

# STUDENT HANDBOOK ADDENDUM ALL NEW YORK LOCATIONS

This document constitutes an addendum to DeVry University's (DeVry) Student Handbook and the Title IX and Sexual Misconduct (Policy). This addendum contains information required by New York State Education Law Article 129-A and Article 129-B and applies to incidents occurring in New York. DeVry's Policy can be found on [DeVry's Title IX Information webpage](#). If an alleged violation is investigated under the Title IX grievance procedures outlined in the Policy, the definitions/procedures within the Policy will be used when there is a conflict between federal and state law. If no conflict exists, the definitions/procedures will be used in addition to what is outlined in the Policy.

## **Students' Bill of Rights**

All students have the right to:

1. Make a report (or decline to report) to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Receive information on how to file a complaint, the University's grievance process, and the contact information for the Title IX Coordinator, community-based sexual assault crisis center, campus security, and local law enforcement;
4. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
5. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
6. Seek and receive appropriate supportive measures, regardless if a formal complaint is filed. Supportive measures include, but are not limited to academic accommodations, increased security, University and local health and mental health services, counseling and advocacy services, student financial aid counseling, and visa and immigration assistance;
7. Participate or decline to participate in the University's investigation, including the right to withdraw from the process at any time;
8. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
9. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
10. Request a University no contact order and receive information on obtaining a State issued order of protection or no contact order;
11. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
12. Access to at least one level of appeal of a determination;
13. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
14. Confidentiality under the Family Education Rights and Privacy Act (FERPA). The University will make all reasonable efforts to ensure preservation of privacy, restricting

- information to those with a legitimate need to know;
15. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

## **Definitions**

When an alleged violation of DeVry's Policy or Student Code of Conduct is investigated, the following definitions will be used through the resolution of the complaint.

### **Affirmative Consent to Sexual Activity**

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. General rules of consent can be found in DeVry's Policy or the Student Handbook. Individuals must obtain affirmative consent prior to engaging in any of the activities referenced below.

### **Sexual Act**

The term sexual act means:

1. Contact between the penis and the vulva or the penis and the anus, and for the purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;
2. Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
3. The penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with the intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
4. The intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

### **Sexual Contact**

The term sexual contact means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the desire of any person.

## **Policy for Alcohol and/or Drug Use Amnesty**

The health and safety of every student at DeVry is of the utmost importance. DeVry recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. DeVry strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander or reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to DeVry's officials or law enforcement will not be subject to DeVry's code of conduct action for violations of alcohol and/or drug use policies occurring at or

near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

### **Transcript Notations**

A notation will be placed on the transcript of any student responsible after a conduct review hearing or based on admission of wrongdoing for any conduct violation equivalent to a crime of violence, including but not limited to sexual violence, when the resulting sanction is expulsion or suspension. In the event that a student withdraws with conduct charges pending in relation to a code violation equivalent to any crime of violence a notation to this effect will be placed on the student transcript.

Notations will appear as follows:

- “Suspended after a finding of responsibility for a code of conduct violation.”
- “Expelled after a finding of responsibility for a code of conduct violation.”
- “Withdrew with conduct charges pending.”

### **Sexual Assault Forensic Examination**

Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found by calling 1-800-247-8035. Options are explained [on the NYS website](#).

### **Campus Crime and Safety**

DeVry complies with the Campus Crime and Security Act of 1990 and publishes the required campus crime and security report by October 1<sup>st</sup> of each year. A copy of the crime and security report can be obtained from the [U.S. Department of Education’s Campus Safety and Security Data Analysis website](#).

The security of the DeVry community is a priority. Each year DeVry publishes an Annual Disclosure outlining security and safety information, as well as crime statistics for the community. This report provides suggestions about crime prevention strategies as well as important policy information on emergency procedures, reporting of crimes and support services for victims of sexual assault. The report also contains information about DeVry’s policy on alcohol and other drugs and informs students where to obtain a copy of the alcohol and drug policy. This report is available on DeVry’s website:

[Midtown Manhattan Campus](#)  
[Rego Park \(Queens\) Center](#)

### **Bias Related and Hate Crimes**

Bias related or hate crimes are crimes motivated by the perpetrator’s bias or attitude against an

individual or group on perceived or actual personal characteristics, such as race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender, gender identity, disability, or alienage.

In accordance with the New York State Penal Law, bias related and hate crime incidents are defined as:

*A bias incident is any offense or unlawful act that is motivated in whole or substantial part by a person's, a group's or a place's identification with a particular race, color, religion, ethnicity, gender, age, disability, ancestry, national origin, or sexual orientation (including gay, lesbian, bi-sexual, and transgender).*

Examples of hate crimes may include, but are not limited to threatening phone calls, hate mail (including email), physical assaults, vandalism, destruction of property, and fire bombings. The laws and penalties for the commission of bias related crimes are located on the [NYC Office for the Prevention of Hate Crimes website](#). Students, staff, or faculty who commit bias related of hate crimes are subject to DeVry's disciplinary procedures that include sanctions up to and including suspension, expulsion, or termination of employment.

### **How to Report Bias Related, Hate Crimes, and other Crimes**

DeVry is intent on ensuring a safe and secure environment for its community that is free from bias and prejudice. If you become a witness to or victim of a bias related or hate crime, immediately report the incident to local law enforcement and the DeVry campus Incident Commander. Incident Commander contact information is posted around campus on the Emergency Response Plan posters. You can also call the campus directly to be connected to the Incident Commander.

When making a report of an incident, the following information will be asked:

1. A description of the incident.
2. The date, time, and location of the incident.
3. The description of the person(s) and vehicle(s) involved in the incident.
4. Information about who else was notified about the incident.

Upon receipt of a report, DeVry will determine the appropriate response, which include supportive measures for the victims(s), public safety measures, notification to the campus community, notification to local law enforcement, and investigative measures when the perpetrator is a member of the DeVry community as outlined in the Student Code of Conduct.

While DeVry recommends witnesses and victims to report bias related and hate crimes, DeVry understands that an individual may want to remain anonymous. Anonymous reports can be made through Speak Up! by calling (844) 703-9374 or filing an [online report](#). Anonymous reports may limit DeVry's ability to conduct a full investigation.

### **Marketing of Credit Cards**

DeVry prohibits the advertising, marketing, or merchandising of credit cards at any DeVry location.

## **Advisory Committee on Campus Security**

The Advisory Committee on Campus Security is designated to review campus security policies and procedures as well as make recommendations for their improvement. Topics include, but are not limited to:

- Educating the campus community about sexual assault, domestic violence, stalking, and bias related and hate crimes.
- Educating the campus community about personal safety and crime prevention.
- Reporting sexual assaults, domestic violence, stalking and bias related and hate crimes as well as assisting victims during investigations.
- Referring complaints to appropriate authorities.
- Responding to inquiries from concerned persons.

Additional information about the Committee can be obtained by contacting [TitleIX@devry.edu](mailto:TitleIX@devry.edu).

## **Resources**

Students who are victims and witnesses to bias related and hate crimes may obtain counseling through StudentLinc using the following methods:

- By calling (888) 893-5462
- Emailing [support@curalinc.com](mailto:support@curalinc.com)
- Texting “support” to 51230 (standard text messaging rates may apply)

DeVry colleagues can obtain support through DeVry’s Employee Assistance Program.

## **Local Resources**

The following organizations and agencies are provided as additional resources outside of DeVry and do not result in disclosures to DeVry.

### **Manhattan District Attorney’s Office**

[The Manhattan District Attorney’s Office website](#) provides a range of services to crime survivors and their families. The website provides links and phone numbers regarding specific crimes.

### **Queens District Attorney’s Office**

Special Victims Bureau: (718) 286-6505  
Domestic Violence Helpline: (718) 286-4410

### **New York Police Department Special Victims Division 24 Hour Hotline**

(212) 267-RAPE (7273)

### **New York State Hotline for Sexual Assault and Domestic Violence**

(800) 942-6906

This free, confidential hotline is answered 24/7 by trained victim advocates who can provide information and crisis counseling on the phone. Individuals seeking in-person or follow-up services will be referred to a local rape crisis program.

### **Safe Horizon**

Safe Horizon is a victim assistance nonprofit that provides advocacy and support to victims

who have experienced domestic violence, child abuse, sexual assault, stalking, human trafficking, youth homelessness, and other crimes in New York City.

Website: <https://www.safehorizon.org/>

Safe Horizon Domestic Violence  
(800) 621-HOPE (4673)

Safe Horizon Rape and Sexual Assault  
(212) 227-3000

**Sanctuary for Families**

(212) 349-6009

Sanctuary for Families is a service provider and advocate for survivors of domestic violence, sex trafficking, and related forms of gender violence. Services include, but are not limited to counseling, legal services, shelter services, and training.

Website: <http://sanctuaryforfamilies.org/>

**Local Hospitals**

**Midtown:**

NYU Langone Health  
550 1<sup>st</sup> Ave  
New York, NY 10016

Northwell Health  
641 Lexington Ave  
New York, NY 10022

The Mount Sinai Hospital  
1468 Madison Ave  
New York, NY 10029

**Queens:**

NYC Health + Hospitals/Kings County  
451 Clarkson Ave  
Brooklyn, NY 11203

**Domestic Violence Assistance**

**Midtown:**

Safe Horizon  
120 Schermerhorn St  
Brooklyn, NY 11201

**Queens:**

NYC Family Justice Center  
126-02 82<sup>nd</sup> Ave  
Kew Gardens, NY 11415

North Brooklyn Coalition Against Family Violence  
(718) 302-4073