

# CAMPUS SAFETY, SECURITY, AND FIRE SAFETY REPORT **2023–2024**



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Statistics for 2020, 2021 & 2022

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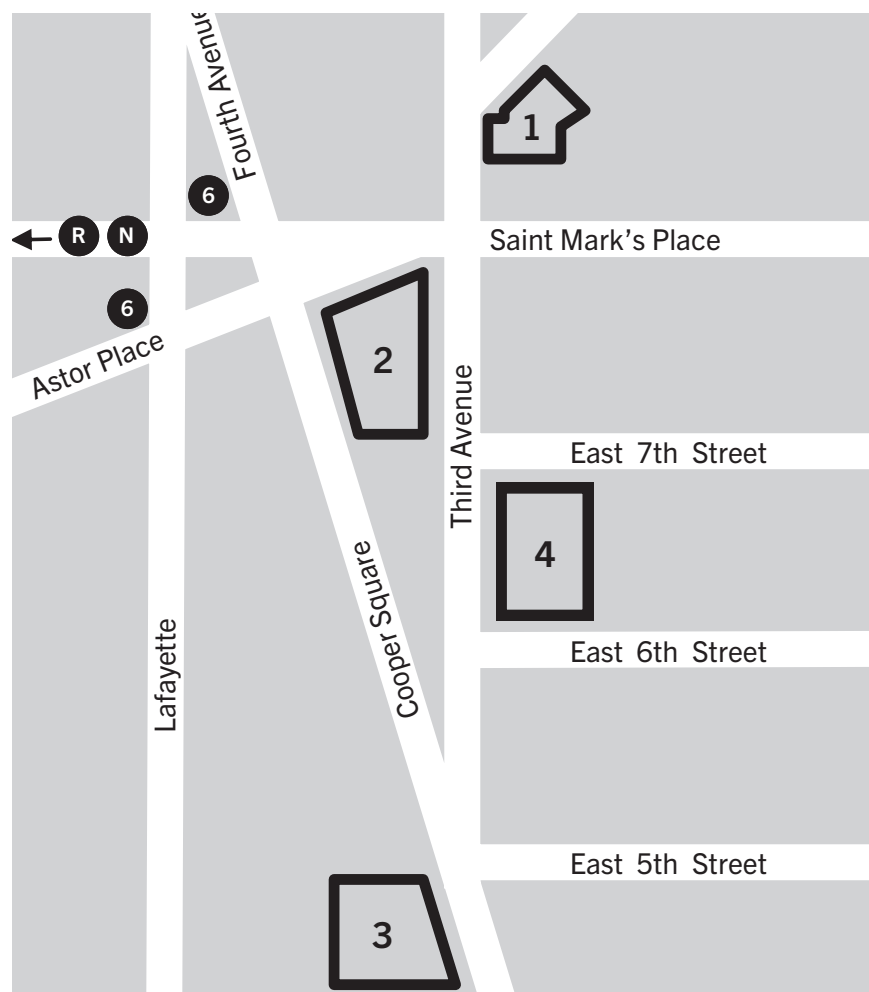
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## Campus Safety and Security

### Campus Map



- 1 Residence Hall
- 2 Foundation Building
- 3 30 Cooper Square
- 4 41 Cooper Square
- 6 Entrances to 6 Train
- R, N Entrance to R and N Trains

### The Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, more commonly known as the Clery Act and the Violence Against Women Act of 2013, requires an institution to prepare an annual security report reflecting its current policies that contains, at a minimum, the following information:

- Publish an annual report every year by October 1 that contains three years of campus crime and fire safety statistics and certain campus security policy statements.
- Disclose crime statistics for the campus, public property, and certain non-campus buildings or properties. The statistics must be gathered from campus police or security, local law enforcement, and other University officials who have “significant responsibility for student and campus activities”.
- Provide “timely warning” notices for any Clery Act crime that represents an ongoing threat to the safety of students or employees.
- Issue an emergency notification upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus
- Disclose in a public crime log “any crime that occurred on campus...or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department”.
- Maintain in a public fire log a record of any fire that occurred in an on-campus student housing facility.
- Disclose missing student notification procedures that pertain to students residing in an on-campus student housing facility.
- Disclose fire safety information related to an on-campus student housing facility.
- Provide educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking; provide primary prevention and awareness programs to all incoming students and new employees; and provide ongoing prevention and awareness campaigns for students and employees.
- Disclose procedures for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault, and stalking.

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### A Message from the Safety and Security Department

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***"My earnest desire is to make this building and institution contribute in every way possible to unite all in one common effort to improve each and every human being, seeing that we are bound up in one common destiny and by the laws of our being are made dependent for our happiness on the continued acts of kindness we receive from each other."***—Peter Cooper



The primary responsibility of the Safety and Security Department is to ensure the safety and security of the students, faculty, staff and visitors to The Cooper Union for the Advancement of Science and Art. Cooper Union provides a 24 hours a day, 365 days per year security presence on campus. There is a supervisor on duty at all times in addition to fixed and patrol assignments. All uniformed security personnel are contracted through Allied Universal Security Services Corporation and receive mandatory pre-employment training in accordance with state laws. They also receive additional in-service training on a regular basis.

None of the above personnel are police officers, nor do they have the power of arrest beyond that of any citizen. The security department does however maintain a close relationship with the New York City Police Department's Ninth Precinct, which has geographical jurisdiction to investigate alleged criminal offenses that occur on the campus. The police department and Cooper Union's Safety and Security Department communicate on an almost daily basis discussing any types of incidents occurring on or in proximity of the campus. In appropriate cases, where a crime has been committed, we strongly recommend that the person involved report the incident to the proper police authority as well as to Cooper Union. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

The safety and security of the Cooper Union Community is a top priority and, as such, we work closely with Facilities Management, for the coordination of emergency response and continuity planning. Additionally, we have established a Campus Safety Advisory Committee composed of representatives from the student, faculty and staff. The committee, which meets throughout the year, was created to guide the development and implementation of new initiatives, and hear community concerns regarding safety and security. We also invite you to contact us with questions, concerns and suggestions at [security@cooper.edu](mailto:security@cooper.edu).

This report covers the time period of 2020 through 2022. Although Cooper Union resumed normal operations during 2022, mandatory testing was still required until the beginning of the fall semester. The wearing of face coverings was throughout 2022. Cooper Union's strong and effective response to the pandemic is a testament to our commitment in maintaining a safe and productive environment for the community.

Sincerely,  
Thomas A. Tresselt, Director of Campus Safety and Security

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### Security as a Cooperative Effort

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Although the Security Department's principal function is the safety and security of the entire Cooper Union community, no program can be completed successfully without the full cooperation of the students, faculty and staff.

As statistics have indicated, incidents of serious crime on campus are rare. However, minor crimes such as crimes of opportunity do occur. All students, faculty, staff and visitors must assume primary responsibility for their personal safety and the security of their personal belongings. Precautionary measures are the key; therefore, the following guidelines are important:

- Never prop open the doors to residence hall. All doors should be locked whenever left unattended, even for a short time.
- Ask visitors for identification before allowing them into a building or room.
- Do not lend your keys or Cooper ID. Carry them at all times.
- Do not leave valuables visible or in an unlocked locker.
- If you see people that look suspicious, report them to the Security department.

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### Cooper Union Contact Information

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41 Cooper Square Security  
212.353.4170  
Available 24/7

Foundation Building Security  
7 East 7th Street  
212.353.4180  
Available 24/7

Residence Hall Security (29 Third Ave.)  
212.353.4050  
Available 24/7

Director of Campus Safety and Security  
212.353.4119

Facilities Management Office  
212.353.4160

Dean of Students  
212.353.4130

Title IX Coordinator  
212.353.4053

Student Care Coordinator  
212.353.4006

## Crime Statistics

	On- Campus			Residential Facilities			Non-Campus			Public Property		
OFFENSES	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses - Forcible	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses-Non-Forcible	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	7	0	0	0	0	1
Aggravated Assault	0	0	0	0	0	0	1	0	0	1	0	0
Burglary	0	2	2	0	0	0	0	0	0	1	0	1
Motor Vehicle Theft	0	0	0	0	0	0	1	0	0	0	0	1
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Arrest for Weapons	0	0	0	0	0	0	0	0	0	0	0	0
Arrest for Drug Abuse												
Violations	0	0	0	0	0	0	0	0	0	0	0	0
Arrest for Liquor Law												
Violations	0	0	0	0	0	0	0	0	0	0	0	0
Discipline for Weapon	0	2	0	0	2	0	0	0	0	0	0	0
Discipline for Drug Abuse												
Violations	0	0	0	1	1	0	0	0	0	0	0	0
Discipline for Liquor Law												
Violations	0	4	2	0	4	2	0	0	0	0	0	0

## Preparation and Disclosure of Crime Statistics

The Cooper Union for the Advancement of Science and Art prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This report is prepared in cooperation with the local law enforcement agencies surrounding our campus, Title IX, Residential Life and Administration. This report includes campus crime statistics for the past three calendar years for crimes occurring on campus; in or on off-campus buildings or property owned or controlled by The Cooper Union; and on public property within, or immediately adjacent to the campus.

Using the Clery Geography definitions, Cooper Union reports Clery crime statistics for the following locations:

41 Cooper Square  
7 East 7th Street  
29 Third Avenue  
21 Stuyvesant Street  
Non-Campus Location: 30 Cooper Square

This report also includes campus security policy statements concerning how to report a crime, crime prevention, timely warnings and emergency notifications.

Crime statistics for the institution can be found above, as well as on the U.S. Department of Education Web site at <http://ope.ed.gov/campusafety/#/>.

Additionally, Cooper Union maintains campus crime logs for public viewing. The crime logs include the nature, date, time and general location of each crime reported, as well as the disposition of the complaint, if known. However, if there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information. A copy of the crime log may be requested from the Director of Campus Safety and Security at 212.353.4119 or [security@cooper.edu](mailto:security@cooper.edu).

## Definitions of Reportable Crimes

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

**Criminal Homicide** Negligent Manslaughter: The killing of another person through gross negligence.

**Sex Offenses** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

- **Fondling** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the

victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

- **Incest** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** Sexual intercourse with a person who is under the statutory age of consent.

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

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

**Burglary** The unlawful entry of a structure to commit a felony or theft.

**Motor Vehicle Theft** The theft or attempted theft of a motor vehicle. A motor vehicle is a self-propelled vehicle that runs on the surface of land, and not on rails, which includes automobiles, buses, recreational vehicles, trucks, motorcycles, motor scooters, trail bikes, mopeds, snowmobiles, golf carts, and motorized wheelchairs.



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

**Hate Crimes** A “hate crime” is a crime committed against a person or property that is reported to local police agencies or to a campus security authority, that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. “Bias” is a preformed negative opinion or attitude toward a group of persons. For the purposes of this section, the categories of bias include the victim’s actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability. The law requires the release of statistics by category of prejudice for the crimes listed below where the victim is selected because of the actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, or disability of the victim. These include all the crimes listed above and the following:

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

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

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

- **Damage/Vandalism of Property** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**Domestic Violence** Domestic violence refers to a felony or misdemeanor crime of violence committed (a) by a current or former spouse or intimate partner of the victim; (b) by a person with whom the victim shares a child in common; (c) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (e) by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Dating Violence** Dating violence refers to physical violence (e.g., hitting, punching, kicking, etc.), or threats of violence, including, but not limited to, sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

**Stalking** Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Stalking behavior includes but is not limited to repeated, intentional following or observing another; using “spyware” or other electronic means to gain impermissible access to a person’s private information; . persistent, unwanted and repeated harassing behavior such as: following a person; appearing at a person’s home, class or work; making frequent phone calls, emails, text messages, etc.; continuing to contact a person after receiving requests not to; leaving written messages, objects or unwanted gifts; vandalizing a person’s property; and threatening, intimidating, obscene or intrusive behavior.

**Liquor Law Violations** The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Drug Abuse Violation** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

**Weapons Law Violations** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

**Unfounded Crimes** If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is “unfounded” and will not be included in Cooper Union’s statistics. Only sworn or commissioned law enforcement personnel may “unfound” a crime. Note that the recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution or the failure to make an arrest does not “unfound” a legitimate offense. Also, the findings of a coroner, court, jury or prosecutor do not “unfound” offenses or attempts that law enforcement investigations establish to be legitimate.

## Safety on Campus

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### Campus and Residence Hall Security Measures

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Academic buildings are secured by the Campus Safety and Security Officers 24 hours a day / 7 days per week. These buildings are equipped with fire safety equipment that includes smoke detectors and/or heat sensors that activate the central fire alarm system, and automatic fire sprinkler systems. Both 41 Cooper Square and the Foundation Building individuals to swipe their ID cards to gain access. Prior notification or approval must be given to security for all visitors, and all visitors must present valid identification.

The residence hall is staffed 24/7 by security and entry is through an ID card activated turnstile. Procedures for guest visitation are established and hours are set by the Office of Residence Life. The residence hall is equipped with fire safety equipment that includes smoke detectors and/or heat sensors that activate the central fire alarm system, and automatic fire sprinkler systems and carbon monoxide detectors. In the residence hall, emergency exits are equipped with alarms that sound when opened. Residence hall staff members are trained to maintain security and to summon police, fire, medical, and maintenance assistance when needed.

### Crime Prevention and Security Awareness

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The Campus Safety and Security Department organizes presentations made to various groups on campus, including a program for incoming students at orientation. Periodically during the academic year, at the request and in cooperation with other university organizations and departments, the Safety and Security Staff presents crime prevention awareness sessions. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

### Emergency Response and Evacuation Policy

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The health and safety of all our students, faculty, administration, staff, and visitors is our primary concern at Cooper Union. CU recognizes the critical importance of being prepared and has designed a comprehensive program that ensures the security of the community in the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees or other crisis. Such threats may include, but not be limited to, outbreaks of serious illness, gas leaks, explosion, chemical or hazardous waste spill or armed intruder.

Cooper Union policy requires building evacuation by occupants during fire alarms. To help reinforce this requirement, Campus Safety and Security partners with Facilities Management personnel to ensure that all building residents are properly trained in building evacuation procedures during scheduled fire drills.

### Timely Warnings

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In the event that a situation arises, either on or off campus, that, in the judgment of the Director of Campus Safety and Security, constitutes an ongoing or continuing threat, a campus-wide Security Alert will be issued. The warning will be issued through Cooper Union's e-mail system to students, faculty, administrators, and staff, and it will be posted on the Safety and Security website. Upon the confirmation of a significant emergency or dangerous situation involving the immediate threat to the health or safety of students or employees, Cooper Union will notify all community members via emergency text and email messaging using the institution's Emergency Alert System (Send Word Now: <https://idsrv.sendwordnow.com/account/signin>). The warning will also be posted on the Cooper Union Website.

Cooper Union will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

These methods of notification allow those authorized Cooper Union officials to alert, inform, and reassure the community, as well as provide instructions concerning a critical incident within moments of determining the specifics of the emergency. The emergency notification systems are tested annually. All members of the Cooper Union community are automatically enrolled in the emergency alert system.

### Daily Crime Log

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Cooper Union maintains a daily crime log and a fire log on campus. The purpose of the daily crime log is to record all criminal incidents and alleged criminal incidents, not just Clery Act crimes. The purpose of the fire log is to record, by the date reported, any fire that occurs in an on-campus student housing facility. The crime and fire logs for the most recent 60 days are available for inspection for inspection at the Campus Safety and Security Office, 41 Cooper Square Room 111, during regular business hours. Portions of crime and fire logs that are older than 60 days will be made available for inspection within two business days. Information that could identify either the victim or the alleged perpetrator is excluded. To arrange a crime and fire log inspection, please contact the Director of Campus Safety and Security.

### Drug and Alcohol Policy

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The Cooper Union strictly adheres to all local, State, and Federal laws relating to the use or illegal manufacture of drugs and alcohol on its premises or at any college-sponsored event. Students who violate this Policy will be subject to disciplinary actions under The Code of Conduct.

On campus, students over the age of 21 may consume alcohol only in the context of official campus events where there is a security guard present and a professionally trained TIPS bartender to check photo identification. Alcohol may not be carried from the room in which it is served. The serving of alcohol is not permitted at any JAC student organization event that is held on Cooper Union property. <https://cooper.edu/about/policies/alcohol-drug-policy>

The Cooper Union has historically attracted students who are serious about academic and artistic achievement and who have understood how substance addictions undermine academic performance. It is a goal of this institution to maintain an environment of academic seriousness.

The most immediate consequence of substance abuse at The Cooper Union is often a dismal academic performance, leading to academic dismissal. Long-term consequences of substance abuse can include lowered employment prospects, major health problems, and even death.

Loss of a student to substance abuse not only blights the prospects of that individual to have a fulfilling career but also deprives the community at The Cooper Union of that individual's unique talents and contributions. To avoid such a loss, the institution is committed to providing assistance to students with substance abuse problems through appropriate education and referral.

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#### **Missing Student Notification Policy**

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Cooper Union defines a missing student as a student who resides in CU owned or operated housing facilities who has been missing for longer than 24 hours. Anyone who believes a Cooper Union resident student is missing should report the information to any staff member of Residential Life, the Dean for Students Office or Safety and Security.

In situations where the Safety and Security Department receives a report of a student missing less than 24 hours, they may, in coordination with Residential Life and Dean

of Students, conduct a brief investigation of the missing student report.

Within 24 hours following one of the designated University officials receiving a missing resident student report, unless the student is located through the brief investigation, the Safety and Security department, in coordination with Residential Life and the Dean for Students, will initiate steps to locate the person by making contact with person/s designated confidential contact or custodial parent or guardian (if under 18 years of age and not emancipated). Additionally, Safety and Security will contact local law enforcement agencies as soon as practicable but in no case more than twenty four hours after a report that a student who resides in housing owned or operated by Cooper Union is missing; provided that such reporting requirement shall take into consideration applicable Federal Law, including, but not limited to, the Federal Campus Sexual Assault Victims' Bill of Rights under Title 20 U.S. Code Section 1092(F) which gives the victim of a Sexual Offense the right on whether or not to report such offense to local law enforcement agencies. The Safety and Security department will support the investigation by local law enforcement as needed.

Students living in Cooper Union housing facilities may register the name/contact information of the person/s they wish to be contacted not later than 24 hours after the time the student is determined missing. Only authorized campus officials and law enforcement officers in the furtherance of a missing person's investigation will be permitted access to this information.

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#### **Reporting Crime on Campus**

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Cooper Union encourages accurate and prompt reporting of all criminal offenses to the Safety and Security Department and local law enforcement agencies. Any violation of campus regulations or a criminal act, including, but not limited to, domestic violence, dating violence and stalking incidents or information which constitutes or may constitute a serious or continuing threat to the campus community should be reported immediately to the Safety and Security Department either in person or by phone. A security officer or supervisor will document the incident and in many cases the incident will be followed up by the Director of Campus Safety and Security.

When the Safety and Security Department receives a report that a criminal offense may have occurred at or on campus, a staff member will immediately respond to the scene to investigate and promptly report such offenses to local law enforcement agencies as soon as practicable but in no case more than twenty-four hours after a report of a violent felony, or that a student who resides in the residence hall is missing; provided that such reporting requirement shall take into consideration applicable Federal Law, including, but not limited to, the Federal Campus Sexual Assault Victims' Bill of Rights under Title 20 U.S. Code Section 1092(F) which gives the victim of a Sexual Offense the right on whether or not to report such offense to local law enforcement agencies. In such situations, the Safety and Security Department's primary concerns are:

1. The well-being of the victim and to insure that prompt medical treatment is administered, if necessary.
2. The immediate notification to the appropriate local law enforcement agency and the Director of Campus Safety and Security.
3. Identification and apprehension (if possible) of responsible person(s).
4. Statements from victim and eyewitnesses regarding basic facts relating to the criminal offense, a physical description of the suspect and exact location of the crime.
5. The preservation of evidence and the safeguarding of the crime scene.

On site Security Officer(s) at the scene are responsible for these preliminary investigation steps until the arrival of the Director of Campus Safety and Security and law enforcement personnel who will then conduct a thorough investigation.

Cooper Union may not compel the victim to file a police report or pursue remedies within the Criminal Justice system. The victim will be apprised of all the options available and given reasonable assistance and support. Failure of the victim to file a police report will not preclude the continuation of the investigation by Cooper Union and the law enforcement agency. When appropriate, the Director of Campus Safety and Security will disseminate Security Alerts regarding crimes and or other emergency situations that present an immediate threat to the health and safety of students and employees.



## Policy Against Gender-Based Discrimination, Harassment and Sexual Misconduct

### Statement of Equal Opportunity

The Cooper Union is committed to providing a working, learning and living environment free from unlawful discrimination and harassment and to fostering a nurturing and vibrant community founded upon the fundamental dignity and worth of all of its members. The Cooper Union does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, national origin, military status, marital status, familial status, partnership status or any other legally protected characteristic, in admissions, financial aid, or employment, or in the administration of any Cooper Union program or activity, including athletics.

Consistent with its commitment and with applicable laws, The Cooper Union prohibits discrimination on the basis of membership in a protected class, sexual harassment, sexual assault, sexual exploitation, domestic violence, dating violence and stalking, and further prohibits knowingly assisting another in committing such an act. The Cooper Union is committed to provide those who feel that they have been subjected to conduct in violation of this policy with mechanisms for seeking redress and resources for support. Accordingly, The Cooper Union prohibits retaliation against any person for complaining of a violation of this policy or for participating in any investigation or proceedings related to an alleged violation.

Community members are protected from discrimination, harassment and sexual misconduct (as defined below) regardless of their sex, sexual orientation, immigration status, citizenship status or national origin, or any other protected characteristic.

### Prohibited Conduct

All members of The Cooper Union community, including applicants, students, employees (both faculty and staff) and third parties doing business with The Cooper Union are prohibited from engaging in gender-based discrimination or harassment sexual harassment, sexual assault, dating violence, domestic violence, sexual exploitation, stalking, and retaliation as those terms are defined below. Any attempt to engage in prohibited conduct may itself constitute a violation of this policy. Any actions knowingly taken to aid, facilitate or encourage another to engage in prohibited conduct and any actions taken for the purpose of interfering in the investigation of an allegation of prohibited conduct shall constitute a violation of this policy. Anyone found to have violated this policy will be subject to disciplinary action as set forth in the procedures below.

This policy shall apply to conduct that occurs on The Cooper Union's campus, technological systems, at school sponsored programs, activities and events, as well as off-campus when the accused is a matriculated Cooper Union student or when the conduct has a continuing adverse impact upon the Cooper Union work or school environment. Each student shall be responsible for his or her conduct from the time of application for admission through the awarding of a degree, as well as during periods between terms of actual enrollment, study abroad and leaves of absence or suspension.

### Prohibited Sex-Based Misconduct Defined

**Gender-based Discrimination** is defined as:

- Treating individuals or groups less favorably because of their Gender; or
- Having a policy or practice that has a disproportionately adverse impact on individuals or groups based upon Gender.

For the purpose of The Cooper Union's policy the term "Gender" refers to the following personal traits: sex, gender identity or expression, sexual orientation, pregnancy, marital status, familial status, or partnership status.

Gender-based Harassment is defined as unwelcome gender-based verbal, visual or physical conduct that:

- Has the purpose or effect of creating an intimidating, hostile, or offensive living, learning or working environment;
- Has the purpose or effect of unreasonably interfering with an individual's academic or job performance or limiting or depriving someone of the ability to participate in or benefit from the Cooper Union's educational programs, activities and/or employment;
- Otherwise adversely affects an individual's academic or employment experience.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts, the circulation or display of written or graphic material that belittles or shows hostility or aversion toward an individual or group (including through e-mail and other electronic media).

**Sexual Harassment** is defined as unwelcome verbal, visual or physical conduct of a sexual nature, or the unwelcome or inappropriate promise of rewards in exchange for sexual favors:

- Where submission to the conduct is explicitly or implicitly made a term or condition of an individual's education, employment, or participation in other activities sponsored by The Cooper Union; or
- Where submission to or rejection of the conduct is used as the basis for academic or employment decisions; or
- Otherwise adversely affects an individual's academic or employment experience.

Examples of sexual harassment that may cause a hostile environment include, but are not limited to:

- Subtle or persistent pressure for sexual activity;
- Unnecessary touching, or brushing against a person;
- Requesting or demanding sexual favors in connection with employment, academics, or other Cooper Union activities;
- Unwelcome communications (verbal, written, electronic, etc.) of a sexual nature;
- Failure to accept the termination of a consensual relationship with repeated and persistent requests and behavior;
- Verbal and/or physical aggression toward another based upon a perception that the other fails to conform to stereotypical notions of expected characteristics for males or females.

**Sexual Assault** is divided into two categories of behavior: Non-consensual Sexual Contact and Non-consensual Sexual Intercourse.

#### **Sexual Assault—Non-consensual Sexual**

**Contact** includes any intentional touching of a sexual nature, however slight, whether clothed or unclothed, with any object or body part by a person against another person that is without affirmative consent and/or by force.<sup>1</sup> Consent is required regardless of whether the person initiating the sexual contact is under the influence of drugs and/or alcohol. When consent is withdrawn or can no longer be given due to incapacitation, sexual activity must stop.

Examples of non-consensual sexual contact include, but are not limited to:

- Intentional contact with the breasts, buttocks, groin, or genitals;
- Intentional touching of another with breasts, buttocks, groin, or genitals;
- Making another person touch someone or themselves in a sexual manner;
- Forcibly kissing;
- Any intentional bodily contact in a sexual manner.

#### **Sexual Assault—Non-consensual Sexual**

**Intercourse** includes any sexual intercourse, however slight, with any object or body part by a person against other person that is without affirmative consent and/or by force. Consent is required regardless of whether the person initiating the sexual contact is under the influence of drugs and/or alcohol. When consent is withdrawn or can no longer be given due to incapacitation, sexual activity must stop.

Examples of non-consensual sexual intercourse include, but are not limited to:

- Vaginal penetration by a penis, object, tongue or finger;
- Anal penetration by a penis, object, tongue or finger;
- Oral copulation (mouth to genital contact or genital to mouth contact).

**Domestic Violence** includes the use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse directed towards (i) a current or former spouse or intimate partner; (ii) a person with whom one shares a child; or (iii) anyone who is protected from the respondent's acts under the domestic or family violence laws of New York. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Domestic violence can be a single act or a pattern of behavior in relationships.

**Dating Violence** includes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship would be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this definition, dating violence would include, but would not be limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts that meet the definition of "domestic violence."

**Sexual Exploitation** includes but is not limited to:

- Invasion of sexual privacy and voyeurism (in-person or through audio or video recording);
- Knowingly transmitting a sexually transmitted infection;
- Exposing of a person's body or genitals;
- Prostituting or soliciting another community member.

**Stalking** is a course of conduct directed at a specific person that would cause a reasonable person to feel fear for her, his, or others' safety, or to suffer substantial emotional distress.

Examples of stalking include but are not limited to:

- Constantly appearing at places the victim is known to frequent;
- Persistent unwanted communication or contact whether in person, by telephone, text, or email;
- Persistent unwanted gifts;
- Following or surveillance.

**Sexual Misconduct** includes sexual assault, sexual exploitation, sexual harassment, dating violence, domestic violence, and stalking.

**Retaliation** includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's informal or formal complaint of a violation of this policy or participation in a school or government investigation or proceedings related to an alleged violation

of this policy or related civil rights law. Federal, state and local civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws.

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

**Affirmative consent** is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Consent must be freely and actively given; it cannot be obtained by coercive use of force, threats or intimidation. Coercion, force, or threat of either invalidates consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity, nor does past consent to intimacy imply consent to future intimacy. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. In order to give consent, a person must be of the legal age of consent, which is 17 in New York. A person who is incapacitated for any reason cannot give consent. Consent can be withdrawn at any time.

**Incapacitation** is a state where someone cannot make rational, reasoned decisions. Affirmative consent cannot be given when a person is incapacitated.

A person may be incapacitated due to mental disability, sleep, unconsciousness, physical restraint, or from the consumption (voluntary or otherwise) of incapacitating drugs or quantities of alcohol. Sexual activity with someone whom you know or, reasonably should know, is mentally or physically incapacitated (i.e., by alcohol or other drug use, unconsciousness or blackout) constitutes a violation of this policy. Evidence of incapacity may be detected by physical cues, such as slurred speech, bloodshot eyes, the odor of alcohol on a person's breath or clothing, inability to maintain balance, vomiting, unusual or irrational behavior, and unconsciousness. Incapacity may be indicated by the quantity of alcohol consumed. The presence of one or more of these cues does not necessarily indicate incapacity, nor does the absence of these cues necessarily indicate capacity.

**Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation and coercion to overcome resistance.

**Coercion** is unreasonable pressure. The use of emotional manipulation to persuade someone to do something they may not want to do, such as being sexual or performing certain sexual acts, constitutes coercion. Coercing someone into having sex or performing sexual acts does not constitute obtaining consent and is considered sexual misconduct.

**Consensual Romantic Relationships** do not qualify as sexual harassment or sexual misconduct and are not prohibited by The Cooper Union's policies. Individuals should be aware, however, that romantic relationships are susceptible to being determined after the fact to have been non-consensual, and even coercive, whenever there is an inherent power differential between the parties. Therefore, any such relationship between a faculty or staff member and a student or between a supervisor and a subordinate is strongly discouraged. Supervisors and managers are prohibited from engaging in romantic relationships with those who report to them. Faculty are prohibited from engaging in romantic relationships with students who are currently or who, in the future, are reasonably likely to be enrolled in their courses or under their supervision.

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#### **Reporting to Law Enforcement**

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If you are in immediate danger, dial 911 and attempt to get to a safe place.

Acts of violence, including sexual assault, domestic violence, dating violence, and stalking, are against the law. If you are not in immediate danger and would like to report an incident to the police, you can do so by contacting:

NYPD 9th Precinct Domestic Violence Officer at 212.477.7839.

If you would like someone to assist you in contacting the police or go with you to the police department, any of the following individuals at The Cooper Union can assist you:

Director of Campus Safety and Security  
Title IX Coordinator  
Dean of Students  
Equal Opportunity Officer

The Cooper Union will investigate an alleged violation of this policy regardless of whether a criminal investigation is being conducted. In the event a criminal investigation is conducted into events that are the subject of an investigation under this Policy, The Cooper Union will not delay its investigation unless specifically requested by law enforcement. Even then, the investigation will not be delayed more than ten days, absent extraordinary circumstances. A Complainant may report an incident to law enforcement regardless of whether he or she chooses to report the incident to The Cooper Union. Conversely, reporting an incident to The Cooper Union does not require the Complainant to report the incident to law enforcement. The Cooper Union reserves the right to report any crime to law enforcement, but, as a general rule, will not alert law enforcement to an incident of sexual misconduct without the Complainant's permission, except where there is a serious and immediate threat to the campus community, when a minor is involved, or as otherwise required by law.

In addition to any protective measures that The Cooper Union may put into place, law enforcement may be able to provide additional protections, such as a restraining order. The Cooper Union can assist students in contacting law enforcement and legal services organizations to learn about additional remedies that may be available.

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#### **Medical Attention and Evidence Preservation**

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Victims of sexual assault or other acts of violence are encouraged to seek prompt medical attention. Medical attention is at local hospital emergency rooms (see below). To gain assistance in getting to an emergency room, a victim can call 911 or notify Security. Medical staff will collect evidence, check for injuries, address pregnancy concerns and the possibility of exposure to sexually transmitted infections. Communications with medical staff are confidential. Medical staff will not report the incident to Cooper Union.

Seeking medical attention will in no way obligate a victim to file a complaint or press criminal charges. Conversely, electing not to seek medical attention or to contact police will not impact the Cooper Union's investigation process.

Agency/Hospital	Services/Fees	Population Served	Address/Phone
Beth Israel Medical Center, Rape Crisis and Domestic Violence Intervention	Individual and group counseling, advocacy services, and assistance with Office of Victim Services compensation application. No fee for services.	Victims (13+) of sexual assault and domestic violence	317 E. 17th St, 4th Fl. New York, NY 10003 <b>212-420-4516</b>
Mount Sinai Medical Center, Adolescent Victims Program	Counseling, medical, and advocacy services. No fee for services.	Adolescent survivors (10-21) of sexual abuse and their families	312 E. 94th St., 1st & 2nd Fl. New York, NY 10128 <b>212-423-3000</b>
Mount Sinai Medical Center, Sexual Assault Violence	Crisis intervention, individual and group counseling, and advocacy	All survivors of rape, sexual assault, sexual harassment, child sexual	1 Gustave Levy Pl. New York, NY 10029 <b>212-423-2140</b>
New York Presbyterian—Weill Cornell Medical College, Domestic and Other Violence Emergencies (DOVE)	Crisis intervention, long-term individual and family counseling, support groups, advocacy services, and assistance with Office of Victim Services compensation application. No fee for services.	Victims (12+) of domestic violence, physical and sexual assault and abuse, and elder abuse	622 W 168th St., HP2 New York, NY 10032 <b>212-305-9060</b>
Mt. Sinai St. Luke's Hospital, Parent-Infant Center at the Child and Family Institute	Counseling services. Accepts Medicaid and sliding fee scale/assistance based on need.	Children (4 and under), and parents or caretakers of children dealing with problems related to physical and sexual abuse, domestic violence, depression, and health problems	1090 Amsterdam Ave., 17th Fl. New York, NY 10025 <b>212-523-3073</b> For Direct Intake: 212-523-3072

Victims are advised that the best way to preserve evidence of sexual assault is to avoid bathing or washing yourself before being examined. You should not take a shower, wash hands or face, comb your hair, or douche. Normal everyday behavior, such as going to the bathroom, can destroy or remove evidence of sexual assault; you should try to avoid doing so if possible. Similarly, you should try not to smoke or drink anything. Altering your appearance can hide bruising or lacerations that can be cited as evidence when pressing charges. It is best not to apply make-up or any other substance that can change your appearance.

Evidence of the assault can be found in the fibers of your clothes, strands of your hair, or on other parts of your body, so it is important to try your best to preserve as much evidence as possible. Clothing, towels, sheets and other items should not be washed or moved, if possible. The clothing worn at the time of the assault should be brought to the hospital in a sanitary container, such as a paper bag or a clean sheet. If the clothing worn at the time of the assault is still being worn, it is advisable to bring a change of clothes to the hospital, if possible.

Campus Security can assist you in securing the scene to preserve evidence as well.

It is important to note that failure to take the steps described above does not preclude you from reporting an incident to Cooper Union or to the police.

#### Sources for List of Individuals Registered as Sex Offenders

In accordance with the Campus Sex Crimes Prevention Act, law enforcement agencies must maintain a list of individuals that have registered as sex offenders with a state requiring registration, including employees, students, or persons carrying on a vocation with an educational institution within the jurisdiction of the local law enforcement agency. A listing of all registered sex offenders in New York State is maintained by the New York State Division of Criminal Justice Services. This information is available online at [www.criminaljustice.ny.gov/nsor/](http://www.criminaljustice.ny.gov/nsor/).

#### Filing a Complaint Internally

It is in the best interest of the entire Cooper Union community for individuals to report incidents of gender-based discrimination, harassment and sexual misconduct. The Title IX Coordinator is designated to investigate reported incidents, address inquiries and coordinate The Cooper Union's compliance efforts. Any member of The Cooper Union community who believes he or she has been subjected to gender-based discrimination, harassment or sexual misconduct should submit a complaint, in writing if possible, to the Title IX Coordinator, an Academic Dean, or the Dean of Students.

Individuals who observe or become aware of an incident of discrimination, harassment or sexual misconduct are encouraged to report the incident as well. Responsible employees are required to report any incident of which they become aware. The Deans will refer any complaints received to the Title IX Coordinator.

**Anonymous Reporting** Although The Cooper Union encourages victims to talk to someone, The Cooper Union has an e-mail address, [titleix@cooper.edu](mailto:titleix@cooper.edu), for reporting. Because the system requires the reporting individual to use his/her e-mail address, the system will notify the user (before s/he enters information) that entering personally identifying information may serve as notice to The Cooper Union for the purpose of triggering an investigation.

**Reports from individuals other than the Complainant** If The Cooper Union receives an anonymous report of an incident of gender-based discrimination, harassment or sexual misconduct or receives a report from a third party, the alleged victim will be promptly informed of the report. The policy and procedures will be applied in the same manner as if the alleged victim had reported the incident.

**Alcohol and drug use** The health and safety of every student at The Cooper Union is of utmost importance. The Cooper Union recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault, occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The Cooper Union strongly encourages students

to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Cooper Union officials or law enforcement will not be subject to The Cooper Union's code of conduct for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

**Seeking Help** Regardless of whether a community member decides to file a complaint with The Cooper Union, The Cooper Union strongly encourages the community member to seek out available medical and mental health resources, which The Cooper Union's Title IX Coordinator can direct victims to.

**Passage of Time** Community members who wish to make a complaint may contact any of the staff mentioned above at any time. Please note that a delay in reporting could weaken the information, or The Cooper Union's ability to gather information that will be used to determine whether a person is responsible for sexual misconduct. Furthermore, the ability of The Cooper Union to take action may be limited by the matriculation or employment status of the respondent.

**Unknown or Unaffiliated Assailant** If the respondent is unknown or is not a member of The Cooper Union community, the Title IX Coordinator will assist the complainant in identifying appropriate resources and contacting local law enforcement if the complainant would like to file a report. In

addition, The Cooper Union may take other steps to protect the complainant and the community.

**Contents of Complaint** Although individuals are encouraged to submit complaints in writing (electronically or by hard copy), complaints can be made orally. The complaint should clearly describe the alleged incident, when and where it occurred, and the desired remedy, if known.

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### Confidential Reporting

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The Cooper Union encourages any person who has experienced sexual violence to talk to someone about what happened, so victims can get the support that they need, and The Cooper Union can respond appropriately. Different employees on campus have different abilities to maintain confidentiality.

Some employees are required to maintain near complete confidentiality; talking to them is sometimes call a "confidential communication." Only in the rarest circumstances are these employees permitted to disclose the contents of a confidential communication. Examples of "Confidential Employees" include:

**Student Care Coordinator** Some employees are required to report the details of a sexual misconduct incident (including the identities of both the victim and the alleged perpetrator) to the Title IX Coordinator. These employees are called "Responsible Employees." Complainants should be aware that a report to a Responsible Employee constitutes a report to The Cooper Union and generally obligates the Title IX Coordinator or his designee to investigate

the incident and take appropriate steps to address the situation.

**Privacy** Even Cooper Union officers and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution. Only people who have a need to know about the incident will be informed, and information will be shared only as necessary with investigators, the Complainant, witnesses and the Respondent to ensure an effective and thorough investigation. Although The Cooper Union will take all appropriate steps to safeguard the privacy of the parties, the information collected during the investigation process may be subpoenaed in civil or criminal proceedings.

**Advisors** Student Complainants and Respondents have a right to be accompanied by an advisor of his or her choice at all meetings, interviews and hearings related to an allegation of sexual misconduct. In cases involving allegations of domestic violence, dating violence, sexual assault or stalking, the advisor may be an attorney.

Employees are entitled to be accompanied by an advisor of their choice, who may be an attorney, in cases involving allegations of dating violence, domestic violence, sexual assault or stalking.



Advisors are not permitted to advocate on behalf of the individual or to address the investigator, the Title IX Coordinator, Designee of the Title IX Coordinator, or the Appeal Panel directly. The party may confer with the advisor as necessary, and the advisor may pass notes to the party during meetings and hearings. If the advisor is disruptive or otherwise fails to comply with these parameters, he or she may be asked to leave.

**Conflict of Interest** Both the Complainant and the Respondent have the right to have a fair and impartial investigation, determination and appeal. If either the Complainant or Respondent has any reason to believe that the investigator, the Title IX Coordinator, Designee of the Title IX Coordinator or any of the Appeal Panel members has a conflict of interest or would otherwise be unable to be fair and impartial, the concerned party should submit a letter explaining the basis for his or her concern. Concerns regarding the investigator, Designee of the Title IX Coordinator or the Appeal Panel should be submitted to the Title IX Coordinator. Concerns regarding the Title IX Coordinator should be submitted to the Dean of Students. The other party will be provided with a copy of the letter and will have an opportunity to respond. If based upon those submissions and any independent inquiry the decision-maker may choose to make, it is determined that there is a conflict of interest, another individual will be appointed to take on the role in question. If it is found that there is no such conflict, the individual will continue in his or her role. Concerns regarding conflicts of interest should be raised as soon as they are identified and prior to the individual with the alleged

conflict's rendering of his or her determination, e.g. prior to the submission of the investigation report, the determination, or the appeal decision.

**Notice** Each party will receive reasonable and advance written or electronic notice of any meeting he or she is required or eligible to attend. Each party will be given prompt notice of any meeting relating to the proceeding at which either the complainant or the respondent will be present, except that the respondent will not be notified of meetings with the complainant relating solely to interim protective measures and other supportive accommodations

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### Processing a Complaint

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Upon receipt of a complaint, the Title IX Coordinator will review the complaint to determine whether the facts as alleged would constitute a violation of this Policy. If so, the Title IX Coordinator will open a formal investigation.

As soon as possible and no later than three business days after receiving the complaint, the Title IX Coordinator or the Designee of the Title IX Coordinator will contact the Complainant to schedule a meeting, at which time the Title IX Coordinator or Designee of the Title IX Coordinator will gather additional information about the allegations, as necessary, provide a written copy of this Policy and Procedure to the Complainant, explain the process, and identify available interim protective measures and support resources.

Within two business days of meeting with the Complainant, the Title IX Coordinator or

Designee of the Title IX Coordinator will contact the Respondent to schedule a meeting, during which the Title IX Coordinator or Designee of the Title IX Coordinator will provide a written copy of this Policy and Procedure to the Respondent, explain the process, identify and explain any interim protective measures imposed that impact the Respondent, identify the provision(s) of this policy the Respondent has been accused of violating, identify potential sanctions, and identify available support resources.

The Title IX Coordinator, Designee of the Title IX Coordinator or a trained investigator appointed by the Coordinator will lead the investigation. The investigation and adjudication process, excluding any appeal, should be complete within 60 days of the receipt of the complaint, if not sooner. Should this process last longer than 60 days, the Coordinator will communicate the reasons and expected timeline to all parties.

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### Interim Protective Measures

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After reviewing the complaint, the Title IX Coordinator, the Designee of the Title IX Coordinator, or the lead investigator in consultation with the Title IX Coordinator, may institute interim protective measures to ensure the Complainant's equal access to educational programs and activities, to protect the safety and well-being of the parties, as well as The Cooper Union community.

The Title IX Coordinator will determine which interim measures are appropriate for a particular Complainant and/or Respondent on a case-by-case basis. Not all of the measures listed below will be necessary in every case.

If the Complainant and/or Respondent identifies an interim measure that is not already provided, the Title IX Coordinator will consider whether the request can be granted. In those instances, where interim measures affect both the Complainant and the Respondent. The Cooper Union will minimize the burden on the Complainant wherever appropriate.

Any interim protective measure put in place will remain in effect through the investigation process and until a decision is rendered at which time they may be continued, modified or lifted. Examples of available interim measures include:

- an order directing the parties not to contact one another;
- changes in housing accommodations provided by The Cooper Union;
- housing suspensions;
- changes in academic schedule or other academic accommodations;
- changes in Cooper Union work schedule, location or reporting line;
- changes in transportation arrangements provided by The Cooper Union;
- campus access restrictions;
- supplying Complainant with an escort to ensure she/he feels safe;
- interim suspension.

Interim measures may be instituted at any point during the investigation process. Complainants and Respondents are encouraged to request interim protective measures when needed.

Interim protective measures will be kept confidential to the extent possible. Only those individuals who need to be informed in order to effectuate the measures will be informed. For instance, if a Complainant or Respondent request a change in work schedule, his or her supervisor(s) will need to be informed in order to effectuate the change.

The Complainant or the Respondent may request review and modification of any protective measure(s) that directly impacts him or her, including review of the need for and terms of the protective measure(s), by submitting a letter to the Title IX Coordinator along with any evidence he or she wishes to present. In the event the interim measure impacts the other party, he or she will be given an opportunity to respond to the request and present evidence as appropriate. The Title IX Coordinator or her designee will review the submissions and make a determination.

Upon reaching a determination with respect to a Complaint, the Title IX Coordinator will review any interim measures that were put in place. Depending upon the circumstances, some or all of the protective measures may be lifted or they may be continued to assist the Complainant after a determination has been made, even if it is determined that some or all of the allegations have not been substantiated.

Failure to comply with a directive relating to a protective measure may lead to further disciplinary action.

In addition to the interim measures that The Cooper Union can institute, law enforcement may be able to provide additional protections,

such as a restraining order. The Cooper Union can assist students in contacting law enforcement and legal services organizations to learn about additional remedies that may be available.

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### Negotiated Resolution

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Where appropriate and with the consent of the Complainant, the Title IX Coordinator, Designee of the Title IX Coordinator or designated investigator may attempt to reach a resolution of the complaint through mediated discussions with the parties as amicably and privately as possible. If a resolution that is satisfactory to both parties is reached, the matter will be considered closed. If it becomes clear that a mediated resolution will not be possible, the matter will be formally investigated in accordance with this Policy. Complaints of sexual assault are not eligible for a negotiated resolution under any circumstances.

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### Formal Investigation

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Within seven business days of receiving the complaint, the Title IX Coordinator or Designee of the Title IX Coordinator will commence an investigation or will designate an investigator who has been trained regarding the investigation of claims of sexual misconduct.

The investigator will conduct a prompt, fair, impartial, and thorough investigation. During the investigation, the investigator will:

- Interview the Complainant, the Respondent, and any material witnesses (the investigator will not interview witnesses whose sole purpose is to provide character information);

- Gather all relevant documentary and/or physical evidence from the Complainant, Respondent, and witnesses (this may include, but is not limited to, texts, emails, photos, Facebook posts, voicemail messages, etc.);
- Complete the investigation in a timely manner, without unnecessary deviation from the intended timeline; and
- Maintain equal communication with the Complainant and the Respondent on the status of the investigation and overall process.

### Information Regarding Romantic and Sexual History

The investigator will not consider information concerning the romantic or sexual history of either the Complainant or the Respondent, except as provided by the Complainant or Respondent relating to their shared history. If either offers such information, the other will have the right to respond.

### Information Regarding Mental Health Diagnosis or Treatment History

Each party shall have the right to object to the investigator's consideration of his or her own mental health history or treatment. In the event such an objection is raised, the investigator will neither gather nor consider information regarding mental health diagnosis or treatment.

**Prior Conduct Violations** In conducting the investigation and coming to a final determination, the investigator will not consider prior alleged misconduct or violations of this policy.

**Notification of Specific Allegations** Prior to the conclusion of the investigation, the Respondent will be given written notice of the date, time, location and factual allegations concerning the alleged violation. The Respondent will then have an opportunity to provide any additional evidence or information, he or she may think is relevant.

**Review of Statement** Prior to the conclusion of the investigation, the Complainant and Respondent will each have an opportunity to review the investigator's written recitation of the statements he or she presented during his or her interview(s) and to provide the investigator with any corrections or clarifications that may be necessary.

**Impact Statement** Within two days of reviewing the investigator's recitation of his or her statements, the Complainant and Respondent may submit statements of impact to the Title IX Coordinator, which will be considered by the Title IX Coordinator in connection with determining an appropriate sanction in the event there is a finding of responsibility.

**Investigation Report** At the conclusion of the investigation, the investigator will prepare a written investigation report. The report will clearly set forth the sexual misconduct policy provisions alleged to have been violated, the alleged prohibited conduct and summaries of all witness interviews and any documentary or physical evidence considered as part of the investigation. The report will further provide the investigator's assessment of whether it is more likely than not that the prohibited conduct occurred and the evidentiary basis for that assessment.

**Declining to Participate** If the Complainant or the student Respondent chooses not to cooperate in the investigation, the investigator will still complete the investigation and prepare a report based solely upon the information available. No adverse inference will be made as a result of a party's decision not to participate in the investigation, but a determination will be made based upon the information available. Employee Respondents who refuse to cooperate in the investigation may be subject to disciplinary action, up to and including dismissal.

If the Complainant chooses to withdraw the complaint prior to the completion of the investigation, the Title IX Coordinator will determine whether to continue to pursue the complaint.

#### **Determination of Responsibility and Discipline**

The Investigator's fact-finding report and recommendations will be submitted to the Title IX Coordinator within four weeks of the Title IX Coordinator's receipt of the complaint, absent unanticipated circumstances. The Title IX Coordinator will assess the information contained in the Investigator's report, including the investigator's recommended determination, conduct any further inquiry the Coordinator may deem necessary and then make a final determination using the preponderance of the evidence standard; in other words, the Title IX Coordinator will determine whether it is more likely than not (51%) that a policy violation occurred.

If the Title IX Coordinator finds the Respondent responsible for violating this Policy, the Coordinator shall determine the appropriate disciplinary sanction after considering the

relevant factors, which include the severity of the violation, in cases of sexual assault, the circumstances surrounding the lack of affirmative consent (such as force, threat, coercion, intentional incapacitation, etc.), the Respondent's state of mind (intentional, knowing, reckless, negligent, etc.), the Respondent's history of misconduct, including prior findings of sexual misconduct, the ongoing impact on the Complainant, the ongoing impact on the campus environment, and any ongoing threat to the campus community. In determining the appropriate sanction, the Title IX Coordinator may consult with the Dean of Students and/or the student's academic dean if the Respondent is a student, the Dean of the Respondent's school if the respondent is a faculty member, or the Respondent's manager and/or the Chief Talent Officer and/or the Director of Human Resources if the Respondent is a staff member.

Sanctions may include:

- Expulsion,
- Revocation of degree,
- Suspension,
- Demotion,
- Termination of employment,
- Revocation of honors or awards,
- Warning or reprimand,
- Disciplinary probation,
- Loss of housing privilege,
- Loss of other privileges (including but not limited to use of facilities and participation in campus organizations and activities),
- Community service,
- Mandated training and education.

The Title IX Coordinator will provide both the Complainant and the Respondent with a written Notice of Determination which will contain the rationale for such determination.

The Notice of Determination will be provided to the parties simultaneously and within five business days of receipt of the investigator's report and recommendation. In cases of sexual assault, dating violence, domestic violence and/or stalking, the Complainant and the Respondent will be informed simultaneously and in writing of any sanctions imposed and the rationale for such sanction(s). In other cases of sexual misconduct, the Complainant will only be informed of the sanction(s) to the extent such sanction(s) relate to the Complainant. For instance, if the Respondent has been restricted from being present in the Complainant's office building or dormitory, the Complainant would be informed of that restriction.

#### **Appeals**

Appeals are permitted in cases of alleged sexual assault, dating violence, domestic violence and stalking. After receiving the written Notice of Determination, both the Complainant and the Respondent have five business days to appeal the decision. During that time, both the Complainant and the Respondent will have an opportunity to review the investigation report (redacted to remove the names and personally identifying information of other students as required by law) thoroughly, but copies of the report will not be provided to them. In order to initiate an appeal, the identified appealing party must submit a formal letter of appeal to the Title IX Coordinator specifying the grounds upon which the appeal is based as identified below and explaining how those grounds materially affected the outcome, and providing supporting information. The appeal letter

must be submitted to the Title IX Coordinator by email at [titleix@cooper.edu](mailto:titleix@cooper.edu) or by delivery to the Title IX Coordinator's office within five business days of the issuance of the Notice of Determination. Sanction(s) imposed by the Title IX Coordinator will remain in effect while the appeal is pending.

The only accepted grounds for an appeal are:

- New evidence, which was not available at the time the Title IX Coordinator completed his/her review, has come to light;
- An error in the process, as outlined by this policy, which materially impacted the outcome.
- The sanction(s) imposed were not appropriate in light of the evidence presented.

Disagreement with the determination is not, by itself, grounds for appeal. Whether a letter of appeal brings forward arguable grounds for an appeal is within the sole discretion of the Title IX Coordinator and is not, itself, appealable. If the appeal letter does not bring forward sufficient grounds for appeal, the appeal will be denied and the matter will be closed.

If the appeal letter identifies arguable grounds for appeal, within two business days of receipt of the appeal, the Title IX Coordinator will (i) appoint three trained employees of The Cooper Union to serve on an Appeal Panel and (ii) provide the other party with an opportunity to review the appeal. The non-appealing party will have five business days thereafter to submit materials in response to the appeal.

A party's decision not to participate in the investigatory process does not preclude him or her from appealing. However, except in

## Annual Fire Safety Report

extraordinary circumstances, a party who does not respond to the investigator's inquiries during the investigatory process will be precluded from appealing on the ground that new evidence has come to light.

After reviewing the Investigator's Report and Recommendation, the Title IX Coordinator's Notice of Determination, and the materials submitted by the parties, the Appeal Panel may decide to:

- Affirm the decision of the Title IX Coordinator. In this case, the decision rendered in the Notice of Determination is final.
- Affirm the decision as to whether a violation was committed but modify the sanctions imposed by the Title IX Coordinator. In this instance, the decision as affirmed and the sanctions imposed by the Appeal Panel are not subject to further appeal
- Remand the matter back to the Title IX Coordinator to:
  - reevaluate his/her decision in light of the Appeal Panel's findings and/or
  - reopen the investigation. In this instance, the Title IX Coordinator's revised decision is subject to the Appeals Procedure.

The Appeal Panel's decision will be transmitted in writing to the Complainant, the Respondent, and the Title IX Coordinator simultaneously within five calendar days of the non-appealing party's submission.

If neither party files an appeal within five business days of the Notice of Determination, the Title IX Coordinator will provide both parties with written notice that the determination is final.

While the procedures and timelines outlined in this policy will be strictly enforced, the Title IX Coordinator has the authority to adjust the procedures and timeline as necessary and in the best interest of the parties.

### Compliance with Sanctions and Accommodations

At the conclusion of the investigation and adjudication process, the Title IX Coordinator will be responsible for ensuring compliance with all imposed sanctions and providing accommodations with the goal of preventing future incidents and assisting the Complainant.

### Ongoing Accommodations for the Complainant

Regardless of the determination, the Complainant may request ongoing or additional accommodations. Such requests should be directed to the Title IX Coordinator. Determinations as to whether such accommodations are appropriate or feasible will be made by the Title IX Coordinator in consultation, where appropriate, with the Dean of Students and/or the appropriate Academic Dean. Ongoing accommodations may include: moving the Complainant's residence, changing the Complainant's academic or teaching schedule, allowing the Complainant to withdraw from or retake a class without penalty, providing the Complainant with access to additional academic support.

The complete policy can be found at <https://cooper.edu/sites/default/files/uploads/assets/site/files/2020/Cooper-Union-Policy-Upholding-Human-Rights-Title-IX-Protections.pdf>

To comply with the Higher Education Opportunity Act (Public Law 110-315) Cooper Union has developed an annual Fire Safety Report which contains information on fire safety practices and standards for our on-campus student housing facilities. This information includes statistics for the past three calendar years regarding the (1) number and cause of fires at all on-campus student housing facilities; (2) number of fire related deaths and/or fire-related injuries that resulted in treatment at a medical facility; and (3) value of fire related property damage. The institution must also provide information on, among other things, evacuation procedures, fire safety education and training programs, fire safety systems in each student housing facility, the number of regular fire drills, and all policies regarding portable electrical appliances, smoking and open flames.

### Fire Statistics

The below table lists the number of fires, the cause of each fire, the number of deaths related to the fire, the number of injuries related to the fire that resulted in treatment at a medical facility and the value of property damage related to the fire for fires in on-campus student housing facilities.

Year	Location	Total Fires	Incident #	Date	Time	# Injuries	# Deaths	Cause of Fire	Value of Property Damage
2020	29 Third Ave	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2021	29 Third Ave	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2022	29 Third Ave	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A

### Fire Safety Systems for On-Campus Student Housing

The below table describes the fire systems (fire alarms, sprinklers, fire extinguishers, smoke detectors) in each on-campus student housing facility.

Location	Proprietary Fire Alarm System	Full Sprinkler System*	Smoke Detection	Fire Extinguisher	Evacuation Plans Posted	Yearly Fire Drills	Sprinkler Inspection Date	Fire Alarm Inspection Date
29 Third Ave	X	X	X	X	X	6	N/A	9/2023

X indicates included in the fire protection system.

\* Full Sprinkler system is defined as having sprinklers in both the common areas and individual rooms.

Unless noted above, Cooper Union's Fire Alarm System within 29 Third Avenue contains smoke detection in each sleeping area, hallway, and common area. These devices are connected to a fire alarm panel and transmitted to a central monitoring system that is manned 24 hours per day. Cooper Union Security notifies local the FDNY upon receiving a general building fire alarm. The following additional items are part of The Cooper Union's Fire Alarm System: All residential apartments are non-combustible construction design and all doors are fire rated. There are strobe lights and horns in common areas and hallways.

### Prohibited Items

There are a number of items that are not permitted within the Residence Hall. Please review the following list and be sure to not bring these items with you on move-in day. If these items are found in an apartment, they will be confiscated and the owner will face disciplinary action.

- Candles and incense
- Decorative string/holiday lights
- Halogen lamps
- Extension cords
- Charcoal/propane grills
- Non-university furniture
- Hot plates with exposed coils
- Personal microwaves/refrigerators
- Space heaters
- Weapons, ammunition, and fireworks
- Alcohol (unless you are 21 or older)
- Illegally-obtained signs
- Empty alcohol containers serving a decorative purpose
- Pets
- Most appliances with exposed heating elements
- Illegal drugs and drug paraphernalia (hookahs, pipes, etc.)

The Office of Housing & Residential Education strongly encourages residents to purchase heat-producing appliances (e.g. iron, curling iron, etc.) that have an automatic shut-off feature.

Certain art supplies are not permitted in the Residence Hall. The list of prohibited art supplies includes fixatives, spray paint, rubber cement, encaustic paint, oil paint, paint thinners, turpentine, hot plates, polymer clays and chemical printmaking/photography materials. Art students will

receive a locker in the Foundation Building, where these materials can be stored. Residents should not purchase these items until they receive their locker assignment.

Additionally, we discourage residents from bringing bicycles, large screen televisions and large stereos, since there is not adequate space in the apartments. We also advise students to not bring drafting tables or drawing boards until after they have lived in the space for a few weeks. Remember, the motto of Manhattan apartment living is “think small.”

### Evacuation Procedures for Student Housing

If the buildings fire alarm system is activated, all students and all guests must leave the building immediately. All alarms should be treated as an emergency. Should the alarm bells and lights stop sounding and flashing, students should continue to evacuate. Upon evacuation, students may not use the elevators and should proceed toward the exits via the stairwells. Students should continue across the street after exiting and meet on the corner of Third Avenue and 9th Street, in front of the NYU Residence Hall. Students are not to re-enter the building until instructed to do so by a Cooper Union staff member. Failure to evacuate, or premature re-entry, will result in disciplinary action. Housing & Residential Education Staff may enter student rooms during fire alarms to ensure the safety of students.

- Individuals with disabilities are encouraged to contact the Office of Housing & Residential Education so that appropriate evacuation procedures can be determined.

- Any student who activates a false alarm or tampers with fire or safety equipment (such as fire extinguishers, speakers, smoke detectors and sprinklers) is putting the safety of their fellow students in danger. This behavior is strictly prohibited.
- Stoves and pilot lights should be monitored regularly for fire prevention purposes. Excess grease and flammable items on or near the stove are prohibited.

If the Fire is in Your Room:

- Close (but do not lock) the door to the room where the fire is and leave the room.
- Make sure EVERYONE in the room leaves with you.
- Take your Cooper Union ID/keys.
- Alert people on your floor by knocking on their doors on your way to the exit.
- Use the nearest stairwell to exit the building. Pull the fire alarm manual station at the stair entrance to transmit an alarm signal.
- DO NOT USE THE ELEVATOR.
- Call 911 or campus Security once you reach a safe location. Do not assume the fire has been reported unless firefighters are on the scene.
- Meet the members of your room and floor at your designated assembly area.

If the Fire is not in Your room:

- Feel your room door and doorknob for heat. If they are not hot, open the door slightly and check hallway for smoke, heat or fire.

- Exit your room and building following the instructions above for a fire in your room.
- If you cannot leave your room or use the stairs, stay in your room.
- Seal the doors to your room with wet towels or sheets, and seal air ducts or other openings where smoke may enter.
- Call 911 or campus Security and tell them your address, floor, room number, the number of people in your room and where the fire is located (if you know).
- Open windows a few inches at top and bottom unless flames and smoke are coming in from below. DO NOT BREAK WINDOWS.
- If possible, open a window and wave a towel/sheet to attract attention of firefighters.
- If smoke conditions worsen before help arrives, get down on the floor and take short breathes through your nose and wait for help.

### Evacuation Procedures for All Other Cooper Union Facilities

All fire alarms are to be taken seriously. Evacuation of the facility is mandatory until the signal to re-enter has been given by the fire department or security. This applies to each member of the Cooper community. Staff should be aware of the emergency evacuation plans for their buildings. Assistance and direction should be given to all contractors, vendors, licensees, invitees, and visitors during the emergency.



For all Non-Student Housing Facilities:

- All stairwells in the building will be used for the evacuation of the building.
- The elevators will not be used.
- When the alarm is sounded, all occupants will use the exit nearest them, if that stairway is not usable, go to the next closest stairway.
- Doors, and if possible, windows, should be closed as the last person leaves a room/area.
- When the alarms sound, evacuate the building quickly (see campus guidelines below), but do not run. Do not panic.
- Persons who walk slowly or have difficulties with stairs should walk to the right.
- Leave the vicinity of the building so that the fire fighters will have access to the building.
- Proceed to your designated assembly area.
- Never re-enter a building without the all clear from the Fire Department or Security.

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#### **Evacuation of Disabled Persons**

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Pre-planning is of utmost importance to ensure that persons with physical disabilities are provided with the assistance and knowledge to evacuate a building. It is expected that a residence life staff member knows of your immobility, whether it is temporary or permanent. Prior to an emergency evacuation of any kind, it is advised that each person needing assistance should meet with the residence life staff and the safety and security department to discuss a plan of action.

- All persons should proceed toward the nearest safe emergency exit.
- When a disabled person reaches a stairway they should request help from others in the area. If assistance is not immediately available, individuals should remain in the exit corridor and if possible call for help.
- If the corridor becomes dangerous with fire and/or smoke, proceed into the stairway. Be aware of people exiting the building via the stairway. If the stairway should become unsafe, proceed to a safe area away from smoke and fire, closing doors behind you to isolate the smoke.
- Call 911 or campus Security and give your name and location.
- Elevators will not be used to evacuate disabled persons until the fire department determines that they are safe to use.
- The Fire Department and/or Security should be informed immediately by any member of the Cooper Community as to the location of a disabled person.
- In order to evacuate persons with disabilities as quickly as possible, it will be necessary for the Safety and Security Department to maintain a current list of disabled employees and students.
- If a disabled person is visiting a department, it is that department's responsibility to assign sufficient employees to assist in evacuation when necessary and to alert the Safety and Security Department on campus.

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#### **Fire Safety Education and Training**

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Fire/evacuation drills are conducted each semester for all students and employees and are conducted in all academic, administrative, and on-campus residence buildings in accordance with New York State Education Law and New York Dormitory Authority regulations. For residence halls, at least one of these drills is held during evening hours. Drills are conducted to educate occupants on the quickest and safest means for evacuating in the event of an alarm, fire, or other hazardous condition. For your safety, Cooper Union expects all occupants of buildings in which drills are being conducted at the time, to participate; to comply with instructions to evacuate; and to evacuate in the event of an alarm or hazardous condition.



