

Office of Institutional Advancement & Student Affairs

# STUDENT FREEDOMS & RESPONSIBILITIES ACT

**BROOKLYN CAMPUS** 





# STUDENT FREEDOMS AND RESPONSIBILITIES ACT

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#### **STUDENT FREEDOMS AND RESPONSIBILITIES ACT** Revised July 2009

Note: The following is a distillation of the University's Student Government Association Constitution and By-laws, as well as the Student Rights and Responsibilities, published by Long Island University.

#### I. **STUDENT RESPONSIBILITIES**

Students at Long Island University's Brooklyn Campus are free to organize their personal lives and determine their personal behavior free from institutional restrictions; however, school rules and regulations are, and will be established where necessary to protect the health, safety, welfare, property and rights of all members of the University community.

The Brooklyn Campus, in conjunction with the purpose of its programs, strives for high standards of courtesy, integrity, and discipline. Members of the Brooklyn Campus community are expected to support the school's goals and objectives by fostering behavior congruent with our standards and academic achievements. We assume by virtue of their acceptance into our community, that students commit themselves to a lifelong search for positive enrichment and a deepening of their understanding and responsibility for propagating high moral and ethical values, tolerance and respect not only for themselves but for their community as well as for our world.

Students are free to form associations of their own choice, provided that the operations of such associations are responsible and consistent with the ideals and mission of Long Island University's Brooklyn Campus. Formally organized groups are subject to compliance with the Student Government Association (SGA) Constitution and by-laws, and rules and regulations established by the Office of Student Activities.

Meeting rooms, clerical services, and other appropriate campus resources are made available to student organizations, subject to reasonable regulations established by the Office of Student Activities in conjunction with SGA. Reasonable fees indicated at the confirmation of the reservation of the facility are charged the organizations for special services provided during the use of the facilities.

#### 1. Academic Integrity

Responsibility for academic integrity is shared by the Brooklyn Campus community. While classroom discipline is the responsibility of the faculty member in charge of the class, disciplinary action, ranging from reprimand through expulsion from the University (subject to the Dean of Student's final decision), may be initiated by an individual faculty member and/or Department against any student for the conduct of a nature that interferes with the educational purposes of a class, and for conduct involving plagiarism and/or dishonesty in examinations or class work.

Suspension from the Long Island University, Brooklyn Campus with fines for damage and/or property loss may be the penalty for:

- a. The forging, falsification, or modification of any official Long Island University records, including among others identification cards, dining hall cards, transcripts, registration or bursar forms, memoranda, letters, receipts, bills or examinations.
- b. The illegal possession, duplication or unauthorized use of keys for any Long Island University property or property under the school's jurisdiction.
- c. The destruction or illegal possession of school property.
- d. Any student whose conduct and/or actions are determined inimical to health, safety, welfare, and ideals of the LIU Brooklyn Campus.
- e. The illegal possession, promotion, sale, and/or use of: narcotics, illegal drugs or smoke, gambling, firearms, knives, firecrackers or incendiary devices, or any illegal weapon.
- f. All persons dismissed from the University premises charged with violation of any act or acts enumerated above may be subjected to civil and/or criminal prosecution under the appropriate provisions of the Law of State of New York.

Students who attend classes, meet their academic obligations to the best of their abilities, are respectable in their behavior, and are honorable will have no difficulty with the Brooklyn Campus discipline. Those who behave otherwise must expect to encounter appropriate disciplinary action.

The rules and regulations outlined herein are considered to be a part of the Long Island University Brooklyn Campus Administration, Faculty, and Student Contract. Violations of any or part of these rules and regulations may result in disciplinary action with penalties as follows:

- a. Reprimand or warning
- b. Loss of specific privileges
- c. Fine, e.g. for damages or loss of property
- d. Suspension from school
- e. Expulsion from school

# 2. <u>Use of Facilities</u>

Nothing herein contained is intended or shall be construed to limit or restrict the right of freedom of speech or peaceful assembly by any member of the University Community. Long Island University is not responsible for loss or damage to the personal property of students or for the failure or interruption of water, heat, light, or other utilities. However, in cases of interrupted services every attempt will be made to give advance notice for planned maintenance. Long Island University reserves the right to levy and collect charges for damage resulting from improper use of any of its facilities.

Students are not permitted to use University facilities for the promotion, solicitation, or sale of items or services connected with any personal or commercial enterprise.

# 3. Acts Disruptive to Public Order

The right of all members of the University Community to free and complete access to University facilities in the discharge of their educational commitments and responsibilities shall not be infringed upon or impaired. Any person who shall engage in any act or acts which shall disrupt public order at any campus of the University, or other University property used for educational purposes shall be subject to the penalties hereinafter described. Each member of the University or an invited guest has the right to advocate this position without having to fear abuse - (physical, verbal, or otherwise) - from others supporting conflicting points of view. Members of the University Community and other persons on the University grounds shall not provoke or encourage physical violence by demonstrators, those demonstrated against, or spectators. The condition of public disorder and cessation thereof shall be declared by the chief executive officer of the facility involved, or, in his or her absence, a designee after consultation with the Provost when possible. The chief executive officer or designee, as aforesaid, shall take such steps as are deemed necessary to restore public order.

Acts disruptive to public order shall include but shall not be limited to:

- a. Violent, tumultuous, harassing, or threatening behavior.
- b. Restraint or obstruction or other members of the University Community or campus visitors by physical means or the threat thereof.
- c. Destruction of any property of the University or that of any member of the University community.
- d. Assault upon any member of the University Community or invitees or licensees.
- e. Any conduct which shall substantially impair, obstruct, or disrupt authorized activities on the premises as aforesaid.

Any person or persons who shall engage in any act or acts enumerated above shall be directed to leave the facility forthwith by an officer of the campus. All students, faculty, and staff who have been so ejected shall be barred from the University premises until public order has been restored. Students charged with violation of any act or acts enumerated above shall be subject to disciplinary action by the University in accordance with the established judicial processes at the separate campuses of the University. If the student or students are found guilty, appropriate penalties including suspension, expulsion, or other penalties may be imposed.

# 4. Responsibility

The Office of the Dean of Institutional Advancement & Student Affairs is responsible for administration and enforcement of campus alcohol policies. However, all members of the community are bound by the regulations set forth in these policies

and consequently are responsible for becoming familiar with the provisions of the policy. The Office of the Dean of Institutional Advancement & Student Affairs is responsible for the dissemination of the policy, and will offer information and advice concerning the policy to any student, faculty staff or alumni.

Any administrator, faculty, staff, and or student with the exception of the Office of the Provost, that wishes to serve alcohol on campus at an event attended by students must first fill out the alcohol request form and submit it to the Dean of Institutional Advancement & Student Affairs at least twenty (20) working days prior to the event. No alcohol may be served at any student function prior to the Dean's approval.

The use of alcoholic beverages at social functions on the Brooklyn University campus is restricted to those functions open to members of sponsoring organizations and their invited guests, in this instance, where service of alcohol is restricted to those of legal drinking age as defined by pertinent New York Statutes. Such functions must be restricted to areas designated by the Deans, Provosts, or other University Administrators. In all cases, State laws governing the dispensing of alcoholic beverages must be observed.

Departmentally-allocated funds may not be used for purpose of purchasing alcoholic beverages destined for personal consumption.

The Provost and Deans of the several campuses and colleges, following standard procedures and including consultation with the affected bodies, will develop and issue, from time to time, such regulations on the use of alcoholic beverages in the University community as they deem necessary in accordance with the policies above stated.

In terms of regulation it may also be pointed out that the University enforces prohibition of the use of alcoholic beverages for residents under the age of twenty-one in the residence halls of the University and other specific restrictions. In addition, in order to discourage abuse of alcoholic beverages and assist those in need, a referral service to a program of alcohol education and training and an Alcohol Assistance Program (for those with alcohol related problems) have been established at the University.

What's New at LIU? Alcoholism Policy

As a further beverages responsible use of alcohol, members of the University community are urged to observe the following practices when alcoholic beverages are served:

• Provide an equal quantity of non-alcoholic beverages at the same place in an equally attractive variety.

# What's New at LIU? Rules for the Maintenance of Public Order

- Provide food in sufficient quantity for the number of persons present.
- Discontinue the sale or service of alcohol for a reasonable period of time prior to the anticipated end of the event.
- In any advertisement, note the availability of non-alcoholic beverages and food.
- Provide for supervision via our University catering partner Aramark and/or by persons who have a demonstrable awareness of the regulations and the techniques to reduce risk and/or those who are so trained by the University in an effort to insure successful compliance with applicable laws and regulations.

In any group where alcoholic beverages are served it is expected that at least one person designated by the group will be responsible for insuring adherence to these guidelines.

It is expected that the above guidelines will be incorporated in the regulations of the colleges and campuses. Further policy guidance is available in the Report of the Higher Education Act on Alcohol Regulations which may be obtained from the Office of the Provost and University General Counsel.

#### 5. Education & Intervention

- (a) Develop a standing committee of students, faculty and staff who will oversee the development of recommendations for on-going educational programs. Activities such as Students Against Drunk Driving (SADD) and the annual Alcohol Awareness Week are also effective programs which must receive greater campus-wide support.
- (b) Present mandatory and non-mandatory referrals to counselors for students whose personal life and/or public behavior have been negatively affected by the abuse of alcohol will continue.
- (c) Increased concentration on creative ways to develop activities without alcohol should be stressed.

#### 6. Evaluation & Review

The alcohol policy task force will review the alcohol policy and regulations and will recommend modifications to the office of the Dean of Institutional Advancement & Student Affairs. Simultaneously, University and campus officials will continue to evaluate the policy and its effectiveness.

\*Some of the provisions listed herein have been adapted from the New York University and Rutgers University - Student Policies and Procedures.

Nationwide students of universities and colleges have shown growing concern over the use and abuse of alcoholic beverages. Long Island University acknowledges the BACCHUS (Boost Alcohol Consciousness Concerning the Health of University Students) Resolution as set forward: That BACCHUS, NASPA, and ACHUHO-I call upon their members who permit alcohol beverage promotion to adopt the following guidelines as realistic policy to governing alcohol marketing practices on their campus:

Alcohol beverage marketing programs specifically targeted for students and/or held on campus should conform to the code of student conduct of the institution and should avoid demeaning sexual or discriminatory portrayal of individuals.

Promotion of beverage alcohol should not encourage any form of alcohol abuse nor should it place emphasis on quantity and frequency or use. Beverage alcohol (such as kegs or cases or beer) should not be provided as free awards to individual students or campus organizations. No uncontrolled sampling as part of campus marketing programs should be permitted and no sampling, or other promotional activities, should be included in drinking contests. Where controlled sampling is allowed by law and institutional policy, it should be limited as to time and quantity. Principles of good hosting should be observed including availability of alternative beverages, food and planned programs. The consumption of beer, wine, or distilled spirits should not be the sole purpose of any promotional activity. Promotional activities should not be associated with otherwise existing campus events or programs without the prior knowledge and consent of appropriate institutional officers. Informational marketing programs should have educational value and subscribe to the philosophy of responsible and legal use of the products represented.

Beverage alcohol marketers should support campus alcohol awareness programs that encourage informed and responsible decisions about the use or non-use of beer, wine or distilled spirits. If permitted, beverage alcohol advertising on campus or in institutional media, including that which promotes events as well as product advertising, should not portray drinking as a solution to personal or academic problems of students or as necessary to social, sexual, or academic success. Advertising or other promotional campus activities should not associate beverage alcohol consumption with the performance of tasks that require skilled reactions such as operation of motor vehicles or machinery. Local off-campus promotional activities, primarily directed to students, should be developed in consultation with the appropriate institutional officials. Be it further resolved: that the associations call upon their members who allow beverage alcohol promotions to advise beverage alcohol marketers that they will not be permitted to promote their products on campus unless they agree to abide by the above marketing guidelines.

# II. RULES FOR THE MAINTENANCE OF PUBLIC ORDER

#### GENERAL RULES OF CONDUCT

All members of the University community shall comply with city, state, and federal laws and ordinances affecting the maintenance of order on University premises.

- 1. Conduct that is violative of such laws and ordinances occurring on University premises may be subject to both University discipline and public sanctions as circumstances may warrant or dictate.
- 2. Conduct that is violative of such laws and ordinances occurring off university premises will ordinarily not be subject to University discipline, unless such conduct leading to or resulting in any of the following:
  - (a) Seriously affects the interests of the University or the position of the member within the University community.
  - (b) Occurs in close proximity to University premises and is connected with volatile conduct on University premises.

All members of the University community are prohibited from engaging in conduct leading to or resulting in any of the following:

- 1. Interference with or disruption of the regular operations and activities of the University.
- 2. Denial of, or unreasonable interference with, the rights of others—including persons not members of the University community who are present as invitees or licensees—on University premises. These rights include the right of academic freedom as well as constitutionally protected rights.
- 3. Injury to University property, real or personal.
- 4. Unauthorized access to or occupation of nonpublic areas on University premises, including but not limited to classrooms, seminar rooms, laboratories, libraries, faculty and administrative offices, auditoriums, and recreational facilities.
- 5. Unauthorized access to or use of personal property, including files and records.
- 6. Recklessly or intentionally endangering mental or physical health or forcing consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.

Visitors, including invitees and licensees, shall at all times conduct themselves in a manner that is consistent with the maintenance of order on University premises, and their privilege to remain on University property shall automatically terminate upon breach of this regulation. The University in addition reserves the right in its discretion to withdraw at any time the privilege of an invitee or licensee to be on University premises. A trespasser has no privilege of any kind to be on University property but is nevertheless subject to these regulations governing the maintenance of order.

Any authorized member of the University community, after properly identifying himself or herself, may in the course of performing his or her duties request identification from members of the University community. Refusal to identify oneself shall be considered prima facie evidence of non-University status. "Authorized" members of the University community shall include: Members of the University Administration and University security officers.

Nothing contained in these rules is intended, nor shall it be construed, to limit or restrict the freedom of speech or peaceful assembly.

#### PROGRAM OF ENFORCEMENT

VISITORS (INVITEES, LICENSEES, AND TRESPASSERS): When an administrative officer or member of the protection service of the University in his or her discretion determines that the privilege of an invitee or licensee to be on University premises should be withdrawn, he or she shall ask the invitee or licensee to leave the premises, and the invitation or license shall thereby be terminated. If any person, whether initially a trespasser, licensee, or invitee, fails to leave University premises promptly upon request, the University will use all reasonable means, including calling for the assistance of the University security and/or police, to effect that person's removal.

SUMMARY SUSPENSION OF MEMBERS OF UNIVERSITY COMMUNITY: Penalties for violation of University rules shall not be imposed upon members of the University community except after compliance with the disciplinary procedures applicable to students, or faculty members, or members of the University staff (administrative and other employees). However, summary suspension pending disciplinary proceedings may be imposed upon students in accordance with the Bylaws, or upon faculty members in accordance with the Rules of Tenure and Related Provisions, as adopted and subsequently amended by the Board of Trustees, or upon members of the University staff in accordance with administrative practice.

DISCIPLINARY ACTION: A member of the University community who is charged with a violation of the University rules set forth in Section I above shall be subject to appropriate disciplinary action as follows:

#### **STUDENTS**

- 1. If the alleged violation of University rules involves a matter affecting only the Brooklyn Campus, disciplinary action shall be carried out by the faculty of the school in which the student charged is enrolled. The authority of the faculty is derived from the University Bylaws. Disciplinary proceedings shall be in accordance with the established practice of the school. In the absence of an established practice in a school, the following procedure shall be used.
- 2. When a charge of misconduct has been made, the dean of the school, or such other administrative officers or faculty members as may be designated, shall make every effort to resolve the matter on an informal basis.

# UNIVERSITY STAFF: ADMINISTRATIVE OFFICERS AND OTHER EMPLOYEES

When a member of the University staff, other than a faculty member, has been charged with a violation of University rules, the charge shall be considered and determined administratively in accordance with established practices of the department to which the staff member is assigned. If the person against whom the charge has been made is both an administrative officer and a faculty member his or her case shall be governed by this section unless the violative conduct was of such a nature as to call into question his or her continued qualification for service on the faculty; in the latter event, disciplinary action will proceed in accordance with section IIC-2, above.

ORGANIZATIONS: Any organization which authorizes conduct prohibited under the provisions of this section shall be subject to having its permission to use the facilities of Long Island University and to operate as a University organization rescinded, and shall be subject to any additional penalties pursuant to the penal law or any other applicable provision of law.

PENALTIES: Penalties for violation of University rules that may be imposed upon members of the University community include, but are not limited to, the following:

- Reprimand
- Censure
- Removal of Privileges
- Suspension
- Dismissal or Expulsion

#### III. CRIME AWARENESS AND CAMPUS SECURITY ACT OF 1990

#### SECURITY POLICY: PROCEDURES FOR REPORTING CRIMES & EMERGENCIES

The Security Desk is located in the main entrance lobby and is manned 24 hours a day. The security officer at this desk is available to receive emergency calls and each officer is equipped with a radio and is always in voice contact with the Office of Facilities

What's New at LIU?
Crime Awareness
and Campus

Management and his/her fellow security officers. All incidents are logged and reported to the Office of Facilities Management, where records are maintained.

The Office of Facilities Management is charged with the responsibility of overseeing the security function at The Brooklyn

Campus of Long Island University. This office is normally open twenty four hours. All emergencies, incidents, crimes and other problems are reported by Security Officers to this office.

# UNIVERSITY RESPONSE

All reported incidents are checked out immediately and, if corrective action is possible, remedied. If no corrective action is necessary or possible, the report is analyzed to ascertain if procedural changes are warranted. The reports are then kept on file in the Office of Facilities Management. In addition to responding to all incidents immediately the Security Officers will notify the Office of Facilities Management as soon as possible. In cases involving misconduct on the part of a member of the Student Body, the Dean of Institutional Advancement & Student Affairs will be notified.

For crimes and emergencies still in progress the Office of Facilities Management must be notified immediately. In any instance when the Office of Facilities Management is not open and the following crimes are reported: murder, rape, robbery, aggravated assault, and burglary; the Security Officer must call 911 and cooperate fully with local police.

#### ACCESS TO FACILITIES

Access to the University beyond the Main Lobby Security Desk is only available to students with proper University identification. Without Long Island University I.D. students are required to show other forms of I.D. and their names are checked against the student roster. After clearance the student is then required to obtain a sticker displaying the name and photo of the visitor. Faculty and staff follow the same procedures.

Visitors with appointments are required to present valid photo identification and list the companies that they represent, when the appointment is confirmed they are permitted into the University to proceed to their appointed destination. All persons are required to enter and leave by one of the designated main entrances. All other exits sound alarms if used.

During intercessions and Saturdays when classes are not in session, the same procedures govern. Students are only allowed to be in designated areas, such as the library, computer center, cafeteria or other approved areas.

\* Whenever athletic teams or other groups are using the facilities during off-hours a moderator who is either a faculty member or administrator must be present at all times.

#### CAMPUS LAW ENFORCEMENT

All Federal, State and Local Laws are enforced and appropriate action taken towards violations.

#### **AUTHORITY**

- 1) Security Officers at the University do not have arresting authority. They may caution persons who may be unruly and/or escort those persons off of the premises. However, their main function is to "observe and report". They respond to Fire Alarms, Exit Alarms and assist in the evacuation of the buildings during drills. In other than routine situations they are instructed to contact the Office of Facilities Management for advice and disposition. In acute emergencies or in the absence of higher authority they are instructed to call 911 when appropriate.
  - The University enjoys an excellent relationship with local police authorities. Interaction between the University and the Police Precinct is regular, constructive, and is encouraged by both.
- 2) Policies that encourage accurate and prompt reporting of crimes:
  - a. A statement of the University's policy concerning safety and security matters will be published in each year on the University website.
- 3) A description of the type and frequency of programs designated to inform everyone in regard to campus security procedures, practices and crime prevention to encourage everyone to be responsible for their own security and of others:
  - a. The statement will be distributed to all new students through their required Freshman Orientation. The syllabi of these courses will be modified to reflect the University's safety and security procedures which will be discussed for part of one class period. Moreover, through this medium, all will be encouraged to be responsible for their own and others' safety, and will be instructed in basic crime prevention techniques.

b. The same material will be annually distributed and discussed at the first faculty meeting of each academic year and included in the Faculty Manual. This will also be incorporated into the orientation provided to new staff by the Director of Human Resources.

#### **VIOLENT FELONY OFFENSES**

In all cases where violent felony offenses\* are alleged to have occurred on the University campus, the local precinct of the New York City Police Department will be immediately notified. In any subsequent investigation, all University personnel will cooperate fully with police authorities, and will take no action toward the disposition of such matters unless specifically directed by those authorities. \*["Violent felony offenses" are: murder; kidnapping; manslaughter; rape; aggravated sexual abuse; sexual conduct against a child; assault; arson; robbery; criminal possession of a dangerous weapon; criminal use of a firearm; criminal sale of a firearm; aggravated assault upon a peace officer, fireman, or emergency services professional; gang assault; burglary; and intimidating a witness or witnesses.]

There is on file in the office of the Dean of Institutional Advancement & Student Affairs a written agreement with the commanding officer of the local (84th) police precinct providing for their prompt investigation of violent felony crimes taking place (or alleged to have taken place) on the University campus.

#### COMPLIANCE WITH NEW YORK STATE EDUCATION LAW

In accordance with New York State Education Law, Article 129A, the Committee on Campus Safety, will provide upon request all campus crime statistics as reported to the United States Department of Education.

# IV. PARTY PLANNING GUIDELINES

In order to provide students with a pleasurable, entertaining and sociable setting in a safe and "incident free" atmosphere, Long Island University, Brooklyn Campus has enacted the following party policy which addresses specific instructions and limitations concerning tickets and the selling of tickets, janitorial and security fees, alcohol, party concluding time, and guests:

#### PLANNING:

- 1. Proposals for all parties must be made and approved by Student Activities at least one month prior to the proposed event date. Approval for parties will be determined partly on whether the club/organization's budget can support the services of 12 security officers and a supervisor.
- 2. Immediately after approval of the party, but not later than 2 weeks prior to the party date, the Advisor for the organization hosting the party, in addition to the club/organization executives, Set 4 U, Student Activities representatives and representatives of Security must meet to discuss the protocol for that specific party.

- 3. All the specifics regarding the party are to be discussed at the security meeting. Rough drafts of flyers and tickets should be presented at the meeting as well as the names of all the performers, DJ's, Speakers etc. Guests DJ's are allowed a maximum of 4 persons in his/her party. The DJ staff list must be presented at the initial security meeting. Promotion and advertising strategies, a schedule of coat check and ticket booth coverage, set for the University's role, prices, number of persons expected, and security procedures must all be discussed at the meeting.
- 4. The proposed flier/advertisement will be reviewed by the Office of Student Activities and Security and be either approved or returned for corrections/adjustments.
- 5. At no point should any advertisement for parties be posted prior to the initial security meeting.
- 6. At least one week prior to the party a list of all the workers of the party must be submitted to Student Activities for presenting to Security.
- 7. All club/organization workers at the party must be wearing either name badges or event staff shirts on the evening of the party.

TICKETS: Before any ticket is reproduced a draft of the desired ticket must be presented to the Coordinator of Student Activities who must provide the organization sponsoring the event with a written approval of the ticket. All tickets must be counted by the Coordinator of Student Activities prior to the sale of tickets. The event will be cancelled if tickets are not submitted for approval and counted. The next working day following the event, a roster showing all revenue and unsold tickets must be submitted to the Office of Student Activities, and all revenue will be deposited into the club's account. All tickets for parties should be sold prior to the event. Only under special circumstances will there be any selling of tickets at the door.

JANITORIAL: All organizations using any Brooklyn Campus facility for a party will be charged a fee for custodial services.

# SECURITY:

- 1. All organizations using any Brooklyn Campus facility for a party will be charged a security fee.
- 2. There will be no persons allowed in the club room areas during parties.
- 3. All club rooms must be vacated by 8:00 p.m. on party nights.
- 4. At 8:30 p.m. a security meeting with all security officers, Student Activities Officers, all SET 4 U members, Club/Organization Advisor and all the club representatives working the party will be held. At this meeting the protocol agreed upon in the initial meeting will be reiterated. Workers will meet each other and go over everyone's post for the evening. Wrist bands colors and other pertinent information will also be discussed for Avena parties. The advisor on duty and the security supervisor will be identified to all workers.
- 5. All persons, even those working the party, must go through the metal detector.
- 6. Persons who are rowdy, uncooperative with security or seem inebriated or smell of alcohol will not be allowed in the party.
- 7. Security will also disallow all food, bottles or containers of any kind, bags etc. into the party.

- 8. All party-goers must check their coats and book bags at the coat check.
- 9. No student should be allowed on the balcony of the second floor during a party held in the Luntey.
- 10. The Security supervisor makes the final decision regarding ending a party in which safety is an issue, but would alert the administrators on duty prior to shutting down the party.

ALCOHOL POLICY: No alcohol will be allowed except at parties held in the Avena Lounge. Wine and beer from the Avena Lounge will be the only alcoholic beverages allowed at Avena Lounge parties. All persons must be 21 years or older to drink alcoholic beverages. Persons under 21 who are caught drinking will be escorted out of the party. Any person caught purchasing alcoholic beverages for under age person(s) will be escorted out of the party. For our policy on alcohol and further information see the "Long Island University/Brooklyn Campus Alcohol Policy and Regulations," section XII herein.

GENERAL BEHAVIOR: No person will be allowed to enter the party without proper identification. There will be no smoking of any kind at parties. Persons who are caught smoking will be escorted out of the party. ID Bands must be worn at all times during the party. Any person caught fighting will be escorted out of the party and barred from future functions.

TIME: Doors close at midnight, or whenever capacity is reached. Security assists us in enforcing this. All Brooklyn Campus parties must conclude by 2:00 a.m. Otherwise, all exits from the party are FINAL.

GUESTS: There will be no guests at parties.

Note: Failure of any organization or individual to comply with this party policy may result in denial of party privileges to the organization or individual respectively.

- Revised February 20, 2009

### V. **DISCIPLINARY PROCEDURES**

SECTION I. GENERAL POLICY: The Dean of Institutional Advancement & Student Affairs of the Brooklyn Campus maintains jurisdiction over all disciplinary cases of students when infractions of rules and regulations take place on or in Brooklyn Campus facilities. Activities of students may upon occasion result in violation of the law. Respect for the presumption of innocence requires that the institution not impose academic sanctions for the sole reason that a student is or has been involved in criminal proceedings. The institution may impose its own sanction only to protect the safety of other students, faculty and property, and to safeguard the academic process. If the student, in breaking the law, incidentally violates institutional regulations, he will be subject to no penalty greater than that which would normally be imposed. If there is a possibility that testimony or other evidence at an institutional hearing may be subject to disclosure to civil authorities by way of subpoena, the institution's proceedings should be postponed to safeguard the student's right to a fair civil determination. The Dean of Institutional Advancement & Student Affairs directs issues, disputes, and /or infractions of the rules and regulations which may be settled in several ways involving both informal and formal processes.

SECTION B. INFORMAL PROCESSES: Whenever possible all issues, disputes, and/or infractions are settled in an informal manner and to the satisfaction of all parties concerned. A suggested procedure for a student in dispute with another student is for the aggrieved student:

- 1. To contact the person and share his concern in a calm and fair manner and to request the cooperation of the other student and be willing to cooperate himself.
- 2. If, after a reasonable time the issue persists, to seek personal guidance from the academic advisor, or faculty, program director or any of the following services campus ministry, and Dean of Institutional Advancement & Student Affairs. In cases involving a student disciplinary matter with faculty and or administrator, the informal approach is suggested.
- 3. The faculty member and/or administrator should discuss the matter with the student. The student's rights, as outlined in this chapter, should be respected at all times. The student may accept the decision of the faculty member or administrator, and thus the matter is ended.

SECTION C. FORMAL PROCESSES: When a matter cannot be settled informally or when the infraction is of a serious nature, the issue should be brought formally to the Dean of Institutional Advancement & Student Affairs. The Dean of Institutional Advancement & Student Affairs may conduct an investigation, hear the issues and render binding decision. The Dean of Institutional Advancement & Student Affairs' action shall allow for the student's rights, freedoms, and due process. The Dean of Institutional Advancement & Student Affairs shall submit, in writing, a final decision and/or recommendation to all parties concerned.

SECTION D. Academic Grievance Procedure: For the most effective results, students should report all complaints through the proper channels. In those instances when a student believes that he or she has a grievance that cannot be settled through informal means, the following procedure is to be observed:

- 1) The student must write out a clear statement of the grievance.
- 2) The student must submit his or her statement to the faculty member involved.
- 3) The faculty member must respond in writing to the complaint within five (5) school days (exclusive of Saturdays and Sundays).
- 4) If a student is still not satisfied, he or she should submit all materials (1-3) to the chair of the faculty member's department.
- 5) The Department Chairperson must respond in writing to the student within seven (7) school days.
- 6) If the student is still not satisfied, he or she should submit all materials (1-5) to the Dean of the College to which the Department reports.
- 7) The dean must respond in writing within seven (7) days.
- 8) The student has final appeal to the Provost of the Brooklyn Campus only if reasonable grounds are established. A statement establishing reasonable grounds must be made by the student and forwarded to the office of the Provost. The Provost may designate an uninvolved individual to act in his or her stead.
- 9) The Provost's response will be sent to the student within reasonable time.

# VI. STUDENT RIGHTS GUIDELINES

All Brooklyn Campus students have the right to:

- 1. A fair hearing on any matter, academically or disciplinary.
- 2. Participate in University activities. Any full-time student may hold responsible office to enjoy the privileges of the University regardless of race, color, sex, national origin, religious creed, sexual orientation or political belief.
- 3. Petition for redress of grievances.
- 4. Protection against personal injury both physical and mental, and against property damage.
- 5. Participate as a citizen in activities connected with local, national, or international organizations for intellectual, religious, social, political, economic or cultural purposes, including the publishing and distributing of his or her views without impairing his or her standing in the University. Superior instruction, career development and planning, counseling services, and normal University facilities; establish a democratic student government with the authority to administer, legislate, and adjudicate in all areas within its constitutional jurisdiction and with normal democratic safeguards against abuse of power through the appropriate media.
- 6. Participate through their student government in establishing current activities fees and in the allocation of these fees and other activities funds.
- 7. Petition through proper channels for changes in the curricula and the policies of the University.
- 8. Membership in any student club or organization, except Honor Societies and Student Government. No club or organization has the right to deem students as members without his or her consent. Membership in all student clubs or organizations shall be open to all students in good standing at Long Island University.

# ALL STUDENT ORGANIZATIONS RECOGNIZED BY THE SGA HAVE THE RIGHT TO:

- 1. Use University-owned campus facilities provided that the facilities are used for the purpose contracted and subject to the University regulations regarding the proper care of such facilities and the scheduling of meetings, times and places.
- 2. Use the name of the institution subject to University regulations with respect to off-campus activities.

Information about student views, beliefs, and political association which professors acquire in the course of their work as instructors, advisors, or counselors, should be considered confidential. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of the student. Students should have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

Students and student organizations may examine and discuss all questions of interest to them, and to express opinions publicly and privately. They should always be free to support causes by orderly means which do not disrupt the regular and essential operation of the institution. The student press, radio and TV stations on campus should be free of censorship

and advance approval of copy. Editors and managers should be free to develop their own editorial policies and news coverage, except that they shall be responsible to University regulation.

#### STUDENT RESPONSIBILITIES

The University is a community of scholars in which the ideas of freedom of inquiry, thought, and expression and of the individual are sustained. It is committed to preserving the exercise of any right guaranteed to the individual by the constitution. It is clear that in a community of learning, willful disruption of the educational process, destruction of property and interference with the orderly process of the University or with the rights of the other members of the University will not be tolerated. University students are both citizens and members of the academic community as well as the local community.

When students enter the University they take upon themselves the foregoing responsibilities and obligations including satisfactory academic performance and social behaviors consistent with the lawful purposes of the college. Student conduct therefore is not considered in isolation or insulation within the University community but as an integral part of the educational process. All students are expected to know and abide by this code of student conduct.

#### **COULD YOU BE GUILTY?**

# VII. ANTI-HARASSMENT POLICY STATEMENT AND COMPLAINT PROCEDURE

The Brooklyn Campus of Long Island University is committed to maintaining a learning and working environment that is free of bias, prejudice, and harassment - an environment that supports, nurtures, and rewards career and educational advancement on the basis of ability and performance. Harassment based upon race, color, religion, sexual orientation, gender and/or gender identity or expression, marital or parental status, national origin, ethnicity, citizenship status, veteran or military status, age, disability and any other legally protected basis is prohibited by law and undermines the character and purpose of the University. Such harassment is illegal and against University policy, and will not be tolerated.

This policy covers all members of the University community and those who affect the University community such as vendors or visitors. The University encourages everyone to report all incidents of harassment regardless of who the offender may be.

#### **DEFINITION OF PROHIBITED HARASSMENT**

Prohibited harassment is conduct based on race, gender and/or gender identity or expression, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, citizenship status, or any other legally protected status when:

- 1. Submission to or rejection of the conduct is either an explicit or implicit term or condition of employment, basis for participation or advancement in an academic program, or basis for participation in a University activity or benefit.
- 2. Such conduct creates an intimidating, hostile or offensive work, academic or residential environment.
- 3. Such conduct otherwise adversely affects employment or academic opportunities.

Examples of such prohibited conduct when based upon a legally protected status include, but are not limited to:

- Verbal abuse or hostile behavior such as insulting, teasing, mocking, degrading or ridiculing another person or group.
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes, epithets or demands.
- Physical assault or stalking.
- Displays and/or electronic transmission of derogatory, demeaning or hostile materials.
- Unwillingness to train, evaluate, assist, or work with an employee, faculty member, or student.

Harassment is unacceptable in the workplace, classroom, student and faculty housing, sports, University facilities, and in other University-related settings, such as study abroad programs and University-sponsored social functions and events. This behavior violates University policy even when it may not be sufficiently severe or pervasive to constitute a violation of law.

#### **DUTY TO REPORT**

All members of the University community should report incidents of harassment in order to support the University policy. In order to assure the University is free of prohibited harassment, University officers, deans, department heads, faculty members, directors, and supervisors are required to report all incidents of harassment that they may have witnessed or have been advised of.

The most appropriate recipients of reports are:

- 1. The Student Affairs Office of Institutional Advancement & Student Affairs Student affairs or the appropriate School's designee if the alleged harasser is a student (See Contact List below or Associate Provost, Brad Cohen at 718-488-3406).
- 2. The Human Resources Officer of the appropriate School or Department or The Office of Employee Relations of the Human Resources Division if the alleged harasser is an employee, including a student employee (See Contact List below or contact Associate Provost, Brad Cohen at 718-488-3406).
- 3. The Dean of the appropriate School or Faculty or the Dean's designee if the alleged harasser is a faculty member (See Contact List below).
- 4. The Director of Equal Opportunity if the alleged harasser is a visitor, vendor, third-party, or the Dean at the Brooklyn Campus of Long Island University (contact e. Howard White at 516-299-2505).

5. Contact information for these individuals can be found in the Anti-Harassment Policy Contact List below.

It is not always easy to interpret words or actions that may be ambiguous and one may think are inappropriate. Therefore, the offices noted above are available to discuss the circumstances and address matters before they become severe or pervasive.

If a report is made to any of these offices, and that is not the appropriate office to receive the report, it becomes the responsibility of that office to forward the report to the appropriate office. If any of the persons at these offices is implicated in the harassment the report should be made to the Office of the Provost, or if a conflict of interest arises Vice President of Affirmative Action at 516-299-2505.

#### REPORTING A HARASSMENT COMPLAINT

All individuals who believe they have been harassed should file a complaint with the appropriate individuals or offices cited above. Verbal complaints should be reduced to writing by either the complainant or the individual who receives the complaint in order to preserve an accurate record. The written complaint should identify the parties involved; describe the harassing behavior; when and where it occurred; and identify by name or description any witnesses.

Any conduct that may be in violation of this policy will be investigated, regardless of whether a complaint is filed, and appropriate remedial action will be initiated. Effort shall be made to complete the investigation of a complaint within thirty (30) days of the report of the harassment. Extensions of the time frame may be necessary in some circumstances. The complainant and alleged harasser will be notified of the extension.

#### CONFIDENTIALITY

The University will maintain the confidentiality of the complaint to the greatest extent consistent with our goal of conducting a thorough and complete investigation. Effort will be made to safeguard the privacy and rights of all persons involved.

# INVESTIGATION/DISPOSITION OF COMPLAINT

The investigator will conduct a prompt, thorough and impartial investigation of the complaint in the manner he or she deems necessary. The parties to the complaint will each have an opportunity to be heard during the investigation. The parties will also be informed of the status of the investigation as deemed appropriate. The investigation process is strictly internal to the University, so the presence of legal counsel or third parties is not permitted at any stage of the process unless otherwise required by law.

If it is determined that a violation of the University's harassment policy has occurred, prompt remedial action shall be taken. The nature of the remedial action and the process for its implementation will depend upon the particular facts and circumstances. If remedial action involves the imposition of sanctions, appropriate disciplinary procedures will be used. Sanctions imposed may be appealed through the appropriate appeals process depending on the status of the accused. The disposition of the complaint shall be

communicated to the complainant and the alleged harasser.

If it is determined that no violation has occurred, such findings shall be communicated to the complainant and the alleged harasser.

If the results of an investigation show that the complainant knowingly filed false accusations of harassment, or that a witness gave false statements, such individuals will be subject to the appropriate disciplinary action.

# RETALIATION

The University will take every step necessary to protect the complainant and any witnesses against retaliation for reporting the harassment or for participating in the investigation of a complaint.

Any employee, faculty member, or student who retaliates against an individual who complains of harassment, witnesses' harassment, or participates in the investigation of a harassment complaint violates University policy and may be subject to sanctions. Complaints of retaliation should be reported as violations of this policy.

#### SEXUAL ASSAULT

Sexual assault is a sexual act against the will and without the consent of the victim or where the victim is incapable of giving consent. This includes conduct that would be considered criminal under the New York State Penal Code. Since the medical, emotional, and legal needs of a sexual assault complainant may differ from those of other harassment complaints, sexual assault victims should, in addition to filing a University complaint, report the assault to the police and pursue counseling and other resources available at the University.

#### CONSENSUAL RELATIONSHIPS

Sexual behavior that is welcome or consensual does not constitute sexual harassment under the law. However, romantic relationships in situations where one individual has greater power or authority over another frequently result in claims of harassment when the relationship ends and a perception of favoritism while the relationship continues. Such relationships are inappropriate. A "consensual" relationship between a professor and his/her student, a supervisor and a subordinate, or a coach and team player are examples of inappropriate relationships. If a consensual relationship occurs, any situation of authority must be discontinued and appropriate action may be taken.

#### **EDUCATION**

The University supports a complete program for the education of its community with respect to the meaning and implementation of this policy. Staff training will be scheduled accordingly.

# VIII. SEXUAL HARASSMENT POLICY STATEMENT

It is the policy of Long Island University to promote a cooperative work and academic environment in which there exists mutual respect for all University students, faculty, and staff. Sexual harassment is inconsistent with this objective and contrary to the University policy of

equal employment and academic opportunity without regard to age, sex, sexual orientation, alienage or citizenship, religion, race, color, national or ethnic origin, disability, and veteran status. Sexual harassment is illegal under Federal, State, and City laws, and will not be tolerated within the University.

#### PROHIBITED CONDUCT

It is a violation of University policy for any member of the University community to engage in sexual harassment or to retaliate against any member of the University community for raising an allegation of sexual harassment, for filling a complaint alleging sexual harassment, or for participating in any proceeding to determine if harassment has occurred.

# DEFINITION OF SEXUAL HARASSMENT

For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, request for sexual favors, and other oral or written communications or physical conduct of a sexual nature when:

- 1. Submission to such conduct is made either explicitly or implicitly a term or condition of any individual's employment or academic standing;
- 2. Submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individual; OR
- 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or abusive work or academic environment.

#### **EXAMPLES OF SEXUAL HARASSMENT**

Examples of sexual harassment include, but are not limited to, the following:

- Requesting or demanding favors in exchange for employment or academic opportunities (such as hiring, promotions, grades, or recommendations).
- Submitting unfair or inaccurate job or academic evaluations or grades, or denying training, or academic opportunity, because sexual advances have been rejected.
- Sexual comments, teasing, or jokes.
- Sexual slurs, demeaning epithets, derogatory statements, or other verbal abuse.
- Graphic or sexually suggestive comments about an individual's attire or body.
- Inquiries or discussions about sexual activities.
- Pressure to accept social invitations, to meet privately, to date, or to have sexual relations.
- Sexually suggestive letters or other written materials.
- Sexual touching, brushing up against another in a sexual manner, graphic or sexually suggestive gestures, cornering, pinching, grabbing, kissing, or fondling.
- Coerced sexual intercourse or sexual assault.

# CONSENSUAL RELATIONSHIPS

Amorous, dating, or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur between a faculty member, community and any person for whom he or she has a professional responsibility. These dangers can include: that a student or employee may feel coerced into an unwanted relationship because he or she fears the refusal to enter into the relationship will adversely affect his or her education or employment; that conflicts of interest may arise when a faculty member, supervisor, or

other member of the University community is required to evaluate the work or make personnel or academic decisions with respect to an individual with whom he or she is having a romantic relationship; that students or employees may perceive that a fellow student or co-worker who is involved in a romantic relationship will received an unfair advantage; and that if the relationship ends in a way that is not amicable, either or both of the parties may wish to take action to injure the other party.

Faculty members, supervisors, and other members of the University community who have professional responsibility for other individuals, accordingly, should be aware that any romantic or sexual involvement with a student or employee for whom they have such a responsibility may raise questions as to the mutuality of the relationship and may lead to charge of sexual harassment. For the reasons stated above, such relationships are not permitted.

#### ACADEMIC FREEDOM

This policy shall not be interpreted so as to constitute interference with academic freedom.

#### FALSE AND MALICIOUS ACCUSATIONS

Members of the University community who make false and malicious complaints of sexual harassment, as oppose to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action.

#### **PROCEDURES**

The University has developed procedures to implement this policy. The Provost of each residential campus or the chief operating officer of each nonresidential campus has ultimate responsibility for overseeing compliance with this policy. In addition, each dean, director, department chairperson, administrator, or other person with supervisory responsibility is required to report any complaint of sexual harassment to an individual or individuals to be designated in the procedures. All members of the University community are required to cooperate in any investigation of a sexual harassment complaint. Please be advised that if any employee fails to report any incident of sexual harassment and/or refuses to participate in the investigation, said employee may effectively waive and/or forfeit any available remedies at law.

#### **INVESTIGATION**

The representative/investigator will schedule a meeting with the person making the complaint. Thereafter, the University will thoroughly investigate the complaint, which will include an interview with the alleged harasser and any potential witnesses. Upon completion of the investigation, the person making the complaint will be contacted and advised of the outcome of the investigation. The University will conduct the investigation as expeditiously as possible given the nature of the academic calendar which includes summer vacation and intercession periods.

#### RESULTS OF INVESTIGATION

LIU is required upon written request to disclose to the alleged victim of a crime of violence or a non- forcible sex offense the final results of any institutional disciplinary proceeding dealing with that crime or offense.

#### **ENFORCEMENT**

There is a range of corrective and penalties available to the University for the violations of this policy. Employees who are found to have violated this policy are subject to various penalties, up to and including termination of employment. All such disciplinary actions will be subject to the provisions of the relevant collective bargaining agreement, if applicable.

#### CAMPUS CONTACT PERSONS

Any person who wishes to file a sexual harassment complaint may do so by contacting a Campus Representative. The Campus Representatives for the Brooklyn Campus are:

Robert Barry	(718) 488-3321
Ellen Becker	
Kim Williams Clark	(718) 488-1602
Brad Cohen, Coordinator	(718) 488-3406
Donna Dolinsky	(718) 488-1105
Stuart Fishelson	(718) 488-1343
Cris Gleicher	(718) 488-1657
Pia Haynes	(718) 488-3313
Sam Jones	(718) 488-1058
Hildi Hendrickson	(718) 246-6440
Cathy O'Sullivan	(718) 488-3459
Lynda Penn	(718) 488-1266
Hazel Sanderson	(718) 488-1551
Thomas Schmitz	
Gladys Schrynemakers	(718) 488-3404
Karlene Thompson	(718) 488-1216
Jessica Trubek	(718) 488-1374
Diana Voelker	
Linette Williams	(718) 488-1072

Complaints may also be filed with the Campus Provost or Chief Operating Office or a Dean. In addition, the University has retained Prefix accept sexual harassment complaints 24 hours a day, seven days a week by calling the following toll free number: 1888 LIU-5559.

# SOME FAQS (FREQUENTLY ASKED QUESTIONS) ABOUT SEXUAL HARASSMENT:

- Q. Who may make the complaint of sexual harassment?
- **A.** Any member of the college community may report complaints of sexual harassment.
- Q. Must sexual harassment complaints be made in writing?
- **A.** No Sexual harassment complaints may be made to the Campus Representative. The Representative may, however, request an individual prepare a written statement setting forth the particulars of the complaint.

# Q. Are sexual harassment complaints kept confidential?

**A.** It is possible to guarantee absolute confidentiality. The privacy of persons who make complaints of sexual harassment will be respected. Information obtained in connection with bringing, investigating, or resolving complaints will be handled as confidentially as possible.

# Q. Are there times limits for reporting sexual harassment to the panel?

**A.** There are no time limits for reporting sexual harassment. However, allegations of sexual harassment should be reported as complaint may make it more difficult to investigate the allegations.

# Q. What should be done upon learning of an incident of sexual harassment involving another person?

**A.** A member of the University community with supervisory responsibility must report to the Campus Representative any incidents of sexual harassment of which he or she becomes aware or reasonably believes to exist. Other members of the University community who become aware of allegations of sexual harassment should encourage the aggrieved individual to report the alleged sexual harassment to the appropriate campus personnel.

#### STALKING AND DOMESTIC VIOLENCE

Stalking is defined as harassing or threatening behavior that is engaged in repeatedly. Such harassment can be either physical stalking or cyber stalking:

- Physical stalking is committed 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 is likely to cause fear of material harm to the physical, mental, or emotional health, safety or property of such person, a member of such person's immediate family or a third party with whom he or she is acquainted. This could include creating reasonable fear that such person's employment, business or career is being threatened. This is typically accomplished by following someone or appearing at their home, school or place of business, making harassing phone calls, leaving messages or objects, or vandalizing the person's property.
- Cyber stalking is similar behavior through the use of the internet or other electronic means to accomplish the same end. The fact that cyber stalking doesn't involve physical contact doesn't mean that it is less dangerous than physical stalking. An experienced Internet user can easily find the victim's personal information such as phone number, address or place of business to locate their whereabouts. This can then lead to more physical behavior. Stalking is defined as a crime by the New York State Penal Law (Section 120.45 120.60).

There are several signs that are good indicators of stalking behavior:

- Persistent phone calls despite being told not to contact the victim in any form.
- Waiting at or outside the victim's workplace, residence or school.
- Overt threats.
- Manipulative behavior (for example: threatening to harm themselves in order to get a response to such an "emergency" in the form of contact).
- Sending written messages: letters, e-mails, graffiti, etc.
- The persistent sending of gifts.
- Defamation: The stalker often lies to others about the victim.
- "Objectification": The stalker derogates the victim reducing him/her to an object.
  This allows the stalker the ability to feel angry with the victim without experiencing
  empathy.

If you become the victim of a stalker do not take it lightly. There are some initial precautions you can take:

Notify the Department of Public Safety. Even if the problem is not college related they can assist you in reporting the problem to the proper law enforcement agency and in contacting NYS law enforcement who can provide information on applying for a restraining order. If you already have an order, file a copy with the Director. "Deny Access" memos can be issued to all Public Safety personnel.

Document everything. Even if you have decided not to go the legal route, you may change your mind. Keep answering machine tapes, letters, gifts, etc. Keep a log of drive-bys or any suspicious occurrences.

# **VICTIM ASSISTANCE**

In cases of sexual assault there are many outside sources of support available to victims. The list includes the following:

#### 24 HOUR HOTLINES

NATIVIN - Nabe, Abuse, and incest national network 1-000 050-110F1	RAINN - Rape, Abuse	e, and Incest National Network	1-800 656-HOPE
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Sexual Assault Victim's Counseling Program (212) 227-3000

#### **RAPE CRISIS PROGRAMS**

Long Island College Hospital	Rane Crisis Director	(718)	780-1459
Lone island Concec mosbital	. Nabe Grisis Director	1/10	1/00 1707

National Domestic Violence Hotline	1-800 799-SAFE
St. Luke's/Roosevelt Hospital	(212) 523-4728

#### CRIME VICTIM'S TREATMENT CENTER

St. Vincent's Hospital, Rape Crisis Director (212) 604-8068

# IX. CHARTERED ORGANIZATIONS & RELATED GOVERNANCE

Until recently activities sponsored by fraternities and sororities have not been sanctioned on the Brooklyn Campus of Long Island University. Renewed interest on the part of the student body has led the administration to review its policy regarding the chartering such organizations on the Brooklyn Campus. Participation of perspective fraternity and sorority enrollees is limited to students with a minimum of 30 credits and an index of at least 2.5.

Chartered organizations on the Brooklyn Campus can enroll members from areas colleges or universities provided we receive written consent or agreement from the Dean(s) of the other institution(s) for our file in the Office of Student Activities. "Greeks" and initiates must not only adhere to campus regulations for students, but must also read, understand and conform to our initiation guidelines.

The following guidelines for initiation are constructed to offer every student who chooses to become part of a sorority or fraternity minimum right, and to make the initiation process more attractive. The essence of these guidelines has been adapted from the "Pledging Guidelines/Bill of Rights" of Kean College of New Jersey.

STATEMENT OF POSITION ON HAZING AND PRE-INITIATION ACTIVITIES AS ADOPTED FROM THE FRATERNITY

#### Executive Association:

A fraternity or sorority has a solemn obligation in the development of its initiates and members and that this responsibility extends alike to the institutions where it is represented; to parents and others who make possible the education of pledges and members; to the communities where chapters are accountable for progress has been made, one of the more damaging instruments to the fraternity or sorority system is the employment of a program of education, which Includes hazing, and that this unproductive, ridiculous and hazardous custom has no rightful place in fraternities and sororities.

Hazing, as defined in the NASPA Journal, vol. 24, no.4, Spring 1987, is "Putting an End to Fraternity Hazing", includes but is not limited to:

- A. Actions that recklessly or intentionally endanger the physical and mental health or safety of students.
- B. Forced or required consumption of any food, liquor, drug, or any other substance.
- C. Forced or required participation in physical activities, such as calisthenics, exercises or so-called games.
- D. Exposure to the weather.
- E. Excessive fatigue resulting from sleep deprivation, physical activities.

#### ADDITIONAL GUIDELINES:

- 1. An initiate's religious beliefs, ethnicity, and race must be respected during the initiation process.
- 2. All prospective initiates must attend a pre-initiation meeting on college guidelines and state law sponsored by the Office of Student Activities.
- 3. Prior to conducting an initiation program, the president, vice-president initiating coordinator and assistants, must attend a pre-initiation meeting on University guidelines sponsored by the Office of Student Activities.
- 4. At least one week prior to the initiation, each group must submit to the Office of Student Activities a written pledging program which should include: pledge activities and duties including their purpose and length of time; dates of all sessions and functions pledges are required to attend, and dates and descriptions of community service, and fund-raising projects.
- 5. At least one week prior to pledging, each group must submit to the Office of Student Activities a list of all pledges, their addresses, social security numbers, number of credits earned, and cumulative grade point averages.
- 6. All initiation programs must be completed prior to the last three weeks before the final examination period of each semester.
- 7. Activities must not interfere with the rights and activities of others.
- 8. Consent of an initiate or any assumption of risk is not a defense to any violation of these guidelines, and all individuals and/or groups are responsible for every violation of these guidelines.
- 9. Faculty and alumni advisors and the national headquarters of any group alleged to have violated this policy will be notified. All initiation and related activities shall be suspended during the period of investigation.
- 10. By agreement, each Fraternity and Sorority will set up a committee to hear the grievance of an initiate. If not satisfied with the outcome, initiates should next see the

Dean of Institutional Advancement & Student Affairs who will follow up as deemed appropriate.

11. All prospective initiates and appropriate chapter officers are required to complete an initiation contract with the Brooklyn Campus of Long Island University prior to initiation activities.

#### X. FAMILY EDUCATIONAL RIGHTS & PRIVACY ACT

# (The university reserves the right to make changes in policies and regulations)

The rights of students regarding privacy and accuracy of education records maintained by the University which are releasable to third parties are described by the family Educational Rights and Privacy Act (FERPA) of 1974. Following contains questions & answers related to major aspects of FERPA legislation, abstracted for the convenience of the student.

#### INTRODUCTION

Colleges and universities across the country are re-examining their procedures for handling violent or disturbing student behavior on campus. Part of that re-examination involves a comprehensive understanding of the Family Education Rights and Privacy Act (FERPA) and its impact on our ability to communicate critical emergency information to others on campus, to the student's parents and to law enforcement officials. This series of Questions and Answers (prepared by the National Association of College and University Attorneys, "NACUA") is offered to demonstrate that <u>FERPA is not a significant obstacle to appropriate communication intended to protect our students, faculty and staff.</u>

If, after reading through the attached Q&A, you have any questions about what to do if you observe violent or disturbing student behavior, please contact the University's Office of Legal Counsel at 516-299-3665 or by sending an e-mail to <a href="mailto:legaldept@liu.edu">legaldept@liu.edu</a>.

# **Question: What does FERPA restrict?**

**Answer:** FERPA limits the disclosure of information from student "education records," a term that the law defines quite broadly and that is not limited to "academic" records.

"Education records" include virtually all records maintained by an educational institution, in any format, that are "directly related" to one or more of its past or present students. A record is "directly related" to a student if it is "personally identifiable" to the student, and a record is "personally identifiable" to a student not only if it expressly identifies the student on its face but also if the student's identity could be deduced from the demographic, descriptive, or other information the record contains, either alone or in combination with other publicly available information. Thus, "education records" include not only registrar's office records, transcripts, papers, exams and the like, but also non-academic student information database systems class schedules, financial aid records financial account records disability accommodation records, disciplinary

<sup>\*</sup>Enacted at Long Island University Brooklyn Campus February 3, 1989

records and even "unofficial" files, photographs, e-mail messages, hand-scrawled Post-it notes, and records that are publicly available elsewhere or that the student herself has publicly disclosed.

# Question: When may information from education records be disclosed?

**Answer:** In general, information derived from a student's education records may be disclosed only if: (1) it is "directory information;" (2) the student has consented to the disclosure; or (3) the law provides an exception that permits disclosure without the student's consent.

# Question: What is "directory information"?

Answer: FERPA allows institutions to designate certain classes of information as "directory information" that may be released to anyone without a student's consent, Directory information may (but is not required to) include such items as the student's name, address (local, permanent, and e-mail), telephone number (local and permanent), dates of attendance at the institution, major, degrees and awards received, participation in officially recognized activities and sports, photograph, and date and place of birth, as well as other information "that would not generally be considered harmful or an invasion of privacy if disclosed." An institution that wishes to make directory information available must first give its students an opportunity to "opt out" and block the release of their own directory information, usually by making a formal request to the institution's registrar's office. Even if a student has chosen to block the release of directory information, the institution may nevertheless continue to disclose that student's directory information under any other exception that may be applicable or with the student's case-by-case consent.

# Question: May information from student education records be shared with others on campus?

**Answer:** Yes. Under one of FERPA's many exceptions to the general prohibition against disclosure, campus personnel are free to share information from student education records with other "school officials" who have "legitimate educational interests" in the information. Each institution must define for itself who qualifies as a "school official" and what is a "legitimate educational interest" and give annual notice of its definitions to its students. These definitions can be quite broad – "school officials" need not be limited to "officers," or even to employees, and "legitimate educational interests" (much like "education records") need not be limited either to "academic" interests or to instances that are beneficial to the student. The Family Policy Compliance Office ("FPCO"), the office within the U.S. Department of Education charged with overseeing and enforcing FERPA, offers the following model definitions:

A school official is a person employed by the University in an administrative,

supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the University. At institutions that follow these or similar models, an employee concerned that a student's statements or behavior evidence a potential threat could – and should – share relevant information with the Dean of Institutional Advancement & Student Affairs, the judicial affairs office, the campus counseling center, the campus law enforcement unit, or other appropriate "school officials" whose job it is to deal with such issues.

# Question: May information from a student's education records be disclosed to protect health or safety?

**Answer:** Yes. FERPA permits the disclosure of information from student education records "to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals." For example, if a student sends an e-mail to his resident assistant saying that he has just been diagnosed with a highly contagious disease such as measles; the institution could alert the student's roommate, and perhaps others with whom the student has come in close contact, to urge them to seek appropriate testing and medical care. Safety concerns warranting disclosure could include a student's suicidal statements or ideations, unusually erratic and angry behaviors, or similar conduct that others would reasonably see as posing a risk of serious harm.

This FERPA exception does not authorize "knee-jerk" or (in most cases) "broadcast" disclosures, but a limited disclosure to a limited number of people, made on the basis of a good-faith determination in light of the facts available at the time, and is highly unlikely to be deemed a violation of FERPA, even if the perceived emergency later turns out, in hindsight, not to have been one. In general, and when reasonably possible, the initial disclosure should be made to professionals trained to evaluate and handle such emergencies, such as campus mental health or law enforcement personnel, who can then determine whether further and broader disclosures are appropriate.

# Question: When may a college or university disclose information from a student's education records to the student's parent or legal guardian?

**Answer:** Once a student is in attendance at a postsecondary institution, all rights provided by FERPA rest with the student, even if the student is younger than 18 years old. Education record information may therefore be disclosed to the parent of a college or university student only with the student's consent or in instances in which one of the

exceptions to FERPA permits disclosure. In addition to the other exceptions discussed in this Note, two such exceptions specifically address communications to parents.

First, FERPA permits (but does not require) disclosures of any or all education record information to a student's parents if the student is their dependent for federal tax purposes. To rely on this exception, the institution must verify the student's dependent status, normally either by asking the student for confirmation or by asking the parents for a copy of the relevant portion of their most recent tax return.

Second, an institution may (but again is not required to) provide information to a parent or legal guardian regarding any violation of law or of an institutional rule or policy governing the use or possession of alcohol or a controlled substance, if the institution has determined that the student committed a disciplinary violation with respect to such use or possession and the student is under the age of 21 at the time of both the violation and the disclosure.

These exceptions, like the other FERPA exceptions, are independent of each other. Thus, an institution may notify parents about a 19-year-old student's underage drinking violations even if the student is not their tax dependent, and may likewise notify the parents of a 22-year-old student's drug violations if the student is their tax dependent. Similarly, the situation need not rise to the level of a health or safety emergency in order for either of these exceptions to apply.

# Question: What about disclosing information from the student discipline process, either to others on campus or to other institutions?

**Answer:** FERPA expressly permits institutions to include in a student's education records appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well being of that student, other students, or other members of the community. Such information may be disclosed to any "school officials" who have "legitimate educational interests" in the behavior of the student, and it also may be disclosed as appropriate under the health and safety emergency exception. FERPA also expressly provides that, for purposes of the health and safety emergency exception, the "appropriate parties" to whom disclosure may be made include teachers and officials at other institutions who have legitimate educational interests in the behavior of the student.

In a separate (and again independent) exception, FERPA further permits institutions to disclose to anyone the final results of a disciplinary proceeding conducted against a student who is an alleged perpetrator of a crime of violence or a non-forcible sex offense, if the institution determines as a result of that disciplinary proceeding that the student committed a violation of the institution's own rules or policies with respect to such crime or offense. Yet another exception permits institutions to disclose the final

results of such a proceeding to the victim regardless of whether the alleged perpetrator was found to be in violation of the institution's rules or policies. For purposes of these two exceptions, "final results" is limited to the name of the student who is an alleged perpetrator of a crime of violence, the violation found to have been committed, and any sanction imposed against the student by the institution.

# Question: Are there other circumstances in which a college or university may disclose information from student education records to another institution without the student's consent?

**Answer:** In addition to the exceptions discussed above, FERPA expressly permits the disclosure of information from a student's education records to officials of other institutions at which the student seeks or intends to enroll. To take advantage of this exception, the institution must either inform its students generally, in its annual FERPA notice, of its practice of doing so, or make a reasonable attempt to notify the individual student that it has done so. In either case, upon request, the institution also must provide the student with a copy of the disclosed records and give the student an opportunity for a hearing to challenge the content of the disclosed records.

# Question: Is the disclosure of campus law enforcement unit records restricted by FERPA?

Answer: No. Records that are created by the campus law enforcement unit (whether commissioned police or non-commissioned security) at least in part for a law enforcement purpose are not "education records" and, at least as far as FERPA is concerned, may be shared freely with anyone the institution, in its discretion, deems appropriate. For example, FERPA would not prevent a campus law enforcement unit from disclosing to external law enforcement agencies an incident report concerning the unit's response to a student's threatening statements or behavior. However, any copies of that report that are shared with other campus offices would become subject to FERPA, though the original in the law enforcement unit would continue not to be. Moreover, any student education records that other campus offices share with the campus law enforcement unit, as "school officials" with a "legitimate educational interest," remain subject to FERPA even in the hands of that unit.

# Question: What if the institution receives a court order or subpoena requesting student records?

**Answer:** The institution may disclose records in response to a judicial order or lawfully issued subpoena but generally must notify the student of the order or subpoena before complying. An exception to this general rule is that a federal grand jury subpoena or other subpoena issued for a law enforcement purpose may instruct the institution not to notify the student.

# Question: May an employee disclose personal knowledge and impressions about a

# student, based on the employee's personal interactions with the student?

Answer: Yes. FERPA's disclosure restrictions apply only to information derived from student education records, not to personal knowledge derived from direct, personal experience with a student. For example, a faculty or staff member who personally observes a student engaging in erratic and threatening behavior is not prohibited by FERPA from disclosing that observation. (If at some point the employee describes the observation in a personally identifiable record, that record would be subject to FERPA protections. The employee would still be permitted to disclose the personal observation but would not be permitted to disclose the record of the observation unless one of the exceptions to FERPA applied or the student consented to the disclosure). Again, however, the employee generally should limit disclosure of such information to professionals trained to evaluate and manage it, as other privacy laws conceivably could apply and prohibit broader disclosures, depending upon the circumstances.

# Question: What other laws protect student privacy?

**Answer:** Students may have additional privacy rights under state privacy and confidentiality laws and under federal laws such as the Health Insurance Portability and Accountability Act ("HIPAA"). Moreover, certain professionals on campus, such as medical and mental health care providers, may be bound by professional obligations of confidentiality that require a higher burden to be met (such as a significant threat of serious and imminent harm to a specifically foreseeable victim) before disclosure of information in their possession may be made. Even when this is the case, however, other personnel on campus (such as a faculty member, Dean of Institutional Advancement & Student Affairs or residential life employee) may disclose information about a student under the lower FERPA health and safety emergency standard if the circumstances warrant.

# Question: What should a college or university employee do if he or she is concerned about a student?

**Answer:** If the concern is that a student may engage in violent behavior, toward self or others, and the threat appears to be imminent, the employee should contact the campus police or security office immediately.

When circumstances reasonably permit, the employee should consult with professionals on campus or associated with the institution who may be able to assess the potential threat, identify resources for the student, and provide information that could assist in deciding on an appropriate course of action. In consultation with appropriate campus resources, a collective decision may then be made to contact a family member, an appropriate off-campus resource or others. FERPA would not present an obstacle to any of these disclosures.

#### CONCLUSION

FERPA is not a serious impediment to the sharing of student information among campus officials or appropriate third parties when there is a legitimate concern relating to campus safety. Institutions may wish to review certain aspects of their current FERPA

policies (such as what they include within the scope of "directory information," who they include as "school officials," and what they consider "legitimate educational interests") in order to gain maximum flexibility and discretion for information sharing. As important as maintaining current policies is the need to educate those on campus about the true limits and applications of FERPA.

#### COPYRIGHT AND PEER TO PEER FILE SHARING

It is illegal to download copyrighted music, videos, or other material from your computer without the permission of the copyright holder.

• You cannot use your computer to distribute material without the permission of the copyright holder.

Privacy is a serious offense, with consequences including hefty fines and expensive litigation. Long Island University is compliant with all federal, state, and other applicable laws that govern university copyrights and trademarks.

Please respect the work of artists, the values of LIU, and the Internet connectivity of your fellow students by refusing to download or distribute copyrighted materials illegally.

Sort the facts from the myths about copyright:

- Brad Templeton's 10 Copyright Myths (Clarinet News Publisher)
- United States Copyright Office

#### XI. ALUMNI ASSOCIATION

The Office of Development and Alumni Relations coordinate's alumni events, such as alumni gatherings, networking nights and reunions. The staff raises funds for scholarships, programmatic support and capital projects, maintains an up-to-date database of alumni contact information and supports the Alumni Association Board of Directors. Information about Brooklyn Campus happenings and news about alumni are published in Long Island University Magazine and The E-Bridge, the Brooklyn Campus alumni e-newsletter. All students of the Brooklyn Campus become members of the Alumni Association upon graduation. There are no dues associated with membership.

### ALUMNI ASSOCIATION BENEFITS INCLUDE THE FOLLOWING:

- Assistance with job placement and career development through the office of Career Services, including access to distance counseling, job listings, interview and résumé workshops, and networking programs.
- Membership at the Wellness, Recreation and Athletic Center (WRAC) for a nominal fee
- Access to campus facilities, including the library and computer labs with alumni ID card

- Invitations to Brooklyn Campus special events
- Alumni e-newsletter, the E-Bridge
- Free Alumni Refresher Education Program (FARE)

The Alumni Association encourages all Brooklyn Campus alumni to support the Annual Fund, which provides assistance to Long Island University students in need through vital financial aid programs. To obtain an alumni identification card or to learn more about the services available to alumni, please contact the Office of Development and Alumni Relations at (718) 488-1016 or email alumni@brooklyn.liu.edu. The office is located in the Zeckendorf Health Sciences building, room 114.

Check out these sites. You might find them helpful in paying your way through school. The contents found in the following sites is provided for informational purposes only and is not endorsed by the university.

#### XII. STUDENT RESOURCES

For a website filled with financial aid information of all kinds, including scholarship searches (Sources of Aid) and information on the Tax Payer Relief Act (Prepaid Tuition Plans): <a href="http://www.finaid.org/">http://www.finaid.org/</a>

A subdivision of this site provides a very comprehensive directory of useful addresses for fellowships, study abroad, minority students and filed specific databases, population-specific databases and other general scholarship and fellowship databases:

#### http://www.finaid.org/finaid/awards.html

Another reference from the aforementioned that is dedicated to financial aid for adult students over 30 is <a href="http://www.finaid.org/finaid/focus/adult-aid.html">http://www.finaid.org/finaid/focus/adult-aid.html</a>

For a source within one of the most popular search engines offering multiple addresses, including expanded scholarship search references, try:

# http://www.vahoo.com/education/financialaid/

For an index of organizations and institutions offering college grants, from the Galaxy directory (includes information on The Carnegie Corporation of the New York, The American Heart Association, and the ARPA Solicitations), try: http://galaxy.einet.net/GJ/grants.htrr