locations, whether domestic or abroad, that are not within the contiguous area of the Chelsea campus but that support various academic, student life, and athletic programs in which the location is under the control of FIT, including FIT's program at Brooklyn Army Terminal. A list of these properties is compiled yearly and maintained by the Department of Public Safety for purposes of Clery statistics. Statistics for FIT in Florence and FIT in Milan are reported separately within this report.

## CLERY ACT GEOGRAPHY 2017—FIT ABROAD

### **FIT in Florence**

For purposes of FIT's 2017 statistics, on-campus property includes the Villa Favard and the Scuderie buildings of Polimoda, Via Curtatone 1, 50123 Firenze. Public property includes property adjacent to these buildings forming the city block around the campus, including the sidewalks and roadbeds of Via Montebello, Via Curtatone, Via Palestro, and Corso Italia that are adjacent to the campus. Non-campus property includes the Polimoda Design Lab located at Via Galileo Galilei 31, 50018 Scandicci; the Hotel Santa Monaca, Via Santa Monaca, 6, 50124 Firenze (used for approximately one week for orientation); Plus Hostel Florence, Via Santa Caterina D' Alessandria, 15, 50129 Firenze (used for approximately one week for orientation); the Stibbert Museum, Via di Montughi 9, 50139 Firenze (used for one day); and accommodations used during certain overnight trips to Milan, Rome, Paris, and Venice originating from Florence. FIT does not own any property in Florence and all statistics are reported only for locations while FIT is in use/control of such property.

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<sup>10</sup> Due to changes in guidance under the Clery Act, beginning with statistics reported for calendar year 2015, statistics for incidents occurring at Kaufman Hall, a residence hall located at 406 W. 31st Street, are now reported as on-campus property rather than non-campus property.

### **FIT in Milan**

For purposes of FIT's 2017 statistics, on-campus property of the Politecnico Campus Bovisa consists of the B1, B2, B6 buildings, Via Candiani 72, the B7 building, 38/A Via Giovanni Durando, and the various unnamed roadways, paths, and green spaces within the campus. Public property includes property adjacent to these buildings, including the sidewalks and roadbeds of Via Giuseppe Candiani, Via Don Giovanni Verita, Via Privata Simone Schiaffino, Via Giovanni Durando, and Via Enrico Cosenz that are immediately adjacent to the buildings of the Campus Bovisa campus. Public property also includes the public gardens adjacent to buildings B6 and B1. Non-campus property includes the Galileo Galilei Residenza, Via Corridoni 22, Milano (used for approximately one month during the fall 2017 semester); classroom space Elementi Moda s.r.l., Via Orti, 2, 20122 Milano (used for approximately two days per week during classes); and accommodations used during certain overnight trips to Munich, Paris, Tuscany, Piemonte/Lombardia, and Veneto originating from Milan. FIT does not own any property in Milan and all statistics are reported only for locations while FIT is in use/control of such property.

### **FIT at SUNY Korea**

For purposes of FIT's 2017 statistics, on-campus property of the SUNY Korea campus at the Incheon Global Campus consists of the Academic C building utilized by FIT; Academic A and B buildings, utilized by other universities; the Multi-Complex Building, with its library, IT Center, and student and support centers; the auditorium; the cafeteria; residential facilities of Student Housing A, B; Guest House; and the faculty apartment building.<sup>11</sup>

Public property includes property adjacent to these buildings, including the sidewalks and roadbeds of Songdogwahak-ro, Songdomunhwa-ro, and Songdo bio-daero.

FIT does not own any property in Korea and all statistics are reported only for locations while FIT is in use/control of such property.

## **COLLECTION OF STATISTICS**

The statistics that follow reflect incidents that were reported, whether or not those reports were ever confirmed. The fact that an incident was reported and is included in statistics does not mean that the incident actually occurred, or that, if it occurred, it was a criminal offense. The statistics that follow include all Clery-reportable incidents reported directly to FIT's Department of Public Safety.<sup>12</sup> Public Safety also collects statistics from FIT administrators, known as campus security authorities (CSAs), to whom students are directed by FIT policy to report criminal offenses and to other school officials who have significant responsibilities for student and campus activities. Public Safety also requests statistics from the respective local law enforcement for all of FIT's Clery geography (on-campus, public property, and non-campus) and includes these statistics to the extent the statistics are available and provided to FIT.

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<sup>11</sup> Note that while considered on-campus property, students do not have any access to the faculty apartment building on the IGC.

<sup>12</sup> The Clery Act allows for the uncounting of certain reports. FIT has had no uncounted reports during any of the reporting periods included in the statistics presented in this report.

Statistics of crimes in public recordkeeping, such as the publication of this report and the daily crime log, are always reported without inclusion of personally identifying information about victims. To ensure that its statistics are complete, FIT uses its best efforts to collect crime statistics reported to confidential resources at FIT in a de-identified, anonymized way that strictly maintains patient confidentiality. FIT also encourages its confidential resource professionals, where appropriate, to advise on other reporting options, including the option to anonymously report crimes for inclusion in Clery Act statistics (described in detail above in this report).

## FIT NEW YORK STATISTICS

CRIMINAL OFFENSES		GEOGRAPHICAL LOCATION			
OFFENSE	YEAR	ON CAMPUS		NON-CAMPUS PROPERTY	PUBLIC PROPERTY
		ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL		
Murder/Non-Negligent Manslaughter	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Manslaughter by Negligence	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Sexual Assault: Rape	2015	0	0	0	0
	2016	1	1	0	0
	2017	1	1	0	0
Sexual Assault: Fondling	2015	0	0	0	2
	2016	1	1	0	2
	2017	2	2	0	0
Sexual Assault: Incest	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Sexual Assault: Statutory Rape	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Robbery	2015	0	0	0	0
	2016	0	0	0	1
	2017	0	0	0	0
Aggravated Assault	2015	0	0	0	2
	2016	0	0	0	0
	2017	3	5	0	0
Burglary	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	1	0	0
Motor Vehicle Theft	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	1
Arson	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0

There were no hate crimes reported during the above reporting periods.

VAWA OFFENSES		GEOGRAPHICAL LOCATION			
		ON CAMPUS			
OFFENSE	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
Domestic Violence	2015	0	0	0	0
	2016	0	0	0	0
	2017	1	1	0	0
Dating Violence	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Stalking	2015	0	1	0	0
	2016	0	0	0	0
	2017	0	0	0	0



ARRESTS AND DISCIPLINARY REFERRALS <sup>13</sup>		GEOGRAPHICAL LOCATION			
		ON CAMPUS			
OFFENSE	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NON-CAMPUS PROPERTY <sup>14</sup>	PUBLIC PROPERTY
Arrests— Weapons: Carrying, Possessing, Etc.	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Disciplinary Referrals— Weapons: Carrying, Possessing, Etc.	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Arrests: Drug Abuse Violations	2015	0	0	0	0
	2016	0	0	0	1
	2017	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2015	17	17	0	0
	2016	11	11	0	0
	2017	20	20	0	0
Arrests: Liquor Law Violations	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2015	39	39	0	0
	2016	75	75	0	0
	2017	72	73	0	0

<sup>13</sup> In September 2017, the 2015 statistics for drug abuse and liquor law disciplinary referrals were amended to report the number of individual persons who were referred for discipline, rather than the number of incidents.

<sup>14</sup> As noted above, due to changes in guidance under the Clery Act, statistics for incidents occurring at Kaufman Hall, a residence hall located at 406 W. 31st Street, were reported as non-campus property in 2014 and have been reported as on-campus student housing facilities starting with 2015 statistics.

## FIT IN ITALY – FLORENCE STATISTICS

CRIMINAL OFFENSES		GEOGRAPHICAL LOCATION		
OFFENSE	YEAR	ON CAMPUS*	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
Murder/Non-Negligent Manslaughter	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Manslaughter by Negligence	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Sexual Assault: Rape	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Sexual Assault: Fondling	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Sexual Assault: Incest	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Sexual Assault: Statutory Rape	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Robbery	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Aggravated Assault	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Burglary	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Motor Vehicle Theft	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Arson	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
There were no hate crimes reported during the above reporting periods.				
*There are no on-campus residence halls.				

VAWA OFFENSES		GEOGRAPHICAL LOCATION		
OFFENSE	YEAR	ON CAMPUS*	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
Domestic Violence	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Dating Violence	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Stalking	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
*There are no on-campus residence halls.				

ARRESTS AND DISCIPLINARY REFERRALS		GEOGRAPHICAL LOCATION		
OFFENSE	YEAR	ON-CAMPUS*	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
Arrests— Weapons: Carrying, Possessing, Etc.	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Disciplinary Referrals— Weapons: Carrying, Possessing, Etc.	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Arrests: Drug Abuse Violations	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Arrests: Liquor Law Violations	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Disciplinary Referrals: Liquor Law Violations	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
*There are no on-campus residence halls.				

## FIT IN ITALY – MILAN STATISTICS

CRIMINAL OFFENSES	YEAR	GEOGRAPHICAL LOCATION		
		ON-CAMPUS*	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
Murder/Non-Negligent Manslaughter	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Manslaughter by Negligence	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Sexual Assault: Rape	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Sexual Assault: Fondling	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Sexual Assault: Incest	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Sexual Assault: Statutory Rape	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Robbery	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Aggravated Assault	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Burglary	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Motor Vehicle Theft	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Arson	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
There were no hate crimes reported during the above reporting periods.				
*There are no on-campus residence halls.				

VAWA OFFENSES		GEOGRAPHICAL LOCATION		
OFFENSE	YEAR	ON-CAMPUS*	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
Domestic Violence	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Dating Violence	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Stalking	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
*There are no on-campus residence halls.				

ARRESTS AND DISCIPLINARY REFERRALS		GEOGRAPHICAL LOCATION		
OFFENSE	YEAR	ON-CAMPUS*	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
Arrests— Weapons: Carrying, Possessing, Etc.	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Disciplinary Referrals— Weapons: Carrying, Possessing, Etc.	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Arrests: Drug Abuse Violations	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Arrests: Liquor Law Violations	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
Disciplinary Referrals: Liquor Law Violations	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
*There are no on-campus residence halls.				

## FIT AT SUNY KOREA

CRIMINAL OFFENSES		GEOGRAPHICAL LOCATION			
		ON CAMPUS			
OFFENSE	YEAR <sup>15</sup>	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
Murder/Non-Negligent Manslaughter	2017	0	0	0	0
Manslaughter by Negligence	2017	0	0	0	0
Sexual Assault: Rape	2017	0	0	0	0
Sexual Assault: Fondling	2017	0	0	0	0
Sexual Assault: Incest	2017	0	0	0	0
Sexual Assault: Statutory Rape	2017	0	0	0	0
Robbery	2017	0	0	0	0
Aggravated Assault	2017	0	0	0	0
Burglary	2017	0	0	0	0
Motor Vehicle Theft	2017	0	0	0	0
Arson	2017	0	0	0	0
There were no hate crimes reported during the above reporting periods.					

VAWA OFFENSES		GEOGRAPHICAL LOCATION			
		ON CAMPUS			
OFFENSE	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
Domestic Violence	2017	0	0	0	0
Dating Violence	2017	0	0	0	0
Stalking	2017	0	0	0	0

ARRESTS AND DISCIPLINARY REFERRALS		GEOGRAPHICAL LOCATION			
		ON CAMPUS			
OFFENSE	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
Arrests— Weapons: Carrying, Possessing, Etc.	2017	0	0	0	0
Disciplinary Referrals— Weapons: Carrying, Possessing, Etc.	2017	0	0	0	0
Arrests: Drug Abuse Violations	2017	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2017	0	0	0	0
Arrests: Liquor Law Violations	2017	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2017	0	0	0	0

<sup>15</sup> Statistics are presented for 2017 only because FIT at SUNY Korea programming began in fall 2017.

# FIRE SAFETY AT FIT NEW YORK<sup>16</sup>

Working closely with the Department of Public Safety are on-site maintenance engineers proficient in fire alarm systems. In the event of a fire or fire alarm activation, Public Safety and maintenance personnel respond to the scene. The actual fighting of any fire on campus is left to the New York City Fire Department.

FIT has a fire evacuation plan. It is the responsibility of all FIT personnel, working together, to quickly and safely evacuate students and other staff from any area where the threat of fire or smoke may exist. Upon the sounding of a fire alarm in any building, all occupants must leave the building. Public Safety should not be called to verify the validity of any alarm but should be called if someone requires assistance evacuating a building.

FIT provides instruction in on campus emergency procedures just prior to the start of each semester at the college's Safe and Sound sessions. These voluntary sessions are readily accessible to any student and staff member and are well attended. Procedures for shelter in place and evacuation for fire and other related emergencies (also listed below) are covered by Public Safety personnel during these sessions. At a minimum, two fire drills are conducted annually whereby the entire campus community receives instructions via FIT Alert and/or through the college's public address system.

## GENERAL STEPS FOR EVACUATION

Every sounding of an alarm should be treated as real. If you personally see or suspect fire, pull an alarm and immediately contact security at (212) 217-7777. Upon evacuation, residents and staff may not re-enter the building unless instructed by college personnel and/or first responders. In the event of evacuation of any FIT building, the following general steps should be followed:

- Touch the door to the corridor to ensure that it is not hot.
- Exit the room immediately and proceed in an orderly fashion to the nearest building stairs.
- Close the doors to the room that you are exiting as the last person is leaving the room.
- Proceed up or down the stairs to the ground floor as quickly as possible, taking care not to push or shove other people who are also walking up or down the stairs to exit the building.
- Upon arriving on the first floor, file out of the building and walk across the street, as directed by Public Safety officers.
- Wait on the street until the "all clear" signal is provided to let you know that it is safe to re-enter the building.

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<sup>16</sup> Neither FIT in Italy program has on-campus residence halls, and therefore these campuses do not publish a Fire Safety Report.

## FIRE SAFETY IN ON-CAMPUS RESIDENCE HALLS

Residence halls are protected by fire detection, warning, and suppression systems, which are routinely inspected, and fire drills are regularly conducted in residence halls. Details are provided in the following chart:

FIRE SAFETY AMENITIES BY BUILDING FOR ON-CAMPUS RESIDENCE HALLS - 2017				
On-Campus Residence	Alumni	Nagler	Coed	Kaufman
Fire Alarms Monitored On-Site	Yes	Yes	Yes	Yes
Building Equipped with Full Sprinkler System	Yes	Yes	Yes	Yes
Smoke Detection	Yes	Yes	Yes	Yes
Fire Extinguishers— All Floors	Yes	Yes	Yes	Yes
Evacuation Plans and Placards Posted	Yes	Yes	Yes	Yes
Fire Safety Training Conducted	Yes	Yes	Yes	Yes
Number of Evacuation Drills Conducted	2	2	2	2

Residential Life staff, including resident assistants, are briefed each semester on fire safety procedures. Residents are provided the Resident Handbook, which contains information on fire safety procedures, rules (including specific items that are banned from the residence halls), and evacuation procedures with specific information for each residence hall. The Resident Handbook is available online via [fitnyc.edu/documents/resident-handbook.pdf](http://fitnyc.edu/documents/resident-handbook.pdf). The college imposes fines and can evict students from residence halls for serious or multiple violations of fire safety policies.

FIT bans certain portable electrical appliances from all residence halls, including halogen lamps, portable heaters, washing machines/dryers, heat lamps, sun lamps, hot plates, and refrigerators. Coed and Nagler residence hall–style rooms additionally ban all cooking appliances except for hot pots. In residence hall rooms with suites/apartments, any permitted cooking appliances must be kept in the kitchen. FIT, including its residence halls, is completely tobacco free and smoking is strictly prohibited. Candles, incense, oil lamps, and other flame-producing materials are prohibited. A complete list of policies concerning portable electrical appliances, smoking, and open flames in resident housing is published in the Resident Handbook.

### Evacuation from Residence Halls

When a building alarm sounds, residents and Residential Life staff must knock on doors and evacuate in a safe and orderly fashion. Every sounding of an alarm should be treated as real. If someone is a deep sleeper, is incapacitated, or has not evacuated, inform college personnel in the building’s lobby. If you personally see or suspect fire, pull an alarm and immediately contact Public Safety at (212) 217-7777. Upon evacuation, residents and staff may not re-enter the building unless instructed by college personnel and/or first responders. Residents must follow instructions from college personnel and first responders. Report any violations or problems to the building manager/residence hall manager on duty.



### Evacuation Procedures for 27th Street Residence Halls (Alumni, Coed, and Nagler halls)

1. Use the stairs to exit, not elevators.
2. Feel the doorknob. If it is hot, **DO NOT OPEN THE DOOR**. If it is not hot, open the door and follow the evacuation procedures below.
3. If you cannot leave the room, open a window slightly and seal door cracks with clothing or fabric (soak in water if available in the room). Notify Public Safety, giving your name and location. Hang a shirt or sheet from the window to attract attention. Shout for help.
4. If exits are blocked, go to a room, close the door, and follow the instructions outlined in Step 3.
5. Choose an alternate exit if fire, heat, or smoke is blocking the nearest exit or stairway. Use side door exits in Nagler/Coed and the front doors of Alumni to exit buildings.
6. Keep low to the floor. If there is time, put a wet cloth to your nose and mouth.
7. **CROSS THE STREET AND REMAIN ON THE SIDEWALK**. Clear the street for emergency vehicles and stay clear of traffic. You may wait in the Feldman Center lobby until the all-clear is given.
8. Follow instructions given by resident counselors, building managers, resident assistants, or college personnel.

### Evacuation Procedures for 31st Street Residence Hall (Kaufman Hall)

1. Use the stairs to exit, not elevators.
2. Feel the doorknob. If it is hot, **DO NOT OPEN THE DOOR**. If it is not hot, open the door and follow the evacuation procedures below.
3. If you cannot leave the room, open a window slightly and seal door cracks with clothing or fabric (soak in water if available in the room). Notify Public Safety, giving your name and location. Hang a shirt or sheet from the window to attract attention. Shout for help.
4. If exits are blocked, go to a room, close the door, and follow the instructions outlined in Step 3.
5. Choose an alternate exit if fire, heat, or smoke is blocking the nearest exit or stairway. Use side door exits in Kaufman Hall at the bottom of the stairwells.
6. Keep low to the floor. If there is time, put a wet cloth to your nose and mouth.
7. Exit Kaufman Hall.
8. Turn right (do not cross the street) and walk toward Ninth Avenue.
9. Turn right going south toward 30th Street (do not cross the street). Residents must not stand in front of Kaufman Hall during a building evacuation.

## FIRE STATISTICS FOR ON-CAMPUS RESIDENCE HALLS

This report contains statistics on reported fires by building location for on-campus residence halls. After the fact of a fire of any size or severity, Public Safety must be notified for purposes of including statistics in this annual report.

REPORTED FIRES FOR 2017 FOR ON-CAMPUS RESIDENCE HALLS								
On-Campus Residence	Total Fires in Each Building	Fire Number	Date/Time	FIT Case Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Alumni	0	--	--	--	--	--	--	--
Nagler	0	--	--	--	--	--	--	--
Coed	1	1	6/2/17 @ 1947	17-674	Over cooking	0	0	\$175.00
Kaufman	0	--	--	--	--	--	--	--

## FIRE SAFETY FOR FIT AT SUNY KOREA

In fire emergencies, dial 119. IGC provides an annual fire safety drill in partnership with the Songdo fire department. IGC maintains a fire safety manager and disaster prevention team on campus. This team is responsible for addressing emergency situations and, where necessary, alerting the campus through a public address system.

## FIRE SAFETY IN SUNY KOREA ON-CAMPUS RESIDENCE HALLS

FIRE SAFETY AMENITIES BY BUILDING FOR ON-CAMPUS RESIDENCE HALLS - 2017		
On-Campus Residence	Hall A	Hall B
Central Fire Alarm System	Yes	Yes
Smoke Detectors	Yes	Yes
Fire Extinguishers	Yes	Yes
Manual Pull Stations	Yes	Yes
Fire Suppression	Yes	Yes
Number of Evacuation Drills Conducted	6	6

## FIRE STATISTICS FOR SUNY KOREA ON-CAMPUS RESIDENCE HALLS

This report contains statistics on reported fires by building location for on-campus residence halls.

REPORTED FIRES FOR 2017 FOR ON-CAMPUS RESIDENCE HALLS								
On-Campus Residence	Total Fires in Each Building	Fire Number	Date/Time	FIT Case Number	Cause of Fire	Number of Injuries That Required Treatment at a	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire

						<b>Medical Facility</b>		
<b>Hall A</b>	0							
<b>Hall B</b>	0							

# Appendix A—Sex Crimes in Applicable Jurisdictions

## New York State Sex Crimes

New York State Penal Law contains the following legal provisions relating to sexual assault, dating violence, domestic violence, and stalking. More specific information can be found in the New York State Penal Code, which is available online at [ypdcrime.com/penal.law/part\\_index.htm](http://ypdcrime.com/penal.law/part_index.htm). These definitions are provided for educational and awareness purposes only. The definitions used for Clery Act reporting are listed in Appendix B. FIT's definitions for purposes of its college policies are provided in FIT's [Sexual Misconduct Response policy](#).

**Consent (NY Penal Law Section 130.05):** Whether or not specifically stated, it is an element of every offense in Article 130 of the New York State Penal Law that the sexual act was committed without consent of the victim.

Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or where the offense charged is rape in the third degree or criminal sexual act in the third degree, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.

A person is deemed incapable of consent when he or she is: less than 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of corrections and community supervision or a hospital and the actor is an employee who knows or reasonably should know that such person is committed to the care and custody or supervision of such department or hospital; or committed to the care and custody of a local correctional facility and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such facility; or committed to or placed with the office of children and family services and in residential care, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to or placed with such office of children and family services and in residential care; or a client or patient and the actor is a health care provider or mental health care provider charged with rape in the third degree, criminal sexual act in the third degree, aggravated sexual abuse in the fourth degree, or sexual abuse in the third degree as defined in section 130.55, and the act of sexual conduct occurs during a treatment session, consultation, interview, or examination; or a resident or inpatient of a residential facility operated, licensed, or certified by (1) the office of mental health; (2) the office for people with developmental disabilities; or (3) the office of alcoholism and substance abuse services, and the actor is an employee of the facility not married to such resident or inpatient.

**Sexual Assault:** New York State does not specifically define sexual assault.

**Sexual Misconduct (NY Penal Law Section 130.20):** When a person (1) engages in sexual intercourse with another person without such person's consent; or (2) engages in oral sexual conduct or anal sexual conduct without such person's consent; or (3) engages in sexual conduct with an animal or a dead human body.

**Rape in the Third Degree (NY Penal Law Section 130.25):** When a person (1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being than 17 years old; (2) being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

**Rape in the Second Degree (NY Penal Law Section 130.30):** When a person (1) being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree that the defendant was less than four years older than the victim at the time of the act.

**Rape in the First Degree (NY Penal Law Section 130.35):** When a person engages in sexual intercourse with another person (1) by forcible compulsion; or (2) who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

**Criminal Sexual Act in the Third Degree (NY Penal Law Section 130.40):** When a person engages in oral or anal sexual conduct (1) with a person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) being 21 years old or more, with a person less than 17 years old; (3) with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

**Criminal Sexual Act in the Second Degree (NY Penal Law Section 130.45):** When a person engages in oral or anal sexual conduct with another person (1) and is 18 years old or more and the other person is less than 15 years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

**Criminal Sexual Act in the First Degree (NY Penal Law Section 130.50):** When a person engages in oral or anal sexual conduct with another person (1) by forcible compulsion; (2) who is incapable of consent by reason of being physically helpless; (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

**Forcible Touching (NY Penal Law Section 130.52):** When a person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire; or subjects another person to sexual contact for the purpose of gratifying the actor's sexual desire and with intent to degrade or abuse such other person while such other person is a passenger on a bus, train, or subway car operated by any transit agency, authority or company, public or private, whose operation is authorized by New York State or any of its political subdivisions. Forcible touching includes squeezing, grabbing, or pinching.

**Persistent Sexual Abuse (NY Penal Law Section 130.53):** When a person commits a crime of forcible touching, or second or third degree sexual abuse, and, within the previous 10-year period, excluding any time during which such person was incarcerated for any reason, has been convicted two or more times, in separate criminal transactions for which sentence was imposed on separate occasions, of forcible touching, sexual abuse in the third degree, sexual abuse in the second degree, or any offense in Article 130, of which the commission or attempted commission thereof is a felony.

**Sexual Abuse in the Third Degree (NY Penal Law Section 130.55):** When a person subjects another person to sexual contact without the latter's consent. It is an affirmative defense that (1) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and (2) such other person was more than 14 years old and (3) the defendant was less than five years older than such other person.

**Sexual Abuse in the Second Degree (NY Penal Law Section 130.60):** When a person subjects another person to sexual contact and when such other person is (1) incapable of consent by reason of some factor other than being less than 17 years old; or (2) less than 14 years old.

**Sexual Abuse in the First Degree (NY Penal Law Section 130.65):** When a person subjects another person to sexual contact (1) by forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old and the actor is 21 years old or older.

**Aggravated Sexual Abuse in the Fourth Degree (NY Penal Law Section 130.65-a):** When a person inserts a (1) foreign object in the vagina, urethra, penis, rectum, or anus of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or (2) finger in the vagina, urethra, penis, rectum, or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old. Conduct performed for a valid medical purpose does not violate the provisions of this section.

**Aggravated Sexual Abuse in the Third Degree (NY Penal Law Section 130.66):** When a person inserts a foreign object in the vagina, urethra, penis, rectum, or anus of another person (1)(a) by forcible compulsion; (b) when the other person is incapable of consent by reason of being physically helpless; or (c) when the other person is less than 11 years old; or (2) causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated. Conduct performed for a valid medical purpose does not violate the provisions of this section.

**Aggravated Sexual Abuse in the Second Degree (NY Penal Law Section 130.67):** When a person inserts a finger in the vagina, urethra, penis, rectum, or anus of another person causing physical injury to such person by (1) forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old. Conduct performed for a valid medical purpose does not violate the provisions of this section.

**Aggravated Sexual Abuse in the First Degree (NY Penal Law Section 130.70):** When a person inserts a foreign object in the vagina, urethra, penis, rectum, or anus of another person causing physical injury to such person by (1) forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old. Conduct performed for a valid medical purpose does not violate the provisions of this section.

**Course of Sexual Conduct Against a Child in the Second Degree (NY Penal Law Section 130.80):** When over a period of time, not less than three months, a person: (1) engages in two or more acts of sexual conduct with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct with a child less than 13 years old. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charges offense occurred outside of the time period charged under this section.

**Course of Sexual Conduct Against a Child in the First Degree (NY Penal Law Section 130.75):** When a person over a period of time, not less than three months in duration: (1) engages in two or more acts of sexual conduct, which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact, with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct, which include at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact, with a child less than 13 years old. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charges offense occurred outside of the time period charged under this section.

**Facilitating a Sex Offense with a Controlled Substance (NY Penal Law Section 130.90):** When a person: (1) knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this Article 130; and (2) commits or attempts to commit such conduct constituting a felony defined in Article 130.

**Sexually Motivated Felony (NY Penal Law Section 130.91):** When a person commits a sexually motivated felony when he or she commits a specified offense for the purpose, in whole or substantial part, of his or her own direct sexual gratification. A "specified offense" is a felony of: assault in the first or second degree, gang assault in the first or second degree, stalking in the first degree, strangulation in the first or second degree, manslaughter in the first or second degree, murder in the first or second degree, aggravated murder, kidnapping in the first or second degree, burglary in the first, second, or third degree, arson in the first or second degree, robbery in the first, second, or third degree, promoting prostitution in the first or second degree, compelling prostitution, disseminating indecent material to minors in the first degree, use of a child in a sexual performance, promoting an obscene sexual performance by a child, promoting a sexual performance by a child, or any felony attempt or conspiracy to commit any of the foregoing offenses.

**Incest in the Third Degree (NY Penal Law 255.25):** A person is guilty of incest in the third degree when he or she marries or engages in sexual intercourse, oral sexual conduct or anal sexual conduct with a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother, or sister of either the whole or the half blood, uncle, aunt, nephew, or niece.

**Incest in the Second Degree (NY Penal Law 255.26):** A person is guilty of incest in the second degree when he or she commits the crime of rape in the second degree, or criminal sexual act in the second degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother, or sister of either the whole or the half blood, uncle, aunt, nephew, or niece.

**Incest in the First Degree (NY Penal Law 255.27):** A person is guilty of incest in the first degree when he or she commits the crime of rape in the first degree, or criminal sexual act in the first degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother, or sister of either the whole or half blood, uncle, aunt, nephew, or niece.

**Stalking in the Fourth Degree (NY Penal Law Section 120.45):** When a person intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct (1) is likely to cause reasonable fear of material harm to the physical health, safety, or property of such person, a member of such person's immediate family, or a third party with whom such person is acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning, or initiating communication or contact with such person, a member of such person's immediate family, or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business, or career is threatened, where such conduct consists of appearing, telephoning, or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct. "Following" shall include the unauthorized tracking of such person's movements or location through the use of a global positioning system or other device.

**Stalking in the Third Degree (NY Penal Law Section 120.50):** When a person: (1) commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or (2) commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding 10 years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) with an intent to harass, annoy, or alarm a specific person, intentionally engages in a course of conduct directed at such person that is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment, or death of such person or a member of such person's immediate family; or (4) commits the crime of stalking in the fourth degree and has previously been convicted within the preceding 10 years of stalking in the fourth degree.

**Stalking in the Second Degree (NY Penal Law Section 120.55):** When a person: (1) commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, shotgun, machine gun, electronic dart gun, electronic stun gun, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sand club, slingshot, shuriken, "Kung Fu star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument, or deadly weapon; or (b) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun, or other firearm; or (2) commits the crime of stalking in the third degree against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree against any person; or (4) being 21 years of age or older, repeatedly follows a person under the age of 14 or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of 14 in reasonable fear of physical injury, serious physical injury, or death; or (5) commits the crime of stalking in the third degree, against 10 or more persons, in 10 or more separate transactions, for which the actor has not been previously convicted.

**Stalking in the First Degree (NY Penal Law Section 120.60):** When a person commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime or commits a misdemeanor sex offense, a felony rape in the second or third degree, a felony criminal sexual act in the second or third degree, or a felony female genital mutilation.



**Dating Violence:** New York State does not specifically define “dating violence.” However, under New York law, intimate relationships are covered by the definition of domestic violence when the act constitutes a crime listed elsewhere in this document and is committed by a person in an “intimate relationship” with the victim. See “Family or Household Member” for definition of “intimate relationship.”

**Domestic Violence (NY Social Services Law 459-a; NY Criminal Procedure Law Section 530.11):** New York State does not specifically define “domestic violence” within its penal law.

However, it does define domestic violence in the Social Services law under the Domestic Violence Prevention Act. A “victim of domestic violence” under that law means any person over the age of 16, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person’s child is a victim of an act that would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted assault, attempted murder, criminal obstruction of breathing or blood circulation, or strangulation; and (1) such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person’s child; and (2) such act or acts are or are alleged to have been committed by a family or household member.

- A **family or household member** is defined as persons related by consanguinity or affinity; persons legally married to one another; persons formerly married to one another regardless of whether they still reside in the same household; persons who have a child in common regardless of whether such persons are married or have lived together at any time; unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time; or any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation. Factors that may be considered in determining whether a relationship is an “intimate relationship” include, but are not limited to: the nature or type of relationship regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an “intimate relationship.”
- A **parent** means natural or adoptive parent or any individual lawfully charged with a minor child’s care or custody.

Further, under the NY Criminal Procedure Law Section 530.11, the family courts and the criminal courts have concurrent jurisdiction over any proceeding concerning: acts that would constitute disorderly conduct (including disorderly conduct not in a public place), harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, strangulation in the first degree, strangulation in the second degree, criminal obstruction of breathing or blood circulation, assault in the second degree, assault in the third degree, an attempted assault, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the third degree, or coercion in the second degree, between spouses or former spouses, or between parent and child, or between members of the same family or household except that if the respondent would not be criminally responsible by reason of age, then the family court shall have exclusive jurisdiction over such proceeding. Notwithstanding a

complainant's election to proceed in family court, the criminal court shall not be divested of jurisdiction to hear a family offense proceeding pursuant to this section.

- **Members of the same family or household** with respect to a proceeding in the criminal courts means: persons related by consanguinity or affinity; persons legally married to one another; persons formerly married to one another regardless of whether they still reside in the same household; persons who have a child in common, regardless of whether such persons have been married or have lived together at any time; and persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors the court may consider in determining whether a relationship is an "intimate relationship" include but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship."
- More information on New York's special courts for domestic violence and integrated domestic violence is available online at [nycourts.gov/courts/family-violence](http://nycourts.gov/courts/family-violence).

## Italy Sex Crimes<sup>17</sup>

**Sexual Violence, Criminal Code, Article 609bis:** Whoever, by force or by threat or abuse of authority, forces another person to commit or suffer sexual acts.

**Stalking, Law 23 April 2009 and Criminal Code, 612bis:** Any continuative harassing, threatening, or persecuting behavior that (1) causes a state of anxiety and fear in the victim(s); or (2) ingenerates within the victim(s) a motivated fear for his/her own safety or for the safety of relatives, kin, or others associated with the victim him/herself by an affective relationship; or (3) forces the victim(s) to change his/her living habits.

**Domestic Violence, Criminal Code, Article 572:** Violence in a family or against children includes all forms of violence perpetrated against a member of his/her own family or the partner.

## South Korea Sex Crimes

**South Korean definitions related to sexual assault include:**

**Article 297 (Rape):** A person who, through violence or intimidation, has sexual intercourse with a female, shall be punished by limited imprisonment for not less than three years.

**Article 298 (Indecent Act by Compulsion):** A person who, through violence or intimidation, commits an indecent act on another shall be punished by imprisonment for not more than 10 years or by a fine not exceeding 15 million won.

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<sup>17</sup> Source: European Institute for Gender Equality, "Legal Definitions in the EU Member States," [http://eige.europa.eu/gender-based-violence/regulatory-and-legal-framework/legal-definitions-in-the-eu?c\[\]=IT](http://eige.europa.eu/gender-based-violence/regulatory-and-legal-framework/legal-definitions-in-the-eu?c[]=IT).

**Article 299 (Quasi-Rape, Quasi-Indecent Act by Compulsion):** A person who has sexual intercourse with a female or commits an indecent act on another by taking advantage of the other's condition of unconsciousness or inability to resist, shall be punished in accordance with the preceding two Articles. **Article 302 (Sexual Intercourse with Minor, etc.):** A person who, through fraudulent means or by the threat of force, has sexual intercourse or commits an indecent act on a minor or feeble-minded person, shall be punished by imprisonment for not more than five years.

**Article 303 (Sexual Intercourse by Abuse of Occupational Authority, etc.):** (1) A person who, through fraudulent means or by the threat of authority, has sexual intercourse with a female who is under his protection or supervision by reason of his business, employment, or other relationship, shall be punished by imprisonment for not more than five years or by a fine not exceeding 15 million won. (2) A person who has sexual intercourse with a female held in his custody according to Acts, shall be punished by imprisonment for not more than seven years.

**Article 305 (Sexual Intercourse or Indecent Act with Minor):** A person who has sexual intercourse with a female under 13 years of age or commits an indecent act on such a person shall be punished in accordance with Articles 297, 298, 301, and 301-2.

**Stalking is not defined by South Korea.**  
**Dating violence is not defined by South Korea.**

**South Korean definitions related to domestic violence include:**

**Article 257 (Inflicting Bodily Injury on Other or on Lineal Ascendant):** (1) A person who inflicts a bodily injury upon another shall be punished by imprisonment for not more than seven years or suspension of qualifications for not more than 10 years or by a fine not exceeding 10 million won. (2) When the crime as referred in (1) is committed on a lineal ascendant of the offender or of his spouse, one shall be punished by imprisonment for not more than 10 years or a fine not exceeding 15 million won. (3) Attempts to commit the crimes of the preceding two paragraphs shall be punished.

**Article 258 (Aggravated Bodily Injury on Other or on Lineal Ascendant):** 1. A person who inflicts bodily injury upon another, thereby endangering one's life, shall be punished by imprisonment for not less than one year nor more than 10 years. (2) The preceding paragraph shall apply to a person who, in consequence of injuring another, causes one to be crippled or incurably or hopelessly diseased. (3) When the crimes of the preceding two paragraphs are committed on a lineal ascendant of the offender or of one's spouse, one shall be punished by limited imprisonment for not less than two years

## Appendix B—Clery Act Reportable Crimes

The definitions that follow are the definitions used for reporting statistics in compliance with the Clery Act. Please note that these definitions are standardized for use by all reporting institutions across the country to comply with the Clery Act; therefore, these definitions may differ both from how FIT policies define certain offenses and/or how local jurisdictions may define criminal offenses.

### 1. CRIMINAL OFFENSES DEFINITIONS

**Criminal Homicide: Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another. It includes any death caused by injuries received in a fight, argument, quarrel, assault, or the commission of a crime. Note: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

**Criminal Homicide: Manslaughter by Negligence:** The killing of another person through gross negligence. It includes any death caused by the gross negligence of another. In other words, it's something that a reasonable and prudent person would not do.

**Sexual Assault:** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Under the Clery Act, there are four types of sexual assault, defined as follows:

- **Rape:** 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. This offense includes the rape of both males and females. It includes, regardless of the age of the victim, if the victim did not consent or if the victim was incapable of giving consent.
- **Fondling:** The touching of the private body parts of another person for the purpose 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:** Sexual intercourse between persons who are related to each other with the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

**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 or violence and/or by putting the victim in fear. The essential elements of a robbery are that it is committed in the presence of a victim (usually the owner or person having custody of the property), the victim is directly confronted by the perpetrator, the victim is threatened with force or put in fear that force will be used, and involves a theft or larceny.

**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 includes assaults or attempts to kill or murder; poisoning (including the use of date rape drugs); assault with a dangerous or deadly weapon; maiming; mayhem; assault with explosives; and assault with disease (as in cases when the offender is aware that he or she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.). It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could or probably would result in a serious potential injury if the crime were successfully completed.

**Burglary:** The unlawful entry of a structure to commit a felony or theft. There must be evidence of unlawful entry (trespass). This means that the person did not have the right to be in the structure at the time the incident occurred. The unlawful entry must occur within a structure, which is defined as having four walls, a roof, and a door. The structure must have been unlawfully entered to commit a felony or a theft. If the intent was not to commit a felony or a theft, the incident is not a burglary. 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. It includes theft of any self-propelled vehicle that runs on land surface and not on rails. It includes incidents where automobiles are taken by persons not having lawful access even if the vehicles are later abandoned.

**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 of another, etc. Arson only includes fires determined to have been willfully or maliciously set. Arson includes attempts to burn, any fire that investigation determines to meet this definition regardless of property damage value, and incidents where an individual willfully or maliciously burns his or her own property.

## 2. HATE CRIMES DEFINITIONS

**Hate Crime:** A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Hate crimes are reported under the Clery Act for any of the criminal offenses listed above in Section 1, as well as the following:

**Larceny—Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness. It includes all assaults that do not involve the use of a firearm, knife, cutting instrument or other dangerous weapon, and in which the victim did not sustain serious or aggravated injuries.

**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. A person is assumed to be in "reasonable fear" if he or she reports threatening words or other conduct to law enforcement personnel.

**Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it. The offense may occur by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

Hate crimes are reported under the Clery Act on the following categories of bias:

**Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

**Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

**Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

**Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male, female.

**Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender-nonconforming individuals. Gender-nonconforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender nonconforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

**Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

**National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

**Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

### 3. VAWA OFFENSES

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined 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. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but does not include acts covered under "Domestic Violence" below.

**Domestic Violence:** A felony or misdemeanor crime of violence committed by: a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; 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 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.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. Course of conduct means two or more acts, including but not limited to, acts in 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. A reasonable person is one under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

Sexual assault is also a VAWA offense, but for Clery Act reporting purposes it is part of the criminal offenses category, defined above in Section 1.

#### 4. ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION

**Weapons—Carrying, Possessing, Etc.:** The violation of laws or ordinances that: prohibit the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons; prohibit furnishing deadly weapons to minors; prohibit aliens possessing deadly weapons; and attempts to commit any of the aforementioned. This classification encompasses weapons offenses that are regulatory in nature.

**Drug Abuse Violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. This includes all drugs, without exception, that are illegal under local or state law and all illegally obtained prescription drugs.

**Liquor Law Violation:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. The following violations are classified as liquor law violations: manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a 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.

These three categories of violations of law—*not* institutional policy violations—are reported under the Clery Act only when they result in arrest or are referred for disciplinary action as follows:

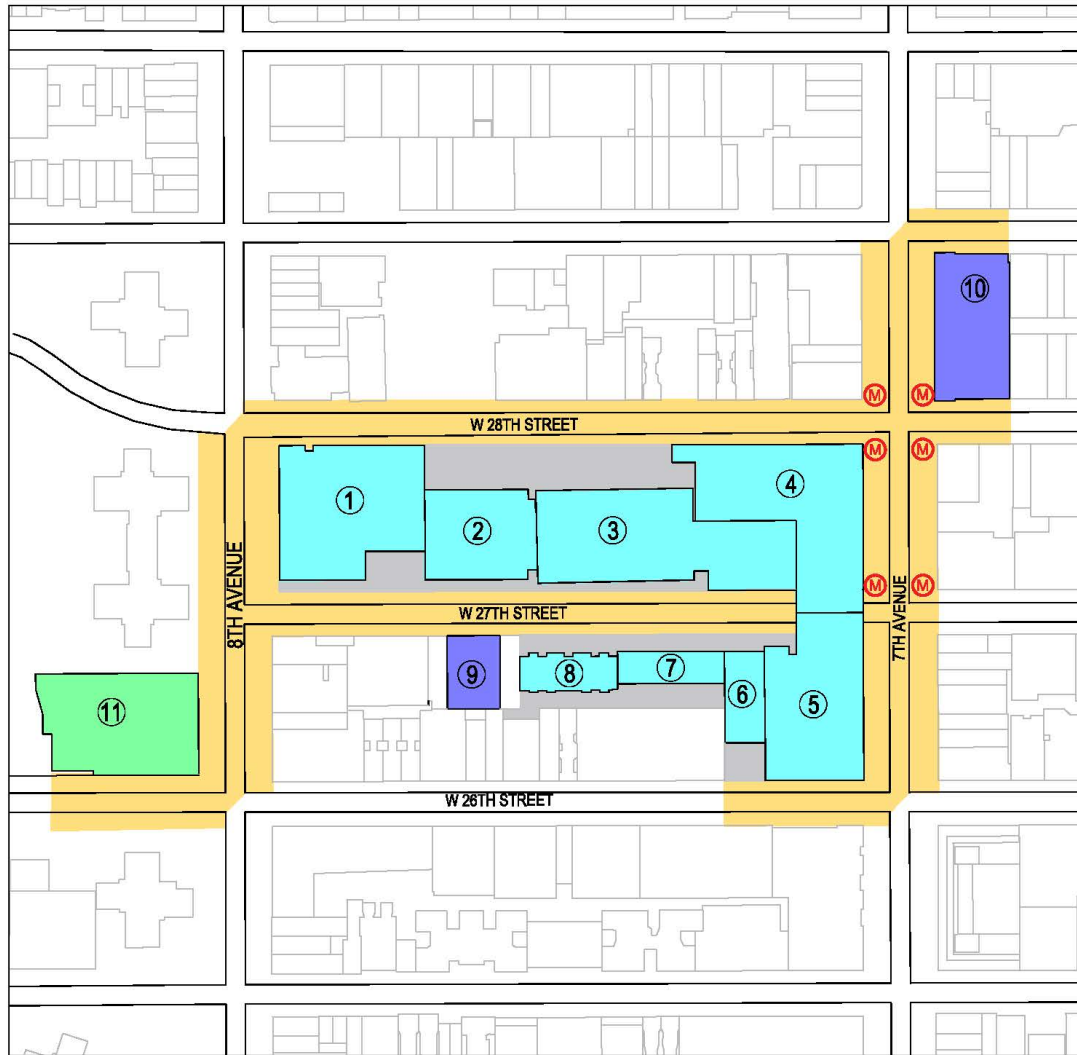
**Arrests:** Persons processed by arrest, citation, or summons.

**Referred for Disciplinary Action:** The referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.



# Appendix C—2017 Clery Geography for FIT’s New York On-Campus and Public Property

## FASHION INSTITUTE OF TECHNOLOGY- CLERY GEOGRAPHY



### ON-CAMPUS PROPERTIES: 2017

- ① **Dubinsky Student Center**  
Academic Building  
271 W 27th Street, NY, NY 10001
- ② **Business and Liberal Arts**  
Academic Building  
245 W 27th Street, NY, NY 10001
- ③ **Feldman Center**  
Academic Building  
227 W 27th Street, NY, NY 10001
- ④ **Pomerantz Art and Design**  
Academic Building  
300 7th Avenue, NY, NY 10001
- ⑤ **Goodman Resource Center**  
Academic Building  
282 7th Avenue, NY, NY 10001
- ⑥ **Alumni Hall**  
Residence Hall  
210 W 27th Street, NY, NY 10001
- ⑦ **Nagler Hall**  
Residence Hall  
220 W 27th Street, NY, NY 10001
- ⑧ **Coed Hall**  
Residence Hall  
230 W 27th Street, NY, NY 10001
- ⑨ **236 W 27th Street, NY, NY 10001**  
On-Campus Property in Part of Building  
Floors: Basement, 1-5, Partial 6, & Related Common Areas  
4th Floor- Currently not occupied; anticipated occupancy August 2018
- ⑩ **333 7th Avenue, NY, NY 10001**  
On-Campus Property in Part of Building  
Floors: 13, 14, 15, 16, and Related Common Areas  
14th Floor- Not occupied during 2016 or 2017; anticipate occupancy TBD
- ⑪ **Midtown Tennis Center**  
On-Campus Property During Use by FIT Athletics Teams Per Agreement  
341 6th Avenue, NY, NY 10001

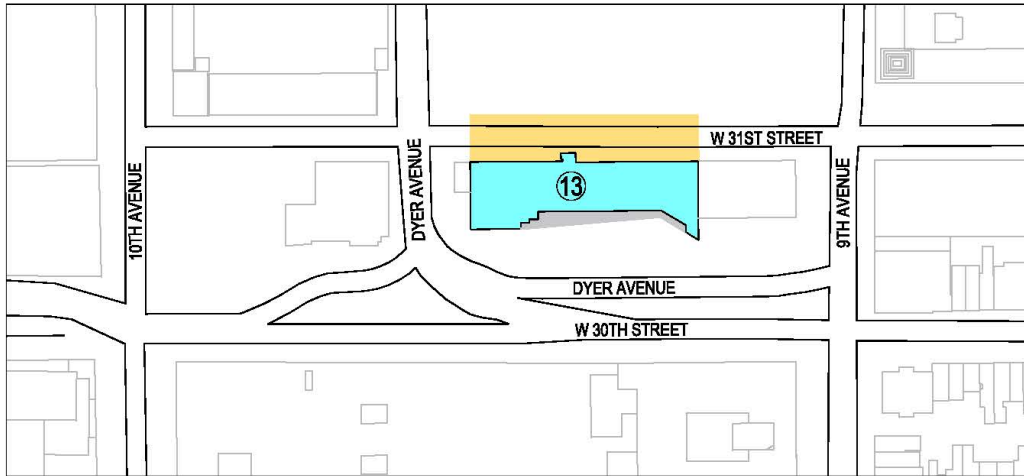
### LEGEND

- ON CAMPUS PROPERTY- OPEN AREA
- ON-CAMPUS PROPERTY
- ON-CAMPUS PROPERTY IN PART OF BUILDING
- ON-CAMPUS PROPERTY IN USE BY FIT ATHLETICS
- PUBLIC PROPERTY IMMEDIATELY ADJACENT TO ON-CAMPUS PROPERTY
- M SUBWAY STATION

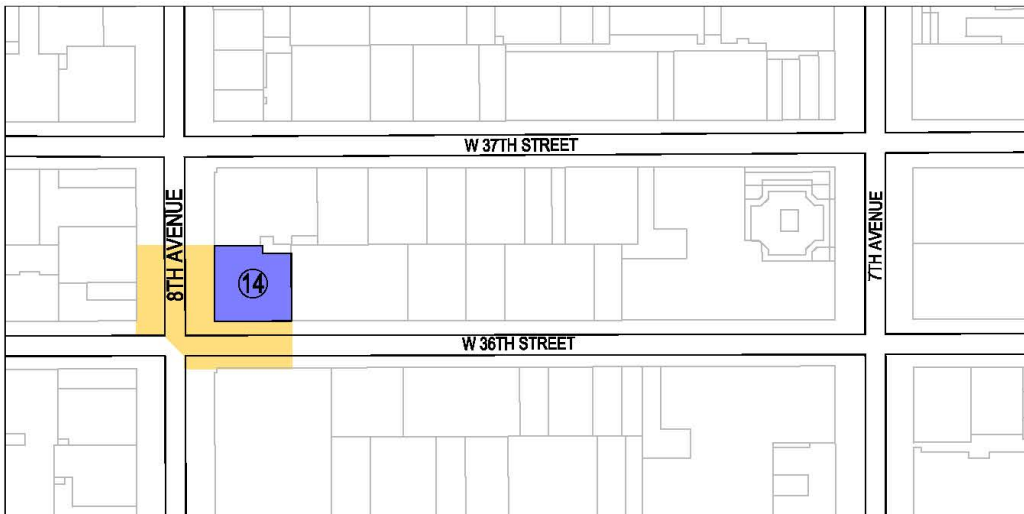
SCALE: 1 inch = 60 feet

FASHION INSTITUTE OF TECHNOLOGY- CLERY GEOGRAPHY

ON-CAMPUS PROPERTIES: 2017



- ⑬ Kaufman Hall  
Residence Hall  
406 W 31st Street, NY, NY 10001



- ⑭ 520 8th Avenue, NY, NY 10018  
On-Campus Property in Part of Building  
Floors: Partial 12 and Related Common Areas  
(occupancy start date: April 1, 2017).

LEGEND

	ON CAMPUS PROPERTY- OPEN AREA
	ON-CAMPUS PROPERTY
	ON-CAMPUS PROPERTY IN PART OF BUILDING
	ON-CAMPUS PROPERTY IN USE BY FIT ATHLETICS
	PUBLIC PROPERTY IMMEDIATELY ADJACENT TO ON-CAMPUS PROPERTY
	SUBWAY STATION

SCALE: 1 inch = 60 feet