

**Brooklyn Law School**  
**Annual Security &**  
**Fire Safety Report**  
2024



**Brooklyn Law School**  
ESTABLISHED 1901

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# ANNUAL SECURITY AND FIRE SAFETY REPORT

2024

Brooklyn Law School (BLS) conducts its academic and administrative operations at 250 Joralemon Street, Brooklyn, New York, 111 Livingston St 21<sup>st</sup> floor for clinics staff and administrators and 205 State Street (Feil Hall), which is a residential facility.

## Security at Brooklyn Law School

Under the supervision of the Law Schools Director of Campus Safety. Doyle Security Services, a New York State licensed security company, currently provides security for Brooklyn Law School.

Security desks are in operation at the following locations:

1. **250 Joralemon Street** - The entrance lobby of the Law School's main building is staffed twenty-four hours, seven days a week by security guard. The phone number is **718-780-7972**.
2. **205 State Street (Feil Hall)** - The entrance lobby is staffed twenty-four hours a day, seven days a week by security. The telephone number is **718-780-7991**.
3. **111 Livingston St. 21<sup>ST</sup> FL**- The building operates 24/7 and the space is staffed Monday – Friday from 0800-1800. The telephone number is **718-780-7555**.

Each security desk is equipped with two-way radio transmitters, and the security desks can receive emergency calls which enables security guards to respond to emergencies and coordinate with local law enforcement. A valid Law School I.D. card is needed to enter all BLS buildings. Visitors will be announced by phone before they are permitted to enter a building. Video cameras have been installed on the Law School's premises at all three locations.

Security Staff receive de-escalation training and emergency lifesaving training such as CPR/AED use and Stop the Bleed conducted on an annual basis once for refresher and every two years for recertification. At each security desk guards are equipped with an AED and emergency first aid kit.

Upon 30 Days of hire Security guards receive Campus Security Authority training brief from Director of Campus Safety.

Security guards enforce Brooklyn Law School policies and procedures on BLS-owned or controlled property. They do not have authority to enforce BLS policies and procedures in public spaces or on other private property. They also do not have legal authority to make arrests. The NYPD is contacted to initiate an arrest, when necessary.

Brooklyn Law School has a Memorandum of Understanding (MOU) with the New York Police Department (NYPD) pertaining to the investigation of criminal incidents. None of its student organizations have campus or non-campus housing facilities.

## Reporting Procedures

### General Procedures for Reporting a Crime or Emergency

In the event of a security or safety concern, students should notify the security guard on duty. The guard will log the incident and promptly report it to Jonathan Santiago at 718-780-7506 or [jonathan.santiago@brooklaw.edu](mailto:jonathan.santiago@brooklaw.edu). The Director of Campus Safety will report the incident to the appropriate persons, which may include the Vice President of Operations; the Dean of Students; the Director of Residence Life; The Director of Equal Opportunity and Title IX Coordinator; and the Office of General Counsel. Students can also report incidents online through [BLS Connect](#).

Community members, students, faculty, staff, and guests are encouraged to report all crimes and emergencies in an accurate and prompt manner (including when the victim is unable to make such a report) directly to the NYPD by dialing 911. They should also notify a Doyle security guard by dialing **718-780-7972**. The security guard will act as deemed appropriate. The guard will also log non-emergency reports to be submitted to the Director of Campus Safety for review and potential action. Any internal that involves a student, will be forwarded to the Office of Student Affairs. The Dean of Students, or a designee, is responsible for reviewing all reports and will determine whether the case will be referred for adjudication. If deemed necessary, the Doyle Security guard will notify NYPD or FDNY to respond to the scene.

In accordance with Article 129A, of the New York Education Law, Brooklyn Law School has adopted and implemented a plan providing for the investigation of any violent felony offense occurring at or on the grounds of each building location. The plans shall provide for the coordination of the investigation of such crimes and reports with local law enforcement agencies in connection with this plan, Brooklyn Law School has a Memorandum of Understanding (MOU) with the NYPD pertaining to the investigation of criminal incidents.

All crimes should be reported to a Doyle Security guard on duty, to ensure inclusion in the Law School's annual crime statistics and to aid in providing timely warning notices to the community, when appropriate. A crime that is reported only to off-campus resources will not be included in the Law School's crime statistics and will not provide the Law School with information need to determine whether a timely warning is appropriate.

### **Confidentiality**

Campus "Pastoral Counselors" and "Professional Counselors," are *not* required to report crimes for inclusion in the annual disclosure of crime statistics. Only licensed counselors, health care providers, and clergy serving in pastoral counseling roles are designated confidential resources. The Law School does not have a health or counseling center or a campus ministry; However, students may seek confidential services through Timely MD. Employees may seek confidential resources through the Employee Assistance Program provided through their benefits provider. In addition, students and employees who do not wish to disclose to the Law School a complaint of sexual misconduct or any other crime may utilize off campus health, religious and counseling services in the community where their confidentiality may be protected. For a list of off-campus resources, see page 37-38 of this Report.

### **Voluntary Confidential Reporting**

If you are the victim of a crime and do not want to pursue action within the Law School system or the criminal justice system, you may still want to consider making a confidential report. With your permission, Campus Security can file a report on the details of the incident without revealing your identity (except in certain cases of sexual misconduct or sex-based discrimination reportable to the Director of Equal Opportunity and Title IX Coordinator.) The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety

of yourself and others. With such information, the Law School can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime regarding a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the Law School.

If a complainant requests confidentiality or asks that the complaint not be pursued, the Law School will evaluate confidentiality requests in the context of its responsibility to provide a safe and nondiscriminatory environment for all persons. There may be instances where an investigation may have to be pursued against the complainant's wishes if doing so fulfills the Law School's responsibility to protect the Law School community. In those cases, the Law School will undertake all efforts to safeguard the privacy of the complainant. If a complainant insists that his or her name or other identifiable information not be disclosed to the accused individual, the Law School's ability to respond may be limited. If the complainant continues to ask that his or her name not be revealed, the Law School will take all reasonable steps to investigate and respond to the complaint consistent with the request, as long as doing so does not prevent the Law School from responding effectively.

## **Notification to the Brooklyn Law School Community about Reported Crimes - Timely Warnings**

To provide timely notice to the BLS community, and in the event of a crime within the BLS Clery geography which may pose a serious or ongoing threat to members of the BLS community, a “Timely Warning” will be sent to all students and employees via the BLS Community Email List. In the event of a failure in email (which is the primary method of disseminating Timely Warning Notices), Timely Warning notices may also be disseminated by placing posters in the building lobbies and/or floors. These alerts will be prepared by Campus Safety and approved by the General Counsel Office and distributed to the community. Follow-up information will be disseminated via the BLS Community Email List.

Timely Warnings may also be posted for locations outside of the BLS Clery geography, as deemed necessary to protect the safety of the Law School Community. Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of the victims as confidential, and with the goal of aiding in the prevention of similar occurrence.

## **Notification of Missing Students**

If a member of the Brooklyn Law School community has reason to believe that a student who resides in on-campus housing is missing, he or she should **immediately** notify the Doyle security guard on duty at 718-780-7972 or one of the other Campus safety phone numbers listed earlier in this report. The Doyle security guard will generate a missing person report and notify the Dean of Student.

**The Law School’s Policy on Missing Students is available via the Policy Index appended on this report as Attachment A.**

## **Daily Crime and Fire Log**

A daily crime and fire log is available for review during normal business hours at the entrance lobby of the Law School’s main building at 250 Joralemon Street.

## **Emergency Response and Evacuation Procedures**

The BLS Emergency Response Plan includes information about the Law School’s Building Emergency Coordinators; incident priorities and performance expectations; shelter-in-place and evacuation guidelines; crisis communications plans; and continuity of operations plans. The Law School conducts a minimum of one Emergency Response test per year. The test includes members of the Emergency Management Operations Team (EMOT). A test may be in the form of an exercise, which could include a tabletop or functional exercise, and a drill which evaluates a procedural operation or technical system. The tests are designed to assess and evaluate the emergency plans and capabilities of the Law School. On an annual basis, BLS will publish the results of the annual test.

The campus publicizes a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise and drill) that meets all the requirements of the Higher Education Opportunity Act.

Doyle Security guards are familiar with all aspects of the Emergency Response Plan, including Incident Command. If a serious incident occurs that causes an immediate threat to the campus, the

first responders to the scene are usually the NYPD and/or the FDNY. These agencies will work with BLS staff to manage the incident.

### **Notification to the BLS Community about an Immediate Threat**

BLS will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or staff occurring on campus. Security, the Facilities Manager, Deans' Office and/or designee will confirm the emergency with assistance from various offices/departments on campus or external agencies, such as the NYPD, and the FDNY. the Vice Dean, the Dean of Students, Vice President of Operations, Director of Campus Safety or the Dean of the Law School will determine the content of the message and the appropriate segments of the community to receive the notification. The Law School may limit the message to a particular segment of the community if the threat is limited to a particular building or segment of the population. The Director of Campus Safety, Dean of Students, Vice Dean, or Director of Communications will send the immediate notification to the BLS community.

Please refer to the chart below for specific details regarding the development and initiation of the messages. BLS staff, without delay and considering the safety of the community, will determine the content of the notification and initiate the notification system, unless issuing a notification, will compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event of a serious incident that poses an immediate threat to members of the BLS community, the Law School has various systems in place for communicating information quickly. Some or all these methods of communication may be activated in the event of an immediate threat to the BLS campus community. These methods of communication are part of the OnSolve Notification System and BLS Connect Emergency communication can include mass emails, emergency text messages that can be sent to a phone or PDA, and website postings through BLS Connect. The OnSolve Notification System is the primary communication system used to disseminate information about emergencies or dangerous situations at the BLS campus.

BLS employees are strongly encouraged to review their contact information and update it on ADP. BLS students are encouraged to do so using Self Service.

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<sup>1</sup> A copy of the Emergency Response and Evacuation Procedures is available at [blsconnect](#)



System to Use	Primary Message Creator	Backup Message Creator	Authority for Approving & Sending Messages	Primary Message Sender/Distributor	Backup Message Sender/Distributor
<b>PRIMARY</b>					
OnSolve (Phone, Text, Email)	Director of Campus Safety	Vice Dean, Dean of Students, Director of Communications, or Dean of the Law School	Vice Dean, Dean of Students, or Dean of the Law School	Vice Dean, Dean of Students, Director of Communications, Director of Campus Safety	IT Department Staff
Alerts Page Website and 6 Monitors	Vice Dean	Same as above	Same as above	External Affairs	IT Department Staff
<b>SECONDARY</b>					
Fire Alarm System	Director of Campus Safety	Doyle Security Guard	Facilities	Doyle Security Guard	Facilities
Face to Face Communication	Director of Campus Safety	Deans	Doyle Security Guard, or Facilities	Doyle Security Guard	Deans

In addition, BLS will use some or all these methods of communication to provide follow-up information to the BLS community following an emergency on campus. BLS will post any emergency notifications on its opening Home page, which can be accessed by any member of the BLS community and the larger community. The BLS Home page is located at <https://www.brooklaw.edu>.

BLS community members are encouraged to notify the Doyle security guard on duty at 718-780-7972 or the other phone numbers as described in the Reporting Procedures section of this document of any situation or incident in or around a BLS facility that involves a significant emergency or dangerous situation which may pose an immediate or ongoing threat to the health and safety of students and/or employees on campus.

## **Emergency Evacuation Procedure**

In the event of a fire or other emergency, everyone needs to be familiar with the stairwell exits in all of the Law School buildings. Detailed signs showing all available exits and instructions in case of an emergency have been posted near the entrance in each classroom. Faculty members and students are expected to familiarize themselves with these signs in any classroom in which they teach or have class.

All emergency exits should be used during drills as well as emergencies. Do not worry about setting off the alarm. If an exit has an alarm bar, push it to unlock the door. Everyone is expected to use the closest stairway to their location to exit to the ground floor. Doors to stairwells must be kept closed unless a person is entering or exiting. To avoid an accident or injury, do not, at any time, wedge or tie the stairwell doors open.

During an emergency or drill, remain calm. Follow the directions of security guards, fire wardens and faculty members. When a fire alarm sounds at 250 Joralemon Street:

- Terminate all telephone conversations, meetings, or classes;
- Do not call the lobby security guard to find out whether there is an actual emergency; the lobby phone must be kept available for phone calls seeking assistance;
- Take all valuables and coats with you, if readily available;
- Do not return for valuables;
- Close all doors behind you and leave the lights on;
- Do not run and do not use the elevators as means to the exit the floor; and
- Proceed to the nearest stairwell and exit the building.

Campus Safety and emergency personnel will direct you out of the building and inform you when it is safe to return. In an emergency, non-compliance with these rules could be fatal to you and others.

**Please note that 205 State Street (Feil Hall) is a non-combustible (fireproof) building.** In the event of a fire in **Feil Hall**, if the fire is not in your apartment, stay inside your apartment and listen for instructions from firefighters unless conditions become untenable.

### **Persons in Need of Assistance During an Emergency Evacuation**

In the event of any emergency requiring the evacuation of personnel and students, it is important that Law School's security personnel and the Director of Equal Opportunity and Title IX Coordinator are aware of all staff members, faculty, students, and visitors who have any condition or disability that will result in the need for assistance. These conditions include, but are not limited to, limitation of sight, hearing or mobility, heart condition, back problem, pregnancy, respiratory condition, or any other condition that would make it difficult to follow emergency procedures. The Director of Equal Opportunity and Title IX Coordinator, Louise Cohen, can be reached at 718-780-0377 or [louise.cohen@brooklaw.edu](mailto:louise.cohen@brooklaw.edu).

**If you are physically disabled (even temporarily), please notify the Director of Equal**

**Opportunity and Title IX Coordinator [louise.cohen@brooklaw.edu](mailto:louise.cohen@brooklaw.edu) to your needs during an evacuation.**

All information will be kept **confidential to the full extent possible; consistent with the ability of the Law School to provide emergency assistance.**

Students, faculty, and staff receive information about evacuation and shelter-in-place procedures during educational sessions that they can participate in throughout the year.

### **Shelter-in-Place Procedures**

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to seek shelter indoors. Thus, to “shelter-in-place” means to utilize the building that you are in as shelter from danger that is outside of the building or in other areas of the building. With a few adjustments, these locations can be made even safer and more comfortable until it is safe to go outside.

### **Basic “Shelter-in-Place” Guidance**

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to exit. If your building is damaged, take your personal belongings (purse, wallet, BLS ID Card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, proceed to the pre-designated evacuation point or to a safe location. If police or fire department personnel are on the scene, follow their directions.

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

A shelter-in-place notification may come from several sources but, most likely, will be via the MIR3 Notification System, which delivers emergency information to students, faculty, and staff via several possible channels, including text, phone, and email; NYPD or the FDNY personnel; or New York City government agencies/officials.

### **How to “Shelter-in-Place”**

No matter where you are housed, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise; follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are indoors, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
  - a. an interior room;
  - b. above ground level;
  - c. without windows or with the least number of windows; and
  - d. if there is a large group of people inside a particular building, several rooms may be

necessary.

3. Shut and lock all windows and close exterior doors.
4. Turn-off air conditioners, heaters, and fans.
5. Close the vents to ventilation systems as you are able.
6. Make a list of the people with you and ask someone to notify the security guard at 718-780-7972.
7. If possible, turn-on a radio or TV and listen for further instructions.
8. Remain calm and make yourself comfortable.

## **Security and Access to BLS Campus Facilities**

Main entrances to BLS buildings have security guards on site to control access. However, unauthorized individuals could possibly gain entrance through side doors if they are determined to thwart the security of the Law School by timing their entries behind other entrants or asking someone to hold a door open. Please be aware of this and refer any unauthorized persons to the security guard at the lobby desk.

The buildings listed below have a security guard on site to monitor access and respond to security issues when necessary.

- **Feil Hall (205 State Street)** has a security guard at the front entrance of the building 24/7. Residents must present their ID card and use the card reader when entering the building. The photo of the card holder is displayed when the card is used at the card reader. Student residents receive a green ID card which distinguishes them from non-residential students. When a guest arrives, a photo ID card is requested, and information is captured on a guest log. The security guard then confirms with the resident that the individual is an authorized guest. Security guards sign in visitors and respond to emergencies, if necessary, 24 hours/day. Feil Hall has a security camera system.
- **250 Joralemon Street** uses turnstiles to control access to the building. The photo of the card holder is displayed when the BLS ID card is used to access the turnstile. Security guards control access and register all visitors and are on site to respond to emergencies, if necessary, 24 hours/day. This building has a security camera system.
- **111 Livingston Street** has a guard situated on the 21<sup>st</sup> floor entrance of the Building Monday through Friday from 8am to 6pm. Members seeking to gain access must swipe their BLS ID cards to access the space/ Security guards control access and register all visitors and are on site to respond to emergencies. The building has security camera system and door swipe control.

## **Maintenance of BLS Campus Facilities**

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. The BLS Facilities Maintenance Staff addresses maintenance issues at all BLS facilities to assess and initiate repairs of malfunctioning lights and other unsafe physical conditions. Other members of the BLS community are helpful when they report equipment problems to the security guards on duty.

## **Education of Members of the BLS Community**

NYPD officers from the 84<sup>th</sup> Precinct attend new student orientation to answer questions and provide information pertaining to safety and security information. They provide students with information related to security-risk assessments, crime prevention, and situational awareness.

The Department of Campus Safety provides information on campus safety and emergency procedures held at the start of every fall semester. Information is provided encouraging participants to be responsible for their own security/safety and for the security/safety of others on campus. There are typically several crime prevention and security awareness programs conducted each academic year during new student orientation. In addition, the Department of Campus Safety, the Title IX

Coordinator, NYPD, the NYC Office of Emergency Management, New York National Guard, WomanKind, New York City Alliance Against Sexual Assault, Wyckoff Hospital Violence Intervention and Treatment Program, and the Kings County District Attorney's Office have conducted educational programs for students, faculty, and staff.

### **Bias Crimes**

NY Education Law, §129A requires BLS to inform incoming students about bias-related crime prevention measures. In addition to programming that may occur in orientation and throughout the academic year, the Law School provides the following information about bias crimes:

Brooklyn Law School defines bias crimes in accordance with the definition of hate crimes under New York law. The definition provides that a person commits a hate crime when he or she commits a specified offense and either:

1. intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
2. intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

Reports of bias related crimes to Campus Safety are referred to NYPD for response. In addition, conduct of members of the BLS community that constitutes a bias related crime will be addressed through the appropriate internal disciplinary procedures. (I.e., for students, such conduct will be addressed through the student disciplinary procedures, and for faculty and employees, such conduct will be addressed in accord with the terms of the appropriate handbook).

BLS provides support services for those affected by bias related crimes. Students may receive such support by contacting the Dean of Students. Faculty and employees may receive support by contacting the Director of Human Resources. If you believe you have experienced or witnessed a bias related crime, please contact the Director of Campus Safety or the security guard on duty.

Information about campus crime is available in this report. In addition, Campus Safety provides alerts and timely warnings to the community to about emergent issues and security protocols.

## **Responsibilities of the BLS Community**

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

1. Report all suspicious activity to a security guard or NYPD immediately.
2. Never take personal safety for granted.
3. Try to avoid walking alone at night.
4. Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively or are engaging in illegal activity. Remember to call the security guard for help at the first sign of trouble.
5. Carry only small amounts of cash.
6. Never leave valuables (wallets, purses, laptops, phones, etc.) unattended.
7. Always carry your keys and ID and do not lend them to anyone.
8. Always lock the door to your apartment and/or office when you are not there.
9. Register your electronic devices with NYPD – free of charge.

## **Alcohol Policies**

For information on the possession, consumption, and sale of alcoholic beverages on the Law School Campus, please see The Brooklyn Law School Alcohol Policy, included here as **Attachment B**

## **Drug-Free Schools and Communities**

In accordance with the federal Drug Free Workplace Act of 1988, the federal Drug Free Schools and Communities Act of 1989, and the Brooklyn Law School's Drug-free Workplace Policy, Brooklyn Law School has implemented a Drug and Alcohol Policy which prohibits the unauthorized manufacture, sale, distribution, dispensation, possession or use of alcohol and illicit drugs by students on BLS property or as part of any BLS activity (unless alcohol is served as part of the activity) is prohibited. A copy of the Policy is available via the Policy Index appended to this report as **Attachment A**.

## **Smoke, Tobacco, and Marijuana-Free Campus**

In accordance with New York State and New York City Public Health Laws and Smoking and Tobacco Control laws, smoking and the use of any tobacco products are prohibited in the offices, common areas, restrooms, hallways, stairwells, rooftops, lobbies, and the pedestrian plaza of Brooklyn Law School. Smoking and the use of tobacco products is also prohibited in the residential buildings owned or operated by Brooklyn Law School, including student and faculty apartments, common areas, bathrooms, hallways, stairwells, rooftops, lobbies, and entrances.

A copy of the Smoke and Tobacco Free Campus Policy is available via the Policy Index appended to

this report as **Attachment A**.

In addition, marijuana is not permitted in on Law School property or in Law School facilities. While New York law permits the recreational and medical use of marijuana under certain conditions, Federal law prohibits the use, possession, and distribution of marijuana in higher education institutions. Thus, the Law School cannot allow medical or recreational marijuana in any form (including CBD, edibles, liquids, oils, etc.) on the premises, including in the residences in Feil Hall.

The Housing License that governs residency in Feil Hall expressly prohibits the possession, use, and distribution of marijuana in any form. Violations of this prohibition will be addressed under the Housing License or through the student disciplinary procedures.

### **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, As Amended by the Violence Against Women Reauthorization Act of 2013.**

Brooklyn Law School prohibits acts of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the law school community. Toward that end, Brooklyn Law School issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus.

### **Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking**

For purposes of crime statistics reporting, the Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- **Domestic Violence:**
  - i. 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.
  - ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
  
- **Dating Violence:** Violence committed by a person who is or has been in a social relationship



of a romantic or intimate nature with the victim.

- i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - ii. For the purposes of this definition:
    - A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - B) Dating violence does not include acts covered under the definition of domestic violence.
  - iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Sexual Assault:** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
    - **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
    - **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental incapacity.
    - **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.
  - **Stalking:**
    - i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
      - A) Fear for the person's safety or the safety of others; or
      - B) Suffer substantial emotional distress.
    - ii. For the purposes of this definition—
      - A) *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
      - B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
      - C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the Purposes of Clery Act reporting.

## **Jurisdictional Definitions of Sexual Assault, Domestic Violence, Dating Violence and Stalking**

### **Sexual Assault**

Under the New York State Penal Law, any of the following acts, if perpetrated against a victim *without consent* is a **sexual assault crime**.

- **Rape and Attempted Rape:** engaging or attempting to engage in sexual contact with another person either: (1) without the person's consent; (2) where a person is incapable of consent due to a mental disability, mental incapacitation, or physically helpless; or (3) the person is less than seventeen (17) years old.
- **Criminal sexual acts (oral or anal sexual conduct)** occur upon contact between penis and mouth, penis, and anus (rectum), mouth and anus, or mouth and vaginal area. No penetration is required.
- **Sexual contact** is any touching of the sexual or intimate parts of the body, whether over or under clothing, done for the purpose of gratifying the sexual desire of the perpetrator. Sexual contact includes both: (i) the touching of the victim's sexual or intimate parts by the perpetrator; and (ii) the touching of the perpetrator's sexual or intimate parts by the victim.
- **Sexual abuse** is subjecting a person to sexual contact without that person's consent.
- **Forcible touching** is the intentional and forcible touching of another, done for the purpose of: (i) degrading or abusing another person; or (ii) gratifying the defendant's sexual desire. Forcible touching includes squeezing, grabbing, or pinching.
- **Aggravated sexual contact** is the insertion of a foreign object (e.g., bottle, broom handle, etc.) into the vagina, urethra, penis, or rectum.

### **Domestic Violence**

In New York State, the crime of domestic violence includes the following acts by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim: (1) actual physical abuse; (2) an attempt to harm another; (3) placing another in fear of imminent, serious, physical harm, like violating a protective order; or (4) causing another to engage in sexual relations by force, threat of force, or duress.

The term **intimate partner** includes persons legally married to one another; persons formerly married to one another; persons who have a child in common (regardless of whether such persons are married or have lived together at any time); couples who are in an "intimate relationship" including but not limited to couples who live together or have lived together; and persons who are dating or who have dated in the past, including same-sex couples.

Examples of behaviors that may constitute **domestic violence** include:

- Hitting, punching, pinching, slapping, or choking;
  - Violating a protective order; and
  - Harming a person's children or animals.
- Acts of domestic violence include the following behaviors in addition to the behaviors described above:

- Emotional abuse;
- Psychological abuse; and
- Economic abuse.

## **Dating Violence**

Dating violence is violence committed by a person:

- (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (b) where the existence of such a relationship will be determined based on a consideration of the following factors:
  - (i) the length of the relationship;
  - (ii) the type of relationship;
  - (iii) the frequency of interaction between the persons involved in the relationship.

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

Examples of behaviors that may constitute **dating violence** include:

- The threat of physical or/and sexual assault;
- Taking away a person's cell phone during an argument so the person cannot call a friend or the police for help; and
- Threatening to self-harm if another does not do what is said.

In New York State, dating violence is prosecuted under domestic violence laws.

## **Stalking**

Stalking is conduct directed at a specific person that would cause a reasonable person to:

- (a) fear for his or her safety or the safety of others; or
- (b) suffer substantial emotional distress.

In New York State, a person is guilty of stalking when the person intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct:

- (a) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted;
- (b) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning, or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such

person is acquainted, and the actor was previously clearly informed to cease that conduct;  
or

(c) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

**Brooklyn Law School follows New York State Education Law's definition of Affirmative Consent and applies it to all cases under the Sexual Misconduct Policy and to all members of the BLS community.**

**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 if those words or actions create clear permission regarding a 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. The person initiating each specific act, regardless of whether the person is under the influence of alcohol or drugs, is responsible for seeking consent and having consent accepted. Past sexual activity does not constitute consent for future acts. In addition:

- Consent may be initially given, but withdrawn at any time;  
When it is withdrawn, or can no longer be given, or at any time consent is uncertain, *sexual activity is to stop*;
- Consent is not given when it is under the threat of harm, intimidation, coercion, or force. Under New York State Penal Law, **forcible compulsion** means to compel by actual physical force; by the threat of expressed or implied physical force, which puts the victim in fear of being physically harmed or of another person being physically harmed (e.g., one's child); or by the threat to kidnap the victim or a third person;
- Consent cannot be given when a person is incapacitated, which occurs when a person lacks the ability to knowingly choose to participate in sexual activity; and
- Depending upon the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and, therefore, unable to consent.

Under New York State Penal Law, **incapacity** exists when a person is:

- **physically helpless** — unconscious or otherwise physically unable to indicate unwillingness to engage in an act;
- **under 17 years of age** — New York law states that a person less than 17 years of age is legally incapable of consenting to sexual intercourse or other sexual contact (these laws are typically known as statutory rape laws);
- **mentally incapacitated** — the person is temporarily incapable of understanding or controlling his or her conduct because a drug or other intoxicating substance (e.g., alcohol) was given to him or her without his or her consent. A person is mentally or physically incapacitated when he or she has consumed alcohol and/or drugs, legal or illegal,

*voluntarily, or involuntarily*, and is in a state where a reasonable person would believe that the person is unable to make reasonable judgments or render self-care; or

- **mentally disabled** — the person suffers from a mental illness or condition that renders the person incapable of understanding the nature of one’s conduct.

**Incapacitation** includes, but is not limited to, lack of consciousness and being asleep, being involuntarily restrained, or otherwise being unable to consent.

Indicators of incapacitation may include:

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

## **How to Be an Active Bystander**

**Bystander intervention** means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”<sup>2</sup> We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list<sup>3</sup> of some ways to be an active bystander. Further information regarding bystander intervention may be found at <https://www.rainn.org/articles/your-role-preventing-sexual-assault>. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.

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<sup>2</sup> Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

<sup>3</sup> Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse

2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

## Risk Reduction

**Risk reduction** means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims to promote safety and to help individuals and communities address conditions that facilitate violence. With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org)).

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don't know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cab money or have access to a ride-sharing service such as Uber or Lyft.
7. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the alcohol they have consumed, or is acting out of character, get the friend to a safe place immediately.

14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. **Remember that being in this situation is not your fault.** You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
  - b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use include needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

### **Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking**

The Law School engages in programming and initiatives intended to end dating violence, domestic violence, sexual assault and stalking that:

- A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that includes the following:

- A. A statement that the institution prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act).
- B. The definitions of domestic violence, dating violence, sexual assault and stalking according to any applicable jurisdictional definitions of these terms;

- C. What behavior and actions constitute consent, in reference to sexual activity, in the State of New York;
- D. The Law School’s definition of consent AND the purposes for which that definition is used.
- E. A description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- F. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- G. Information regarding:
  - a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)
  - b. how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
  - c. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
  - d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
  - e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document);

**Primary prevention programs** means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.



**Awareness programs** means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

The Director of Campus Safety and the Director of Equal Opportunity and Title IX Coordinator provide information to new students during orientation to cover the following topics: the Annual Security and Fire Safety Report, how to contact the Department of Campus Safety, access control at BLS, emergencies, services provided, crime prevention information and information on what to do if they become a victim of a crime. In addition, information is provided on Title IX, the definition of consent, Bystander Intervention, and information on resources on and off campus. These programs include presentations made to new students, student leaders, and distribution of pertinent materials at the Community Fair. Students are notified of the training schedules on a yearly basis.

**Ongoing prevention and awareness campaigns** means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution. The schedule for on going prevention and awareness programs hosted at the Law School is publicized throughout the academic year.

### **Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs**

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at an emergency room that is a certified SAFE Center for Excellence (see page 34-36). Victims can locate hospitals with such emergency rooms by referring to this document or by calling the NYPD at 911.

**In New York State, evidence may be collected even if you chose not to make a report to law enforcement.** It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where the person was assaulted if the offense occurred within the past ninety-six (96) hours so that evidence as may be necessary to the proof of criminal activity may be preserved. If sexual assault victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, which would be useful to Law School investigators/ hearing boards or the police.

Although the Law School strongly encourages all members of its community to report violations of the Sexual Misconduct Policy or the Policy Prohibiting Sex Based Discrimination to law enforcement, it is the victim's choice whether to make such a report, and victims have the right to decline involvement with the police and/or on-campus authorities. If a victim chooses to file a criminal complaint, the Title IX Coordinator will assist any victim with notifying local police. The Title IX Coordinator may be reached by emailing [TitleIX@brooklaw.edu](mailto:TitleIX@brooklaw.edu). The 84th Precinct may also be reached directly by calling (718) 875- 6811 or in person at 301 Gold Street. Additional information about the 84th Precinct Police department may be found online at:

<http://www1.nyc.gov/site/nypd/bureaus/patrol/precincts/84th-precinct.page>.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings (proceedings means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings), or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with the Director of Equal Opportunity & Title IX Coordinator, or local law enforcement to preserve evidence to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining an order of protection later.

### **Off-campus Jurisdiction**

The Law School assumes jurisdiction to adjudicate off-campus complaints that fall within the scope of its policies and does not limit the timeframe for reporting. If the accused person is no longer affiliated with the Law School at the time the report is made, then the Law School will still conduct an inquiry, take steps to prevent the recurrence of such conduct to the Law School community, and remedy the effects, if appropriate.

### **Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault and Stalking**

Individuals who believe that they have been a victim of domestic violence, dating violence, sexual assault or stalking or who are aware of someone who has been subjected to such conduct should report the conduct to the Director of Equal Opportunity and Title IX Coordinator. Brooklyn Law School requires all employees to notify the Director of Equal Opportunity and Title IX Coordinator if they have information about conduct that may domestic violence, dating violence, sexual assault or stalking. Employees should also provide any individual who alleges or is believed to be the victim with information on how to make a complaint and/or seek supportive measures from the Title IX Coordinator.

A complaint does not have to be in writing. Notice to the Law School is made when the Law School knows or reasonably should know, based on the statements of a complainant or other reports, that sexual misconduct is alleged. Actual notice from the complainant, which consists of direct statements alleging sexual misconduct, is preferable, although the Law School accepts verbal or written statements from *any party* who has knowledge of an incident of sexual misconduct occurring either on or off campus. A complaint may also be initiated when a possible Title IX violation comes to the attention of the Law School through social media sites (e.g., Facebook, You Tube) and news media.

Complaints should be filed as soon as possible so that the Law School can promptly and effectively address the issue. However, untimely complaints will be accepted, thoroughly investigated, and addressed.

Anonymous reports are accepted by the **Director of Equal Opportunity and Title IX Coordinator, Louise Cohen**, via email at [Title\\_IX@brooklaw.edu](mailto:Title_IX@brooklaw.edu), but the supplier of the

anonymous report should be aware that failure to disclose identifying information about the accused party, the victim of the sexual misconduct or sex based harassment, or the facts and circumstances regarding the misconduct severely limits the Law School's ability to respond and remedy the effects of sexual misconduct or sex based harassment. Anonymous reports that provide enough information to constitute a criminal offense, less any identifying information regarding the complainant, will be included in the Annual Security Report and assessed for purposes of sending out a Timely Warning under the Clery Act.

The Law School will inform individuals of their right to file criminal charges and to medical, counseling and support service referrals. The Law School can also take interim measures pending the investigation of a report or complaint to prevent contact between a complainant and an accused party and to protect the Law School community, such as: (i) making housing, academic, and work-related adjustments, if reasonably available; (ii) prohibiting contact between the parties; (iii) assisting in the filing of a criminal complaint or seeking an order of protection; and (iv) making arrangements for counseling and emotional support.

### **Procedures the Law School Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported**

Upon receipt of a Complaint of sexual assault, domestic violence, dating violence or stalking, the Director of Equal Opportunity and Title IX Coordinator will notify the Complainant of their right to:

- Notify campus security, local law enforcement, and/or state police;
- Have emergency access to the Title IX Coordinator who shall be available to provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney;
- Disclose the incident to individuals who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for reporting individuals;
- Disclose confidentially the incident and obtain services from the state or local government;
- Disclose the incident to BLS representatives who can offer privacy, and can assist in obtaining resources for reporting individuals;
- File a report of sex-based harassment and the right to consult the Title IX Coordinator and other appropriate BLS representatives for information and assistance. Reports shall be investigated in accordance with BLS Policy and a reporting individual's identity shall remain private at all times if the

- reporting individual wishes to maintain privacy;
- Disclose, if the accused is an employee of BLS, the incident to the Law School's Human Resources
- Department or the right to request that the Title IX Coordinator assist in reporting to Human Resources;
- Receive assistance from appropriate institutional representatives in initiating legal proceedings in family court or civil court; and
- Withdraw a complaint or involvement from the institution process at any time.

The Director of Equal Opportunity and Title IX Coordinator will also provide the Complainant with the following information:

- Law School employees will maintain the Complainant's privacy to the greatest extent possible, but they cannot guarantee complete confidentiality.
- The information the Complainant provides to Law School personnel will only be shared as necessary for the Title IX Coordinator to investigate and/or seek a resolution of the complaint.
- In cases where a Complainant does not want the institution to initiate an investigation or expresses concerns about confidentiality, the Director of Equal Opportunity and Title IX Coordinator will weigh the request against the institution's obligation to provide a safe, nondiscriminatory environment for all members of its community.
- The institution shall assist with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of reporting choices.
- Information obtained through public awareness and advocacy events may be used to inform its sex-based harassment prevention efforts, even if it does not result in a Complaint or investigation.
- Reports of sexual assault, domestic violence, dating violence, and stalking will be included in the institution's annual security report in an anonymized manner.

The Director of Equal Opportunity and Title IX Coordinator will further explain that the Law School is required to issue timely warnings of certain crimes that represent a serious or continuing threat to students and employees.

The Director of Equal Opportunity and Title IX Coordinator will also provide complainants with information about available mental health, counseling and medical resources and any fees associated with such resources. The Law School will provide information on sexually transmitted infections, sexual assault forensic examinations, and resources available through the New York state office of victim services.

### **Assistance for Victims: Rights & Options**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the Law School will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. A copy of this explanation is included in the Sexual Misconduct Policy included in the Policy Index in **Attachment A**.

## **A Victim's Rights Under New York Law**

In New York, victims of sexual assault, domestic violence, dating violence, or stalking have the following rights:

1. The right to receive emergency social and medical services as soon as possible
2. The right to receive information about the availability of crime victim compensation, the availability of appropriate public and private programs that provide counseling, treatment, or support for crime victims (such as rape crisis centers, domestic violence shelters, and victim/witness support programs); the role of the victims in the criminal justice process, including what they can expect from the system as well as what the system expects from them; and stages in the criminal justice process of significance to a crime victim, and the way information about such stages can be obtained.
3. Notification as to steps that law enforcement officers or district attorneys can take to protect victims and witnesses from intimidation.

## **Orders of Protection and the New York State Family Protection Registry**

An order of protection is issued by the court to limit the behavior of someone who harms or threatens to harm another person. It is used to address various types of safety issues, including, but not limited to situations involving domestic violence. Family Courts, Criminal courts, and Supreme Courts in the State of New York can all issue orders of protection. For information and hotline numbers for addressing situations involving domestic violence, [see](#) the off-campus resource chart.

An order of protection may direct the offending person not to injure, threaten or harass you, your family, or any other person(s) listed in the order. It may include, but is not limited to, directing the person to:

- stay away from you and your children
- move out of your home
- follow custody orders

- pay child support
- not have a gun

**A Family Court order of protection** is issued as part of a civil proceeding. Its purpose is to stop violence within a family, or within an intimate relationship, and provide protection for those individuals affected. *All Family Court proceedings are confidential.*

To obtain an order of protection in the Family Court, your relationship to the other person must fall into one of the following categories:

- Current or former spouse;
- Someone with whom you have a child in common;
- A family member to whom you are related by blood or marriage;
- Someone with whom you have or have had an “intimate relationship.” An intimate relationship does not have to be a sexual relationship. A relationship may be considered intimate depending on factors such as how often you see each other, or how long you have known each other. After a petition is filed, the court will decide if it is an intimate relationship.

To start a proceeding in Family Court, you need to file a form called a Family Offense petition. The person filing the petition is called the “*petitioner*,” and the person the petition is filed against is called the “*respondent*.” You can contact the Family Court in your county for help completing and filing the petition. You may also wish to speak with an attorney or domestic violence advocate before filing.

For information specific to filing an order of protection in New York City visit the Family Court Website. This page also includes helpful information about what to expect in court no matter where in New York State you live. The website may be found here:

[http://www.nycourts.gov/courts/nyc/family/faqs\\_domesticviolence.shtml#op1](http://www.nycourts.gov/courts/nyc/family/faqs_domesticviolence.shtml#op1).

**A Criminal Court order of protection** is issued as a condition of a defendant’s release and/or bail in a criminal case. A criminal court order of protection may only be issued against a person who has been charged with a crime. Criminal cases are prosecuted for the State of New York by the district attorney. Although the district attorney may start a criminal case before a person is arrested, a criminal case usually begins with a person’s arrest. The person charged with abuse is called a “*defendant*.” The victim of abuse is called the “*complaining witness*.” There does not need to be a relationship between the complaining witness and the defendant.

In a criminal case, the district attorney may request an order of protection for the victim or complaining witness. The judge decides whether to issue the order of protection and what terms and conditions will be included in the order.

A **Supreme Court order of protection** can be issued as part of an ongoing divorce proceeding. If you have an ongoing divorce case and would like to request an order of protection, you may do so by making a written request by Motion or Order to Show Cause; or you may make an oral request at a court appearance. If you are represented by an attorney, your attorney may make the written or oral request for you. The judge decides whether to issue the order of protection and what terms and conditions will be included in the order.

Orders of protection are valid in every county in New York State and are honored in every State throughout the country through the Full Faith and Credit provision of the U.S. Constitution.

**The New York State Family Protection Registry** was created as part of the Family Protection and Domestic Violence Intervention Act of 1994. The Registry, which became operational in October 1995, is the repository for orders of protection issued pursuant to articles four, five, six and eight of the Family Court Act, Section 530.12 of the Criminal Procedure Law, sections 240 and 252 of the Domestic Relations Law, and all arrest warrants issued pursuant to section 827 of the Family Court Act and Article 120 of the Criminal Procedure Law. The Registry was developed by the NYS Unified Court System in collaboration with the New York State Police, and links to the New York Statewide Police Information Network (NYSPIN). The Registry is a historical record; orders of protection remain in the database even after they expire. The Registry is helpful in locating outstanding or expired orders of protection against a person who may pose a threat of sexual misconduct, domestic violence, and/or stalking.

### **No Contact Order**

Pending the investigation of a complaint, the Law School will take appropriate steps to prevent contact between a complainant, an accused party, and anyone involved in the investigation to ensure safety, prevent retaliation, and address an ongoing hostile environment. This may include:

- Issuing a “no contact order” to one or more parties whereby intentional contact shall be a violation subject to disciplinary procedures; or
- Removing a Respondent from all or part of the Law School’s educational program or activity on an emergency basis where the school has undertaken an individualized safety and risk analysis and has determined that an imminent and serious threat to the health or safety of the Complainant or any other persons exists which justifies such removal.
- Placing a non-student employee Respondent on administrative leave during an investigation.

The Law School will provide the parties with written notice upon issuance of interim measures. Both the complainant and the accused party shall have an opportunity to request a prompt review of the need for and modification of interim measures that affect them. The Dean of Students shall conduct the review and make a recommendation to the Dean and President, unless the Dean of Students issued the interim measure, in which case an appropriate alternate individual will conduct the review and make the recommendation. The Dean and President will issue a final decision. The Dean and President’s decision on appeal may not be used as evidence in a subsequent disciplinary hearing.

### **Supportive Measures Available**

Complainants who report allegations of domestic violence, dating violence, stalking or sexual assault have the right to receive supportive measures from Brooklyn Law School regardless of whether they file a complaint. Respondents may also request supportive measures. Supportive measures are non-disciplinary and non-punitive. As appropriate, supportive measures may include without limitation:

- Counseling services,
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services, as available
- Changes in class, work, housing, or extracurricular activities
- Leaves of absence
- Increased security and monitoring of certain areas of campus
- Training and education on sex-based harassment
- Assistance by the Director of Equal Opportunity and Title IX Coordinator or the Director of Campus safety in obtaining an order of protection
- Restrictions on contact applied to one or more Parties

Supportive measures must not unreasonably burden either Party and must be designed to protect the safety of the Parties and/or the Law School's educational environment or to provide support during an investigation or disciplinary proceeding relating to an allegation of sex-based harassment. They are not determinations of guilt when imposed on an accused party. Instead, they ensure that the investigation and adjudication of a complaint proceeds as efficiently and swiftly as possible. The Law School may modify or terminate supportive measures at the conclusion of an investigation, informal resolution, or disciplinary procedure, or may continue the measures at its discretion.

Brooklyn Law School will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided by another Party, unless:

- It is necessary to provide the supportive measure to restore or preserve a Party's access to the Law School's education program or activity;
- Brooklyn Law School has obtained prior written consent from a person with the legal right to consent to the disclosure;
- When the information is disclosed to an appropriate third Party with the legal right to receive disclosures on the behalf of the person whose personally identifiable information is at issue;
- To carry out the purpose of the Policy when it is necessary to address conduct that reasonably may constitute sex-based harassment in violation thereof; and
- As required by law.

### **Resources – On and Off Campus**

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Brooklyn Law School will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. The Law School does not have a health or counseling center or a chapel or ministry; therefore, certain on-campus resources are not available.



## **SAFE Centers of Excellence**

Sexual Assault Forensic Examiner (SAFE) services are considered the best and most victim-centered approach to acute health care for sexual assault patients. The New York State Department of Health certifies Emergency Departments as SAFE Centers of Excellence.

SAFE Centers provide sexual assault patients with:

- 1) Sensitive, victim-centered, medical, and forensic health care performed by a specially trained Sexual Assault Forensic Examiner (SAFE) — a SAFE is a healthcare provider such as a doctor, nurse, physician's assistant, or nurse practitioner;
- 2) Care that is timely, compassionate, and patient-centered, in a designated and appropriately equipped private room;
- 3) Assurance about the quality of collection, documentation, preservation, and custody of physical evidence by utilizing a trained and New York State Department of Health-certified sexual assault forensic examiner to perform exams. These examiners are available to provide expert testimony if patients choose to report crimes to law enforcement;
- 4) Psycho-social and legal support by a specially trained Rape Crisis Advocate or Counselor; and
- 5) Reliable referrals to mental and physical health care and follow-up services.

**In New York State, evidence may be collected even if you chose not to make a report to law enforcement.**

Hospitals and Organizations in NYC with SAFE Centers:

**Manhattan**

- Bellevue Hospital  
462 First Avenue, New York, NY 10016
- Harlem Hospital Center  
506 Lenox Avenue, New York, NY 10037
- Lenox Health Greenwich Village  
30 7<sup>th</sup> Ave, New York, NY 10011
- Metropolitan Health Center  
1901 1<sup>st</sup> Ave, New York, NY 10029
- Mount Sinai Hospital  
One Gustave L. Levy Place, New York, NY 10029
- Mount Sinai Beth Israel  
281 1<sup>st</sup> Ave, New York, NY 10003
- Mount Sinai Morningside  
1111 Amsterdam Avenue, New York, NY 10025
- NYC Family Justice Center, Manhattan  
80 Centre Street, 5<sup>th</sup> Floor, New York, NY 10013
- New York Presbyterian/Columbia University Medical Center  
622 W 168<sup>th</sup> Street, New York, NY 10032
- New York Presbyterian/Weill Cornell Medical Center  
525 E 68<sup>th</sup> Street, New York, NY 10065

**Brooklyn**

- **Coney Island Hospital**  
**2601 Ocean Parkway, Brooklyn, NY 11235**
- Kings County Hospital Center  
451 Clarkson Ave, Brooklyn, NY 11203
- Woodhull Medical and Mental Health Center (HHC)  
760 Broadway, Brooklyn, NY 11203
- Safe Horizon Counseling Center  
50 Court Street, Brooklyn, NY 11201  
Need to call 347-328-8110 to make appointments, no walk-in's

**Bronx**

Bronx Family Justice Center 198 East 161<sup>st</sup> Street, 2<sup>nd</sup> Floor, Bronx, NY 10451

- Jacobi medical Center

1400 Pelham Parkway, South Bronx, NY 10467

- Lincoln Hospital  
234 E. 149<sup>th</sup> Street, Bronx, NY 10451
- North Central Bronx Hospital  
3424 Kossuth Avenue, Bronx, NY 10467
- Safe Horizon – Bronx Community Program Office  
384 East 149<sup>th</sup> Street, 6<sup>th</sup> Floor, Bronx, NY 10451

## **Queens**

- Elmhurst Hospital Center  
79-01 Broadway, Queens, NY 11373
- NYC Family Justice Center, Queens  
126-02 82<sup>nd</sup> Ave, Kew Gardens, NY 11415
- Queens District Attorney’s Crime Victims Advocate Program  
125-01 Queens Blvd., Kew Gardens, NY 11415
- Queens Hospital Center (HHC)  
82-68 164<sup>th</sup> Street, Jamaica, NY 11432
- Safe Horizon – Queens Community Program office  
63-49 Alderton Street, 2<sup>nd</sup> Floor, Rego Park, NY 11374

## **Staten Island**

- Richmond University Medical Center  
355 Bard Ave., Staten Island, NY 10310
- Safe Horizon – Staten Island Community Program Office  
30 Bay Street, 5<sup>th</sup> Floor, Staten Island, NY 10301
- Staten Island District Attorney’s Crime Victim and Witness Assistance Program  
130 Stuyvesant Place, 7<sup>th</sup> Floor, Staten Island, NY 10301
- Staten Island Family Justice Center  
126 Stuyvesant Place, Staten Island, NY 10301

For free, confidential help 24/7, contact the National Sexual Assault Hotlines 800-656-HOPE (4673) or [online.rainn.org](http://online.rainn.org).

## On-Campus Resources

<u>RESOURCE</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
Director of Equal Opportunity and Title IX Coordinator	250 Joralemon Street	718-780-0377; 347-821-8904 (after business hours)
Security	250 Joralemon Street, Front Desk	718-780-0972
Dean of Students	250 Joralemon Street	718-780-0679
Human Resources	250 Joralemon Street, 8 <sup>th</sup> Floor	718-780-0625

In addition, all Brooklyn Law School students have free access to therapists through our partnership with TimelyCare. Students have unlimited on-demand access to telehealth therapy through TimelyCare and also have 12 scheduled counseling visits each year. Students can download the TimelyCare app at <https://app.timelycare.com/auth/login>.

## Off-Campus Resources

NYC Police Emergency Number	911
NYPD Sex Crimes Hotline	212-267-RAPE (7273)
Brooklyn DA's Special Victims Bureau	718-250-3820
Local Precinct (84th) 301 Gold Street	718-875-6811
NYC Family Justice Center	718-250-5113
New York City Gay and Lesbian Anti-Violence Project, <a href="http://www.avp.org/">http://www.avp.org/</a> 24 -hour bilingual Crime Victims Hotline	212-714-1141 1-866-604-5350 (TDD)
NYU Langone Cobble Hill, 83 Amity Street, Brooklyn, NY	646-754-7900
Safe Horizon, <a href="http://www.safehorizon.org">www.safehorizon.org</a>	800-621-4673
24 Hour Crime Victims Hotline	866-689-4357
24 Domestic Violence Hotline	800-621-4673
Rape Crisis and Sexual Assault Hotline	212-227-3000
Counseling Centers Services by Appointment	347-328-8110
Safe Horizon Alternatives to Violence Program	718-834-7471
Crime Victims Treatment Center	212-523-4728
National Domestic Violence Hotline	800-799-7233 800-787-3244 (TDD)

SurvJustice: <https://survjustice.org/services/legal/>

Legal Momentum: <https://www.legalmomentum.org/>

NYSCASA: <http://nyscasa.org/> or NYSCADV: <https://www.nyscadv.org/>

Pandora's Project: <https://pandys.org/>

RAINN: <https://www.rainn.org/>

**Brooklyn Batterer Intervention Program:** <https://eac-network.org/brooklyn-batterer-intervention-program/>

Please note that these Hotlines are for crisis intervention, resources, and referrals. They are not reporting mechanisms; therefore, these Hotlines do not provide information to the Law School regarding an incident. The Law School’s Title IX Coordinator should be contacted to report an incident.

### **Legal Assistance**

<b>National Crime Victims Bar Association</b>	<b>202-467-8716</b>
<b>NYS Office of Victim Services</b>	<b>800-247-8035</b>
<b>LawHelp.org</b>	
<b>Connect, Inc. (provides legal information for domestic violence survivors)</b>	<b>212-683-0605</b>

### **Confidentiality**

Confidentiality refers to the ability of a resource not to report crimes and violations to law enforcement or to college officials without permission, except in extreme circumstances such as health or safety emergencies or child abuse.

If a complainant asks that the Law School decline to investigate a complaint, the Law School will evaluate the request in the context of its responsibility to provide a safe and nondiscriminatory environment for all persons. There may be instances where an investigation may have to be pursued against the complainant’s wishes if doing so fulfills the Law School’s responsibility to protect the Law School community. In those cases, the Law School will undertake all efforts to safeguard the privacy of the complainant that is consistent with law.

Privacy means that information will only be relayed as necessary to investigate and/or seek a resolution of a Complaint or to notify the Director of Equal Opportunity and Title IX Coordinator, who is responsible for tracking patterns and spotting systemic issues. Although the Law School cannot guarantee confidentiality apart from the provision of confidential resources, it will limit disclosure of information relating to a Complaint as much as practicable in all cases.

If a complainant insists that identifiable information not be disclosed to the accused individual, the Law School’s ability to respond effectively to a Complaint may be limited. The Law School will take all reasonable steps to investigate and respond to the complaint consistent with the request, as long as doing so does not prevent the Law School from responding effectively to the allegations and protecting others from harm. In such situations where confidentiality cannot be guaranteed, privacy will be maintained to the greatest extent possible, and information will be relayed only to the extent necessary for the Director of Equal Opportunity and Title IX Coordinator to investigate and seek a resolution.

## Adjudication of Violations

The Law School's disciplinary process includes a prompt, fair, and impartial investigation, and resolution process. In all instances, the process will be conducted in a manner that is consistent with the Law School's policy and that is transparent to the accuser and the accused. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. Law School officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
2. The accuser, the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
4. The accuser and the accused will have the same opportunities to have others present during any institutional disciplinary proceeding. The accuser and the accused each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The advisor's role is not to act as a representative of or speak on behalf of the complainant or respondent or take action that interferes with the integrity of the investigation and the disciplinary process. The Law School will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. The advisor may assist the students in understanding the hearing proceedings, and answer and formulate questions. The Hearing Panel may limit the advisors' role at its discretion.
5. The accuser and the accused will be notified simultaneously, in writing, of the any initial, interim, and final decision of any disciplinary proceeding; and
6. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.

**Result** means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the Law School. The result must include any sanctions imposed by the Law School. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C.1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA). The result must also include the rationale for the result and the sanctions.

Whether or not criminal charges are filed, the Law School or a person may file a complaint under the Policy Prohibiting Sex Based Harassment, the Sexual Misconduct Policy or the Policy on Non-Discrimination and Harassment. These policies are included in the Policy Index in **Appendix A**.

A complaint may be filed by contacting the Director of Equal Opportunity and Title IX Coordinator or through the Campus Safety [Link](#). The Director of Equal Opportunity and Title IX Coordinator will determine which policy is applicable to the alleged misconduct depending on the circumstances of the case.

If after an investigation, a violation of the Sex Based Harassment, Sexual Misconduct, or Non-Discrimination and Harassment Policy is found, disciplinary action may follow. For Students, disciplinary action will be pursued through the Brooklyn Law School Student Disciplinary Procedures. The Procedures are included in the Policy Index in **Appendix A**.

**Brooklyn Law School Student Disciplinary Procedures Policy.** When a complaint is received, a Notice of the Charges shall be delivered to the student by the Dean of Students either by email to the student's Law School email account. The complainant shall receive a copy of the Notice.

**Hearing Procedures** are detailed in the **Brooklyn Law School Student Disciplinary Procedures Policy**. Time frames referenced in the policy shall exclude weekends and holidays.

#### **Anticipated Timelines**

A hearing date shall appear in the Notice of Charges. The hearing shall be scheduled to commence no later than fifteen (15) days after delivery of the Notice of Charges but may be postponed to accommodate the mediation process or by mutual consent of the parties.

Within ten (10) days of the hearing, the Panel shall issue a written decision summarizing its findings and stating its judgment, including the penalty (if any).

An appeal of the Hearing Panel's decision by either the complainant or the charged student must be made in writing to the Dean within ten (10) days of receipt of the Notice of Discipline.

#### **Decision Making Process**

Following the Parties' presentation of their cases, the Panel shall deliberate in a closed session and vote. If a majority of the Panel determines that the charges against the student are sustained, the Panel shall determine the penalty to be imposed. In the event of a disagreement among the Panel, the Chair shall have final authority to determine the penalty. The Panel's decisions regarding whether to sustain the charges and what penalty to impose (if any), shall be based solely on the evidence presented at the hearing, including testimony and documents.

**Standard of Evidence** – BLS will apply the *Preponderance of the Evidence* standard which is that it is more probable than not that the violation of the policy occurred.

**Disciplinary Penalties** - One or more of the following disciplinary penalties may be imposed if the charges are sustained:

1. Written reprimand;
2. Restitution or restoration;
3. Referral to the appropriate civil/criminal authorities;
4. Probation for one semester or more with specific conditions;
5. Suspension for one semester or more with or without specific conditions;
6. Expulsion; and
7. Any other penalty deemed appropriate by the Hearing Panel or as dictated by another School Policy (e.g., Regulations Regarding Intellectual Property Infringement).

**Appeals Process** – Information on the appeals process can be found in the Brooklyn Law School Student Disciplinary Procedures Policy.

**Employee Disciplinary Procedure** – If after a thorough investigation, the Director of Equal Opportunity and Title IX Coordinator finds that the Brooklyn Law School Sexual Misconduct Policy, the Policy Prohibiting Sex Based Harassment or the Brooklyn Law School Policy on Non-Discrimination and Harassment was violated, disciplinary measures may be pursued against the respondent pursuant to the **Employee Handbook**. The Employee Handbook is included in the Policy Index in **Appendix A**.

**Standard of Evidence** – BLS will apply the Preponderance of the Evidence standard which is that it is more probable than not that the violation of the policy occurred.

**Disciplinary Penalties** –

1. Written Warning
2. Suspension
3. Termination

**Faculty Disciplinary Procedure** – If after a thorough investigation, the Director of Equal Opportunity and Title IX Coordinator finds that the Brooklyn Law School Sexual Misconduct Policy or the Brooklyn Law School Policy on Non-Discrimination and Harassment was violated, disciplinary measures may be pursued against the respondent under the Faculty Regulations. The Faculty Regulations are included in the Policy Index in **Appendix A**.

**Standard of Evidence** – BLS will apply the Preponderance of the Evidence standard which is that it is more probable than not that the violation of the policy occurred.

**Disciplinary Penalties** –

1. Written Warning
2. Suspension
3. Termination

**Appeals Process** – Information on the appeals process can be found in the **Faculty**



## **Regulations.**

### **Notification of Outcomes**

The Law School will simultaneously provide in writing to both the accused and accuser: the results of any disciplinary proceeding conducted by such institution against a student accused of dating violence, domestic violence, sexual assault, or stalking. The institution will also provide its procedures for the accused and accuser to appeal the result of the institutional disciplinary hearing, if such procedures are available; any changes to the result; and when the results become final.

### **Sex Offender Registration**

The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. Information regarding sexual offenders is available through the New York State Offender Registry at <http://www.criminaljustice.ny.gov/nsor/> or 1-800- 262-3257.

### **Committee on Campus Security**

In accordance with its obligations under New York Education Law Article 129A, BLS has a committee on campus security that reviews campus security policies and procedures and makes recommendation for their improvement. The committee reviews the following on an annual basis after which it submits a written report of its recommendations to the President and Dean:

- a. educating the campus community, including security personnel and those persons who advise or supervise students, about sexual assault, domestic violence, and stalking offenses;
- b. educating the campus community about personal safety and crime prevention;
- c. reporting sexual assaults, domestic violence and stalking incidents and assisting victims during investigations;
- d. referring complaints to appropriate authorities;
- e. counseling victims; and
- f. responding to inquiries from concerned persons.

### **Procedures for Preparing the Annual Disclosure of Crime Statistics**

In compliance with the Clery Act, the Department of Campus Safety compiles reports from the Law School community and local law enforcement agencies and publishes crime statistics in an Annual Security Report. This report explains campus safety and security policies in effect at BLS. It summarizes crime reporting procedures, crime prevention programs, and other services available to the campus community. Crime statistics for the prior three calendar years are provided, including information regarding number of arrests made and types of criminal offenses that occurred in or adjacent to buildings owned or controlled by BLS.

### **Crime Definitions**

For purposes of crime statistics reporting, the Department of Campus Safety uses the following definitions, as proscribed by federal law:

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

**Manslaughter by Negligence:** The killing of another person through gross negligence.

**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 his/her age or because of his/her 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, 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 or probably would result in a serious potential injury if the crime were successfully completed.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classified as motor vehicle theft are all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned - including joy riding).

**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.

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner, 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 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:** Violence committed by a person –

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the persons involved in the relationship.

(C) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(D) Dating violence does not include acts covered under the definition of domestic violence.

**Stalking:** Engaging in a course of conduct (two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property), directed at a specific person that would cause a reasonable person (a person under similar circumstances and with similar identities to the victim) to (A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress.

**Weapons Law Violation:** 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.

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

**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.

**Hate Crimes:** A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported: Race, Religion, Sexual Orientation, Gender, Gender Identity, Ethnicity, National Origin, and Disability.

**The following Offenses are reported only if they are committed in connection with a Hate Crime:**

**Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

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

**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.

**Reportable Geography:**

Under the Clery Act, BLS is required to report crimes depending on where they occur in relation to campus. Reportable crimes can occur on campus, on a non-campus building or property, or on public property. These are defined as follows:

**On-Campus** - means: any building or property owned or controlled by BLS within the same reasonably contiguous geographic area and used by BLS in direct support of, or in a manner related to, the Law School's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to a building or property owned or controlled by BLS, which is owned by the institution but controlled by another person and is frequently used by students and supports BLS purposes (such as a food or other retail vendor).

**Non-Campus Building or Property:** Defined as: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property:** Defined as: All public property, including thoroughfares, streets, sidewalks, and parking facilities, which is within the campus or immediately adjacent to and accessible from the campus. The BLS crime statistics do not include crimes that occur in privately owned homes or businesses around BLS facilities.

**Brooklyn Law School reports the crimes required by the Clery Act that occurred on or within an institution's Clery Geography that were reported to a Campus Security Authority.**

At BLS, Campus Security Authorities include (i) campus safety personnel; (ii) individuals with security-related responsibilities; and (iii) any law school official who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

## 2023 Crime Statistics

Offense	Year	On Campus	Non-Campus	Public Property	Total	Residential Facilities*	Unfounded Crimes**
Murder/Non-Negligent Manslaughter	2023	0	0	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0	0	0
Rape	2023	0	0	0	0	0	0
Fondling	2023	1	0	0	1	1	0
Incest	2023	0	0	0	0	0	0
Statutory Rape	2023	0	0	0	0	0	0
Robbery	2023	0	0	0	0	0	0
Aggravated Assault	2023	0	0	0	0	0	0
Burglary	2023	0	0	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	0	0	0
Arson	2022	0	0	0	0	0	0
Domestic Violence	2023	0	0	0	0	0	0
Dating Violence	2023	0	0	0	0	0	0
Stalking	2023	0	0	0	0	0	0
Weapons Law Violations - Arrests	2023	0	0	0	0	0	0
Drug Law Violations - Arrests	2023	0	0	0	0	0	0
Liquor Law Violations - Arrests	2023	0	0	0	0	0	0
Weapons Law Violations - Referred for Disciplinary Action	2023	0	0	0	0	0	0
Drug Law Violations - Referred for Disciplinary Action	2023	0	0	0	0	0	0
Liquor Law Violations - Referred for Disciplinary Action	2023	0	0	0	0	0	0

\***Residential Facilities Crime Statistics** are a subset of the On-Campus Category, i.e., incidents are counted in both categories.

\*\***Unfounded Crimes** - A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless.

### HATE CRIME REPORTING

There were no hate crimes, as defined by applicable law, reported for 2023.

## 2022 Crime Statistics

Offense	Year	On Campus	Non-Campus	Public Property	Total	Residential Facilities*	Unfounded Crimes**
Murder/Non-Negligent Manslaughter	2022	0	0	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0	0	0
Rape	2022	0	0	0	0	0	0
Fondling	2022	0	0	0	0	0	0
Incest	2022	0	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0	0
Robbery	2022	0	0	0	0	0	0
Aggravated Assault	2022	0	0	0	0	0	0
Burglary	2022	0	0	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0	0	0
Arson	2022	0	0	0	0	0	0
Domestic Violence	2022	0	0	0	0	0	0
Dating Violence	2022	0	0	0	0	0	0
Stalking	2022	2	0	0	2	0	0
Weapons Law Violations - Arrests	2022	0	0	0	0	0	0
Drug Law Violations - Arrests	2022	0	0	0	0	0	0
Liquor Law Violations - Arrests	2022	0	0	0	0	0	0
Weapons Law Violations - Referred for Disciplinary Action	2022	0	0	0	0	0	0
Drug Law Violations - Referred for Disciplinary Action	2022	0	0	0	0	0	0
Liquor Law Violations - Referred for Disciplinary Action	2022	0	0	0	0	0	0

\***Residential Facilities Crime Statistics** are a subset of the On-Campus Category, i.e., incidents are counted in both categories.

\*\***Unfounded Crimes** - A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless.

### HATE CRIME REPORTING

There were no hate crimes, as defined by applicable law, reported for 2022.

## 2021 Crime Statistics

Murder/Non-Negligent Manslaughter	2021	0	0	0	<b>0</b>	0	0
Manslaughter by Negligence	2021	0	0	0	<b>0</b>	0	0
Rape	2021	0	0	0	<b>0</b>	0	0
Fondling	2021	0	0	0	<b>0</b>	0	0
Incest	2021	0	0	0	<b>0</b>	0	0
Statutory Rape	2021	0	0	0	<b>0</b>	0	0
Robbery	2021	0	0	0	<b>0</b>	0	0
Aggravated Assault	2021	0	0	1	<b>1</b>	0	0
Burglary	2021	0	0	0	<b>0</b>	0	0
Motor Vehicle Theft	2021	0	0	0	<b>0</b>	0	0
Arson	2021	0	0	0	<b>0</b>	0	0
Domestic Violence	2021	2	0	0	<b>2</b>	0	0
Dating Violence	2021	0	0	0	<b>0</b>	0	0
Stalking	2021	3	0	0	<b>3</b>	0	0
Weapons Law Violations - Arrests	2021	0	0	0	<b>0</b>	0	0
Drug Law Violations - Arrests	2021	0	0	0	<b>0</b>	0	0
Liquor Law Violations - Arrests	2021	0	0	0	<b>0</b>	0	0
Weapons Law Violations - Referred for Disciplinary Action	2021	0	0	0	<b>0</b>	0	0
Drug Law Violations - Referred for Disciplinary Action	2021	0	0	0	<b>0</b>	0	0
Liquor Law Violations - Referred for Disciplinary Action	2021	0	0	0	<b>0</b>	0	0

**\*Residential Facilities Crime Statistics** are a subset of the On-Campus Category, i.e., incidents are counted in both categories.

**\*\*Unfounded Crimes** - A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless.

### **HATE CRIME REPORTING**

There were no hate crimes, as defined by applicable law, reported for 2021.

## **Fire Safety Report**

This report contains information related to fire safety in campus housing at Brooklyn Law School, in accordance with the requirements of the Higher Education Opportunity Act of 2008. Brooklyn Law School creates this report annually, relying on information provided by collaborative partners.

The Department of Campus Safety maintains the Daily Crime and Fire Log at the lobby of the Law School's main building at 250 Joralemon Street.

## **Fire Safety Systems**

**Feil Hall** (205 State Street) has the following fire safety systems:

- The fire safety system is monitored by Tyco Integrated Security LLC.
- There are sprinklers throughout the building.
- The building has smoke detectors in each apartment.
- The building has fire extinguishers on each floor.

## **Plan for Improvement to Fire Safety**

The Law School is currently exploring the implementation of an annunciator systems or Arc notification panel at 205 State Street and 250 Joralemon.

## **Procedures for Evacuation of Campus Housing in Case of a Fire**

Please note that Feil Hall is a non-combustible (fireproof) building.

The FDNY has provided guidance to Brooklyn Law School regarding fires. The following information has been posted in every apartment.

In the event of a fire, stay calm. Notify the Fire Department and follow directions of the Fire Department personnel. If you must take immediate action, use your judgment as to the safest course of action, guided by the following information:

### **Evacuation Instructions If the Fire Is in Your Apartment:**

- Close the door to the room where the fire is and leave the apartment.
- Make sure everyone leaves the apartment with you.
- Take your keys (and ID).
- Close, but do not lock, the apartment door.
- Alert people on your floor by knocking on their doors on the way to the exit.
- Use the nearest stairwell to leave the building.
- **Do NOT use the elevator.**
- Call 911 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 household at pre-determined location outside the building. Notify the firefighters if anyone is unaccounted for.

### **Evacuation Instructions If the Fire Is Not in Your Apartment**

#### **Non-Combustible or Fireproof Buildings (FEIL HALL):**

- If the fire is not in your apartment, stay inside your apartment and listen for instructions from firefighters unless conditions become dangerous.
- If you must exit your apartment, first feel the apartment door and doorknob for heat. If they are not hot, open the door slightly and check the hallway for smoke, heat, or fire.
- If you cannot safely exit your apartment or building, call 911 and tell them your address, floor, apartment number and the number of people in your apartment.
- Seal the doors to your apartment with wet towels or sheets and seal the air ducts or other openings where smoke may enter.
- Open windows a few inches at top and bottom unless flames and smoke are coming from below.
- Do not break any windows
- If conditions in the apartment appear life threatening, open a window and wave a towel or sheet to attract attention of firefighters.
- If smoke conditions worsen before help arrives, get down on the floor and take short breaths through your nose. If possible, retreat to a balcony or terrace away from the source of the smoke, heat, or fire.

### **Procedures for Evacuation of Academic Buildings in Case of a Fire (250 Joralemon Street) and 111 Livingston, 21<sup>st</sup> Floor)**

In the event of a fire or other situation requiring evacuation and notification of emergency services personnel, please follow these directions:

- Sound the fire alarm by activating the nearest manual pull station.
- Move swiftly to the nearest emergency exit
- Call 911 to report the fire.
- DO NOT re-enter the building for any reason until given clearance by emergency responders on the scene.

In the event of a fire or other emergency, everyone needs to be familiar with the stairwell exits in all of the Law School buildings. Detailed signs showing all available exits and instructions in case of an emergency have been posted near the entrance in each classroom. Faculty members and students are expected to familiarize themselves with these signs in any classroom in which they teach or have class. Building Evacuation Procedures can be found on [BLSConnect](#).

All emergency exits should be used during drills as well as emergencies. Do not worry about making the alarm go off. If an exit has an alarm bar, push it to unlock the door. Everyone is expected to use the closest stairway to their location to exit to the ground floor. Doors to stairwells must be kept closed unless a person is entering or exiting. To avoid an accident or injury, do not, at any time, wedge or tie the stairwell doors open.

### **Policies on Portable Electrical Appliances, Smoking, and Open Flames in Campus Housing**

The Feil Hall Housing License prohibits the use of certain portable electrical appliances, and open flames. For example, no candles, incense, or other open flame items are permitted. Barbeque grills are not permitted, including on terraces. Free standing halogen torchiere pole lamps or halogen desk lamps, and tubular halogen bulbs are prohibited. Evergreen trees or other flammable decoration are not permitted. Smoking is not permitted in any student apartment, including on terraces, or in the common areas of any building, and no firearms, explosives, fireworks, or weapons of any kind, are allowed on the premises.

Please consult your residential license for the full terms and conditions relating to use of apartments in Feil Hall.

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

All BLS Campus safety staff members are trained according to the fire safety plans established by Brooklyn Law School. All BLS staff members are trained based upon standard school protocols for fire safety. Additional information is posted in residence hall rooms for occupants to review. Please visit the [BLSConnect](#) Security page for more information regarding building evacuation procedures.

### **Reporting of Fire Safety Information**

All fire safety concerns should immediately be reported to a Campus security guard at 718-780-7972 or one of the other lobby security guards at the numbers provided earlier in this report. If a member of the BLS community finds evidence of a fire that has been extinguished, and the person is not sure whether Security has already responded, the community member should immediately notify Security to investigate and document the incident.

## FIRE STATISTICS

**2023**

<b>Residential Facility Name and Address</b>	<b>Total # Fires</b>	<b>Fire #</b>	<b>Cause of Fire</b>	<b># Injuries</b>	<b># Deaths</b>	<b>Value of Property Damage</b>
Feil Hall 205 State Street	0	0	N/A	0	0	0

**2022**

<b>Residential Facility Name and Address</b>	<b>Total # Fires</b>	<b>Fire #</b>	<b>Cause of Fire</b>	<b># Injuries</b>	<b># Deaths</b>	<b>Value of Property Damage</b>
Feil Hall 205 State Street	0	0	N/A	0	0	0
148 Clinton Street	0	0	N/A	0	0	0
150 Clinton Street	0	0	N/A	0	0	0

**2021**

<b>Residential Facility Name and Address</b>	<b>Total # Fires</b>	<b>Fire #</b>	<b>Cause of Fire</b>	<b># Injuries</b>	<b># Deaths</b>	<b>Value of Property Damage</b>
Feil Hall 205 State Street	0	0	N/A	0	0	0
148 Clinton Street	0	0	N/A	0	0	0
150 Clinton Street	0	0	N/A	0	0	0

**Attachment A**

**Brooklyn Law School Policy Index**

[Brooklyn Law School Policy on Missing Students](#)

[Brooklyn Law School Alcoholic Beverages Policy](#)

[Brooklyn Law School Policy on Drugs and Alcohol](#)

[Brooklyn Law School Smoke and Tobacco Free Campus Policy](#)

[Brooklyn Law School Sexual Misconduct Policy](#)

[Brooklyn Law School Policy Prohibiting Sex Based Harassment](#)

[Brooklyn Law School Policy on Non-Discrimination and Harassment](#)

[Brooklyn Law School Student Disciplinary Procedures](#)

[Brooklyn Law School Employee Handbook](#)

[Brooklyn Law School Faculty Regulations](#)