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In Support of Res. No. 0427-2014 –
Urging Congress to Pass and President Obama to Sign
S.2692/H.R.5354, also Known as
the Campus Accountability and Safety Act

New York City Council Hearing
Committee on Higher Education, Committee on Civil Rights,
Committee on Public Safety and Committee on Women's Issues

October 27, 2014

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Good afternoon to the Committee Chairs -- Councilmember Barron, Councilmember Mealy, Councilmember Gibson, and Councilmember Cumbo -- and to all City Councilmembers present. Thank you for inviting me to address you today.

The Kings County District Attorney's Office fully supports the proposed City Council Resolution urging Congress to pass, and President Obama to sign, the Campus Accountability and Safety Act. Like the City Council, my Office believes that the provisions of this Act will significantly improve how institutions of higher education (IHEs) handle incidents of on-campus sexual assaults and domestic violence, and, as a result, will increase the overall safety of these college communities.

Today, I am initially going to focus on three interrelated requirements that the Act will impose on IHEs -- requirements which I see as especially key -- namely, (1) a memorandum of understanding with law enforcement; (2) increased training and more targeted training of IHE personnel, including a "confidential advisor"; and (3) the provision of information to crime victims. Then, I want to tell you about our recent experience in Brooklyn, which, I believe, demonstrates how the Act could have positive impact nationwide, if it, indeed, becomes law.

Key Requirements of the Campus Accountability and Safety Act

Coordinated Response – The Importance of MOUs

The requirement that each IHE enter into, and regularly update, a Memorandum of Understanding ("MOU") with local law enforcement agencies to (1) clearly delineate their respective responsibilities, (2) set out protocols for investigations and notifications, and (3) share information about on-campus

crimes, including those of sexual violence, would greatly improve how sexual assaults are currently handled. The coordination engendered by such an MOU is critical for several reasons. First, law enforcement agencies can offer victims certain services, including specialized counseling, which many colleges are not equipped to provide; such counseling can be extremely important to a victim's well-being after a sexual assault. In addition, law enforcement can assist victims of sexual assault in understanding the criminal justice process, and can help them, following the filing of a police report, to obtain reimbursement through the Office of Victim Services for losses incurred as a result of the crime. Law enforcement agencies are also better able to address a victim's safety concerns. And, finally, but no less importantly, better communication and coordination between a college and law enforcement can ensure that a criminal investigation can be pursued rapidly, thoroughly and professionally, and that a perpetrator is brought to justice.

Specialized Training

The Campus Accountability and Safety Act would also mandate that each IHE appoint a specially trained "**confidential advisor**" to whom victims of campus crime could report anonymously or directly, and who could perform victim-centered, trauma-informed interviews. In addition, all IHE personnel implementing the institution's grievance procedures would be required by the Act to have extensive training in handling sexual violence complaints. These requirements would certainly have a positive impact. It is extremely important that the IHE's reporting and interview process and the grievance procedure do not re-traumatize a victim. Those who have little training can do more damage than good. It is also crucial that IHE personnel who have first contact with sexual violence victims, such as the confidential advisors, are sufficiently trained to

intelligently inform the victim of the victim's rights and options with regard to involving law enforcement and pursuing a criminal prosecution -- training that can be provided pursuant to the required MOUs.

Information

Recognizing the precept that an informed victim is an empowered victim, the Act would also require an IHE's confidential advisor to provide any victim of sexual violence with a written explanation of the victim's rights and options, including filing a criminal complaint. Additionally, the Act would mandate that IHEs post on their websites not only information about their own campus security procedures, including how to report incidents anonymously, but also information about local, state, and national hotlines regarding sexual violence and information about the name and location of the nearest medical facility where an individual may have a Sexual Assault Evidence Collection Kit administered by a trained forensic sexual assault examiner.

Indeed, the issue of proper medical attention exemplifies how the three key requirements of the Act that I have outlined above -- the MOUs, the increased training, and the provision of information -- interrelate. If a victim goes simply goes to the school clinic instead of an emergency room where a trained sexual assault response team (SART) or sexual assault forensic examiner (SAFE) is prepared to conduct an exam for a Sexual Assault Evidence Collection Kit, the collection of vital evidence will be non-existent and the victim will not receive the medications that she or he may need, such as HIV Prophylaxis, Plan B, and other medications for the treatment of STDs. Furthermore, when a student goes to an emergency room, a Drug-Facilitated Sexual Assault Evidence Collection kit can

also be administered if necessary; that kit would not be available at the local school clinic. The test can determine whether a victim was drugged by the assailant. The odds of a successful criminal prosecution are greatly enhanced by the collection and preservation of all this evidence. If a college has an MOU with a law enforcement agency, the two entities can have a coordinated response with regards to ensuring that such evidence is collected at a designated ER; further, a trained confidential advisor can empathetically discuss with a victim the victim's options regarding medical attention, and, finally, information mandatorily provided to the victim ensures that ignorance of options does not impede a criminal prosecution down the road.

The Brooklyn District Attorney's Office/College Consortium

There are ten IHEs (colleges and universities) in Brooklyn, and thousands of students attending them and living in dormitories. And, yet, in the last decade, the Brooklyn DA's Office has handled less than handful of sexual assault cases occurring on college campuses. Although we might like to attribute this dearth of cases to the complete safety of the campuses, the reality is surely different. We suspect that part of the answer lies in a significant underreporting of incidents to law enforcement. That, in turn, means that victims are not getting the justice that they deserve, perpetrators are free to strike again, and the safety of the community, as a whole, is jeopardized.

My Office and these colleges share the common goal of a safe environment for students and employees. Recognizing that a lack of communication, coordination, and information has been sabotaging that goal, my Office convened in July of this year, the first meeting of a new Brooklyn DA's Office/College

Consortium to address the problem of sexual assaults, intimate partner abuse, and stalking on college campuses. NYU/Polytech, Pratt University, New York City Technical College, and CUNY/Brooklyn College and Medgar Evers College all sent representatives from a variety of disciplines, including, public safety, human resources, student counseling, and women's issues. Also attending were the executive director of the New York City Alliance Against Sexual Assault, the director of the Brooklyn Family Justice Center, a hearing officer from the New York City Department of Education, and, from the Brooklyn DA's Office -- Wanda Lucibello, the Chief of the Special Victims Division, and Coleen Balbert, the Chief of the Sex Crimes Bureau -- as well as staff from our Victim Services Unit.

At its first meeting, the Consortium aimed:

- ▶ to establish points of contact between my Office and Brooklyn colleges to facilitate information sharing, referrals of cases, and training of staff;
- ▶ to let representatives from the schools know how the District Attorney's Office can assist students and staff around these complex issues; and
- ▶ to explore opportunities for collaborating in training/education, as well as for seeking, as partners, funds for training.

We also wanted to familiarize the colleges with the Brooklyn Family Justice Center, so that students would know that they could come to the Center for confidential services, civil protection orders, and law enforcement intervention. We invited the college representatives to join the Brooklyn DA's Office's Sexual Assault Task Force and its Domestic Violence Task Force.

Since July, my Office's Sex Crimes Bureau has already been twice directly contacted by victims reporting campus assaults, demonstrating that the Consortium has successfully opened an avenue of communication so that these crimes can be professionally investigated and prosecuted. In addition, as a result of the Consortium, the assistant director of public safety for NYU and the director of the NYC Alliance Against Sexual Assault have joined the Brooklyn Sexual Assault Task Force. Also since July, Consortium participants have toured the Brooklyn Family Justice Center and have viewed a webinar, "Bring in the Bystander," to consider strategies around supporting students' efforts to speak out against sexual assaults.

Looking ahead, we are contemplating expanding the Consortium to include representatives from the New York Police Department, the Peace Institute, the Crime Victim Treatment Center, the group Men Can Stop Rape, and campus student groups. Further, the Consortium is planning to take an in-depth look at investigation, adjudication, and prevention strategies with regards to campus crime and to evaluate which ones are the most effective.

The positive outcomes of the Consortium are the kind that, I believe, could be derived from MOUs between law enforcement and IHEs. It became evident at the Consortium meeting that the members recognize the paramount importance of properly trained personnel and of conveying information to victims about all of their options and their rights. So, circling back to the Resolution and to the Campus Accountability and Safety Act, I believe that college communities across the nation will benefit if IHEs implement the provisions of the Act. For that reason, I endorse the proposed Resolution urging passage of the Act. Thank you.

TESTIMONY OF ZOE RAGOZEOS, PH.D.
ASSISTANT VICE PRESIDENT, STUDENT MENTAL HEALTH, &
DIRECTOR, COUNSELING AND WELLNESS SERVICES AT NEW YORK UNIVERSITY
NEW YORK CITY COUNCIL COMMITTEES ON HIGHER EDUCATION, PUBLIC SAFETY,
WOMEN'S ISSUES AND CIVIL RIGHTS
OCTOBER 27, 2014

Good Afternoon Chairwoman Barron, Chairwoman Mealy, Chairwoman Cumbo, Chairwoman Gibson and fellow Council Members, my name is Zoe Ragouzeos and I am the Assistant Vice President for Student Mental Health and Director of Counseling and Wellness Services at New York University (NYU). I appreciate the opportunity to testify before you today to share some of the recent changes NYU has implemented to better address incidents of sexual misconduct, relationship violence and stalking on our campus.

NYU is committed to fostering a community in which sexual misconduct, relationship violence, and stalking are not tolerated and a community in which reporting and investigations are guided by fairness and respect for all individuals. To further reduce incidents and enhance our response to incidents of sexual misconduct, relationship violence, and stalking on campus, and to bring the University into line with new federal mandates, NYU has developed a new policy. This policy applies to all students, faculty, administrators and staff and I have enclosed a copy in my testimony for your review.

The new policy streamlines procedures at NYU in order to improve the way the University responds to reports of sexual misconduct, relationship violence, and stalking. We have also expanded support services and enhanced our educational and training initiatives. Among the most noteworthy changes that result from the new policy are:

- A clearer definition of "consent";
- Clear processes for how to proceed when those involved are students, employees, or third-parties (such as vendors);
- Greater clarity on the expanded range of activities prohibited under the policy, including relationship violence and stalking;
- Streamlining of processes, with all University investigations overseen by the University's Office of Equal Opportunity, and all adjudications against students conducted by specially-trained personnel selected by the University's Office of Community Standards;
- The establishment of a new Center for Sexual Misconduct Support Services to provide a complainant with a single, confidential, supportive point-of-contact that connects him or her to an array of services;
- The establishment of dedicated confidential counseling services for respondents, offering support and referrals;
- Greater clarity on the available protections for the complainant and the respondent, including the immediate measures that need be taken to address safety and psychological well-being;

- The establishment of Support Facilitators to provide guidance and assistance to both the complainant and respondent during the investigation and adjudication procedures, and
- The expansion of prevention training and education for the entire NYU community, (including students, faculty, and administrators such as public safety officers, residence life staff, athletics staff, and many others) and new mandatory programs for all NYU students beginning in the 2015 spring semester.

These revisions are in addition to the services NYU has historically been providing which includes 24/7/365 confidential emergency response and support services, incorporating medical and mental health intervention as well as services relating to legal, judicial, academic, and housing assistance.

NYU's new policy was just the first step in reducing acts of sexual misconduct, relationship violence, and stalking on campus. NYU will continue education and training efforts for our community which will include:

- A New Dedicated Website – Sexual Respect – that highlights key aspects of the policy, procedures, and resources.
- Bystander Intervention Training that provides students with the tools to intervene when they encounter other members of the NYU community potentially in harm's way.
- Mandatory Online Training Program for undergraduates that will begin in the spring semester focusing on education and prevention.
- Expanding and enhancing training and education programs for graduate students, faculty, and staff.
- Senate Ad Hoc Advisory Committee on Sexual Misconduct within the University Senate that will provide advice and input on our policies, procedures, training, and preventive measures.
- A Student Working Group Will Collaborate with Staff to Create a Student-Centered Communications Campaign that will collaborate on a peer-to-peer communications campaign focusing on sexual respect and campus culture.
- Implementing a Campus Climate Survey in 2016 to better understand the extent of sexual misconduct at NYU.

With the implementation of our new policies, procedures, support services, and training and education programs, NYU is committed to being at the forefront in reducing acts of sexual misconduct, relationship violence, and stalking, and in responding to any reported act of prohibited conduct. We look forward to working with our community this year to assess progress and to continue to develop policies and practices that increase the safety of all members of our community.

Thank you again for the opportunity to testify today and I welcome any questions you have.

**NEW YORK UNIVERSITY
UNIVERSITY POLICIES**

Title: Sexual Misconduct, Relationship Violence, and Stalking Policy

Effective Date: September 30, 2014

Supersedes: Policy on Sexual Assault, Harassment, and Other Forms of Sexual Misconduct dated August 15, 2013

Issuing Authority: Diane Yu, Deputy President
Marc Wais, Senior Vice President for Student Affairs

Responsible Officers: Thomas Grace, Director of Community Standards and Compliance
Mary Signor, Title IX Coordinator

I. STATEMENT OF POLICY

New York University, including its Schools and other units, Global Network University sites, and all University Affiliates (together, "NYU") seeks to maintain a safe learning, living, and working environment. To that end, this policy prohibits Sexual Misconduct, which includes Sexual or Gender-Based Harassment, Sexual Assault, and Sexual Exploitation. This policy also prohibits Relationship Violence, Stalking, and Retaliation against an individual for making a good faith report of conduct prohibited under this policy. These prohibited forms of conduct are unlawful, undermine the character and purpose of NYU, and will not be tolerated.

NYU adopts this policy with a commitment to: (1) preventing Sexual Misconduct, Relationship Violence, Stalking, and Retaliation (together, "Prohibited Conduct"); (2) fostering a community in which such conduct is not tolerated; (3) cultivating a climate where all individuals are well-informed and comfortable in reporting Prohibited Conduct; and (4) identifying the standards by which violations of this policy will be evaluated. This policy defines Prohibited Conduct; outlines available resources and reporting options available to students and employees; and references the applicable investigative and disciplinary procedures. NYU will take prompt and equitable action to eliminate Prohibited Conduct, prevent its recurrence, and address its effects. NYU also conducts prevention, awareness, and training programs for students and employees to facilitate the goals of this policy.

NYU does not discriminate on the basis of sex or gender in its education or employment programs and activities.

This policy is designed to comply with applicable legal requirements including Title IX of the Education Amendments of 1972; relevant provisions of the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"); and, in New York with the New York State and City human rights laws.

This policy applies to all Prohibited Conduct occurring on or after the effective date of this policy. In the case of Prohibited Conduct occurring before the effective date of this policy where either (a) the report of such Prohibited Conduct is made on or after the effective date of this policy or (b) the report was made before the effective date of this policy but the report has not resolved as of the effective date of the policy, the issue of whether there was a violation of NYU policy will be determined under the policy or policies in effect at the time the conduct occurred but the procedures under this policy will apply (except that the procedures in effect immediately prior to the effective date will apply where a hearing had been scheduled prior to the effective date).

II. TO WHOM THE POLICY APPLIES

This policy applies to NYU students (“Students”); NYU employees, including faculty and visiting faculty, professional staff, and administrators (“Employees”); contractors, vendors, or other third parties within NYU’s control (“Third Parties”); and visitors or guests of NYU (together, “Covered Persons”). This policy pertains to acts of Prohibited Conduct committed by Students, Employees and Third Parties when:

- (1) the conduct occurs on NYU premises;
- (2) the conduct occurs in the context of an NYU employment or education program or activity, including, but not limited to NYU-sponsored study abroad, research, or internship programs; or
- (3) the conduct occurs outside the context of an NYU employment or education program or activity, but (i) has continuing adverse effects on NYU premises or in any NYU employment or education program or activity or (ii) occurs in close proximity to NYU premises and is connected to volatile conduct on NYU premises.

Other forms of discrimination, including discrimination based on race, religion, and disability, as well as any other form of sex-based discrimination not covered by this policy, are addressed by: (1) the Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees, (2) the Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Students, and (3) the Compliance Complaint Policy. This policy supersedes any conflicting information contained in those policies with respect to the definitions or procedures relating to Prohibited Conduct. A Covered Person who has a question about which policy applies in a specific instance can contact NYU’s Title IX Coordinator (212-998-2352).

III. APPLICABLE PROCEDURES UNDER THIS POLICY

The specific investigative and disciplinary procedures for Prohibited Conduct under this policy are based on the status of the Respondent. Each set of procedures is guided by the principles of fairness and respect for a Complainant and a Respondent. Where a Respondent is both a Student and an Employee, (a) the Student-Respondent procedures will apply if the Respondent is a full-time Student but not a full-time Employee, (b) the Employee-Respondent Procedures will apply if the Respondent is a full-time Employee but not a full-time Student, or (c) NYU’s Title IX Coordinator will determine which of the procedures applies based on the facts and circumstances (such as which role predominates and the role most applicable in the incident). However, irrespective of which of the Student-Respondent or Employee-Respondent procedures applies in such cases, either of the sanctions applicable to Students or Employees can be imposed. Please note that the NYU Langone Medical Center has its own procedures and the procedures below do not apply to NYULMC.

NYU applies the preponderance of the evidence standard when determining whether this policy has been violated.

Procedures for Reports of Prohibited Conduct Committed by Students	Procedures for Reports of Prohibited Conduct Committed by Employees	Procedures for Reports of Prohibited Conduct Committed by Third Parties
See Appendix A to this policy, Reporting, Investigating, And Resolving Sexual Misconduct, Relationship Violence, and Stalking - Complaints Against Students	See Reporting, Investigating, And Resolving Sexual Misconduct, Relationship Violence, and Stalking - Complaints Against Employees	Contact NYU’s Title IX Coordinator who will identify the appropriate procedures that apply based on the role of the Third Party and the nature of any contractual relationship with

		NYU.
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IV. ENFORCEMENT

A Student or Employee determined by NYU to have committed an act of Prohibited Conduct in violation of this policy is subject to disciplinary action, up to and including separation from NYU. Third Parties who violate this policy may have their relationship with NYU terminated and/or their privilege of being on NYU premises withdrawn. NYU reserves the right to take action against a Covered Person who commits an act of Prohibited Conduct outside the scope of this policy.

V. TITLE IX COORDINATOR

The Executive Director of the Office of Equal Opportunity serves as NYU’s Title IX Coordinator. The Title IX Coordinator is charged with monitoring compliance with Title IX; providing education, training, and notifications; overseeing complaints; and coordinating NYU’s investigation, response, and resolution of all reports under this policy. The Title IX Coordinator is available to meet with any Student, Employee, or Third Party to discuss this policy or the accompanying procedures.

Concerns about NYU’s application of Title IX, the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; the Clery Act; and, in New York, the New York State and City human rights laws under this policy may be addressed to NYU’s Title IX Coordinator, the NYU Office of Equal Opportunity, the United States Department of Education, Clery Act Compliance Division, or the United States Department of Education, Office for Civil Rights, at OCR@ed.gov or (800) 421-3481.

VI. RESOURCES AND REPORTING OPTIONS

NYU offers resources for both Students and Employees, whether as Complainants or Respondents, to provide support and guidance throughout the investigation and resolution of a report of Prohibited Conduct. For comprehensive information on emergency assistance; hospitals; on-campus, community, Portal Campus and Study Away Site Confidential Resources; and available support with academics, housing, and work:

- Students should refer to the Sexual Misconduct, Relationship Violence, and Stalking Resource Guide for Students.
- Employees should refer to the Sexual Misconduct, Relationship Violence, and Stalking Resource Guide for Employees.
- Third Parties should contact the Title IX Coordinator to discuss available campus resources and reasonably available assistance.

A. PROTECTIVE MEASURES AND ACCOMMODATIONS:

Upon receipt of a report involving a Student or Employee Complainant, NYU will take and/or make available reasonable and appropriate measures to protect the Complainant and the Complainant’s access to NYU employment or education programs and activities, which may include protective measures before the final outcome of an investigation. Such protective measures and accommodations, which may be temporary or permanent, may include separation orders, residence modifications, academic accommodations, work schedule modifications, and other reasonable and appropriate measures. Reasonable and appropriate protective measures are available for Student and Employee Complainants regardless of whether an investigation under the applicable procedures is pursued. NYU also will take and/or make available such measures and accommodations for Student

and Employee Respondents where reasonable and appropriate under the circumstances. NYU will maintain the privacy of any accommodations or protective measures provided under this policy to the extent practicable.

For Third Party Complainants, NYU will provide reasonable protective measures as appropriate and available, based on consideration of the role of the Third Party and the nature of any contractual relationship with NYU.

B. PRIVACY AND CONFIDENTIALITY:

NYU is committed to protecting the privacy of Covered Persons involved in a report under this policy. NYU also is committed to providing assistance to help Covered Persons make informed choices. With any report under this policy, NYU will make reasonable efforts to protect the privacy interests of Covered Persons involved in a manner consistent with the need for a careful assessment of the allegation and reasonable steps available to eliminate the reported conduct, prevent its recurrence, and address its effects.

Privacy and confidentiality have distinct meanings under this policy.

Privacy: Privacy generally means that information related to a report of misconduct will be shared with a limited circle of individuals who “need to know” in order to assist in the active review, investigation, resolution of the report, and related issues. All NYU employees who are involved in NYU’s Title IX response receive specific training and guidance about safeguarding private information in accordance with applicable laws.

The privacy of Student education records will be protected in accordance with NYU’s Guidelines for Compliance with the Family Educational Rights and Privacy Act (FERPA). The privacy of an individual’s medical and related records generally are protected in the United States by the Health Insurance Portability and Accountability Act (HIPAA), excepting health records protected by FERPA. Access to personnel records in New York is restricted in accordance with NYU’s Policy on Employee Files. Laws in other relevant jurisdictions may provide privacy protections.

Confidentiality: Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual, or as otherwise permitted by law. Those campus and community professionals include medical providers, mental health providers, counselors in the Center for Sexual Misconduct Support Services, and ordained clergy, all of whom normally have privileged confidentiality that is recognized by New York State law. These individuals are prohibited from breaking confidentiality unless (i) given permission to do so by the person who disclosed the information; (ii) there is an imminent threat of harm to self or others; (iii) the conduct involves suspected abuse of a minor under the age of 18, or (iv) as otherwise required or permitted by law or court order. Laws in other relevant jurisdictions may provide confidentiality protections.

Employee Responsibility to Report Allegations: It is important to understand the different responsibilities of NYU Employees who respond to disclosures of incidents of Prohibited Conduct. There are three general classifications of individuals on campus with whom a Covered Person can discuss an incident of Prohibited Conduct:

- (1) Confidential Resources (individuals with legally-protected confidentiality);
- (2) Reporting Options (designated offices or individuals where a report can be made); and

- (3) Employees designated as Responsible Employees (those Employees in a leadership or supervisory position, or who have significant responsibility for the welfare of Students or Employees).

The respective ability of these categories of individuals to maintain a Complainant's confidentiality differs. Confidential Resources can maintain the confidentiality of a Complainant's disclosures, subject to the exceptions discussed above. While private, Reporting Options and Responsible Employees are required to immediately share all known details of incidents of Prohibited Conduct with the Title IX Coordinator.

Clery Act Reporting: Pursuant to the Clery Act, NYU includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education, but does so in a manner that does not include any identifying information about persons involved in an incident.

C. CONFIDENTIAL RESOURCES:

Confidential Resources for Students include the Wellness Exchange (212-443-9999) and the Center for Sexual Misconduct Support Services (212-443-9999). For a complete list of NYU and community-based Confidential Resources for Students, see the Sexual Misconduct, Relationship Violence, and Stalking Resource Guide for Students.

Confidential Resources for Employees include the Employee Assistance Program (800-437-0911). For a complete list of NYU and community-based Confidential Resources for Employees, see the Sexual Misconduct, Relationship Violence, and Stalking Resource Guide for Employees.

D. REPORTING:

NYU strongly encourages Covered Persons who become aware of an incident of Prohibited Conduct to report the incident to local law enforcement by contacting 911 (or equivalent in other jurisdictions) and to NYU by contacting one of the following NYU Reporting Options:

Title IX Coordinator 212-998-2352	Office of Community Standards 212-998-4403
The Office of Equal Opportunity 212-998-2370	Residential Life and Housing 212-998-4600
NYU Department of Public Safety 212-998-2222	Human Resources Officer of the School or Administrative Department

There is no time limit on reporting violations of this policy, although NYU's ability to respond may be limited as evidence may be less available and memories may fade, and Respondents may no longer be affiliated with NYU. NYU prioritizes prompt reporting and generally will offer amnesty to a reporting Student for the personal ingestion of alcohol or other drugs in violation of NYU Student Conduct Policies.

Bad faith reports: Submitting a false report or providing false or misleading information in bad faith or with a view to personal gain in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanction. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are determined not to be accurate.

VII. PROHIBITED CONDUCT UNDER THIS POLICY

Conduct under this policy is prohibited regardless of the sexual orientation, gender, gender identity, or gender expression of the Complainant or Respondent. Prohibited Sexual Misconduct includes the following specifically defined forms of behavior: Sexual or Gender-Based Harassment, Sexual Assault, and Sexual Exploitation. Also prohibited are Relationship Violence, Stalking, and Retaliation.

Whether a Covered Person has violated this policy is determined based on all of the available facts and circumstances including but not limited to: statements of the Complainant and Respondent; statements by any witnesses to the alleged incident(s); documentary or physical evidence; the presence or absence of corroborating information; and relevant information about pre-and post-incident behavior and/or actions.

A. Sexual or Gender-Based Harassment: Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when one or more of the following conditions are present:

- (i) Submission to or rejection of such conduct is either an explicit or implicit term or condition of an individual's employment or advancement in employment, evaluation of academic work or advancement in an academic program, or basis for participation in any aspect of a NYU program or activity (quid pro quo);
- (ii) Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual (quid pro quo); or
- (iii) Such conduct has the purpose or effect of unreasonably interfering with an individual's learning, working, or living environment; in other words, it is sufficiently severe, pervasive, or persistent as to create an intimidating, hostile or offensive learning, working, or living environment under both an objective - a reasonable person's view - and subjective - the Complainant's view - standard (hostile environment).

Gender-Based Harassment includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature.

Examples of conduct that may constitute Sexual or Gender-Based Harassment include but are not limited to:

- Sexual Assault, Sexual Exploitation, Relationship Violence, or Stalking as defined by this policy;
- Physical conduct, including unwelcome touching or sexual advances within the working, living, or learning environment;
- Verbal conduct, including lewd or sexually suggestive comments, jokes, or innuendoes or

unwelcome comments about an individual's sexual orientation or gender identity; or

- Written conduct, including letters, notes, or electronic communications containing comments, words, jokes, or images that are lewd or sexually suggestive or relate in an unwelcome manner to an individual's sexual orientation or gender identity.

B. Sexual Assault: Sexual assault is having or attempting to have sexual contact with another individual by force or threat of force, without consent, or where that individual is incapacitated.

Sexual contact includes but is not limited to:

- Sexual intercourse (anal, oral, or vaginal), including penetration with a body part (e.g., penis, finger, hand, or tongue) or an object, however slight; or
- Sexual touching (fondling) or intentional contact with the breasts, buttocks, groin, or genitals.

C. Sexual Exploitation: Sexual Exploitation refers to specific forms of Sexual Misconduct that involve non-consensual use of another individual's nudity or sexuality, excluding behavior that constitutes one of the other Sexual Misconduct offenses.

Examples of Sexual Exploitation include but are not limited to:

- Voyeurism (such as watching or taking pictures, videos, or audio recordings of another person engaging in a sexual act without the consent of all parties);
- Disseminating, streaming, or posting pictures or video of another in a state of undress or of a sexual nature without the person's consent;
- Administering alcohol or drugs to another person for the purpose of making that person vulnerable to non-consensual sexual activity;
- Exposing one's genitals to another person without consent;
- Prostituting another individual; or
- Knowingly exposing another individual to a sexually transmitted infection or virus without the other individual's knowledge.

D. Relationship Violence: Relationship Violence includes any act of violence or threatened act of violence, including Sexual Misconduct, Stalking, or Physical Assault, against a person who is, or has been involved in a sexual, dating, domestic, or other intimate relationship with that person. Physical Assault includes threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person.

E. Stalking: Stalking occurs when a person engages in a course of conduct toward another person under circumstances that would cause a reasonable person to fear bodily injury or experience substantial emotional distress.

Course of conduct means two or more acts including but not limited to unwelcome 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. Substantial emotional distress means significant mental suffering or anguish.

Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

- F. **Retaliation:** Retaliation means any adverse action taken against an individual for making a good faith report of Prohibited Conduct or participating in any investigation or proceeding under this policy. Retaliation includes threatening, intimidating, harassing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy.

VII. RELATED DEFINITIONS: CONSENT, FORCE, AND INCAPACITATION:

- A. **Consent:** Consent is the affirmative agreement to engage in a specific sexual activity with another person. Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has freely chosen to engage in a sexual activity.

Consent cannot be obtained through: (1) the use of force or coercion; or (2) by taking advantage of the incapacitation of another individual.

In evaluating whether consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to the extent to which a Complainant affirmatively gives words or actions indicating a willingness to engage in sexual activity; whether a reasonable person in the Respondent's position would have understood such person's words and acts as an expression of consent; and whether there are any circumstances, known or reasonably apparent to the Respondent, demonstrating an incapacity to consent.

Silence, passivity, or the absence of resistance does not imply consent, and relying solely on nonverbal communication may result in a violation of this policy. It is important not to make assumptions; if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and clarifies, verbally, the willingness to continue.

Consent can be withdrawn at any time. When consent is withdrawn, sexual activity must cease. Prior consent does not imply current or future consent; even in the context of an ongoing relationship, consent must be freely sought and given for each instance of sexual activity.

- B. **Force or Coercion:** Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.

Coercion is conduct, including intimidation and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm and that is employed to compel someone to engage in sexual activity.

- C. **Incapacitation:** An individual who is incapacitated lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily

or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Mentally helpless means a person is rendered temporarily incapable of appraising or controlling one's own conduct. Physically helpless means a person is physically unable to communicate unwillingness to an act.

Where alcohol or other drugs are involved, incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include slurred or incomprehensible speech, vomiting, unsteady gait, combativeness, or emotional volatility. Evaluating incapacitation also requires an assessment of whether a Respondent knew or should have been aware of the Complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent's position. Being intoxicated or impaired by drugs or alcohol is never an excuse for committing Prohibited Conduct and does not diminish one's responsibility to obtain informed and freely given consent.

VIII. VIOLATIONS OF LAW:

Behavior that violates this policy also may violate the laws of the local jurisdiction in which the incident occurred and subject a Respondent to criminal prosecution by the presiding authority.

The New York State Penal Code describes prohibited Sex Offenses in §§ 130.00 to 130.91 and 130.95 to 130.96 and prohibited Stalking Offenses in §§ 120.45 – 120.60. Covered Persons studying, working, or engaging in other activities at one of NYU's portal campuses, Global Network University sites, or other locations outside of New York State are governed by the applicable laws regarding sexual assault and other criminal offenses implicated by this policy. NYU's education and prevention programs related to its portal campuses and Global Network University sites will include definitions of prohibited conduct and consent in the applicable jurisdiction.

Behavior that violates this policy also may subject a Respondent to civil liability.

IX. CONSENSUAL RELATIONSHIPS:

Sexual behavior that is welcome or consensual by all involved parties does not constitute Prohibited Conduct. However, consensual sexual relationships in situations where one individual has power or authority over another may result in claims of Prohibited Conduct, and/or may give rise to complaints by others of disparate treatment. Examples of such relationships may include: a professor and his/her Student, a supervisor and a subordinate Employee, or a coach and team member. If such a consensual relationship occurs, any situation of authority should be discontinued immediately.

X. PREVENTION AND AWARENESS PROGRAMS:

NYU is committed to the prevention of Prohibited Conduct through education and awareness programs. Incoming first year students and new employees receive primary prevention and awareness programming as part of their orientation and returning staff and students receive ongoing training and related programs. For a description of NYU's Prohibited Conduct prevention and awareness programs, including programs on minimizing the risk of incidents of Prohibited Conduct and bystander intervention, Students should refer to the Sexual Misconduct, Relationship Violence, and Stalking Resource Guide for Students and Employees should refer to the Sexual Misconduct, Relationship Violence, and Stalking Resource Guide for Employees.

XI. ADDITIONAL POLICY DEFINITIONS:

“Complainant” means the Covered Person who presents as the victim of any Prohibited Conduct under the policy, regardless of whether that individual makes a report or seeks action under the policy.

“Confidential Resource” means an NYU employee or community resource with statutorily protected confidentiality. This includes medical providers, mental health providers, rape crisis counselors, and ordained clergy.

“NYU” means the Schools and other units of NYU, NYU’s Global Network University sites, and all University affiliates.

“Preponderance of the Evidence” means that it is more likely than not that a policy violation occurred.

“Reporting Option” means individuals or departments designated by NYU to receive reports of Prohibited Conduct.

“Respondent” means the Covered Person(s) who has been accused of violating the policy.

“Responsible Employee” means those Employees in a leadership or supervisory position, or who have significant responsibility for the welfare of Students or Employees. This includes the NYU Title IX Coordinator; Public Safety Officers; senior staff members in Residence Life, Student Affairs, Student Activities, and Athletics; administrators in the Office of Community Standards; senior administrators in each of the Schools within NYU; Resident Assistants (RAs), and athletic team coaches.

“School” for purposes of this policy means each NYU school, college and institute that functions similarly to a school or college (e.g., IFA, ISAW, Courant, and CUSP), each NYU portal campus (e.g., New York and Abu Dhabi), and other global sites as designated by the Provost.

XII. RELATED POLICIES:

Bullying, Threatening, and Other Disruptive Behavior Guidelines

Code of Ethical Conduct

Compliance Complaint Policy

Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees

Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Students

**Testimony of Jane Sovern, Deputy General Counsel
CUNY Office of the General Counsel
Joint Hearing with the New York City Council Higher Education, Women's
Issues, Civil Rights, and Public Safety Committees
Monday, October 27, 2014**

Introduction and Priorities

Good afternoon. My name is Jane Sovern, and I am Deputy General Counsel for The City University of New York. Thank you, Chairpersons Barron, Gibson, Cumbo, and Mealy; Members of the Council; and Public Advocate James, for this opportunity to discuss with you the topic of how CUNY is addressing sexual assault and other sexual violence on our campuses. I am joined here by my colleagues Jennifer Rubain, who is University Dean for Recruitment and Diversity; Paulette Dalpes, Deputy to the Vice Chancellor for Student Affairs; and Michael Lederhandler, Director of Operations, University Public Safety.

For the past year and a half, I have jointly led a working group to address sexual misconduct issues at CUNY, in particular sexual assault of students, along with Jennifer Rubain and Paulette Dalpes. These multi-faceted issues have been for some time a top priority for the University. Our overarching goal is to provide a safe and supportive environment for our community of students, staff and visitors. Today I will focus primarily on our students.

To reach that overarching goal, we have focused on prevention, policies and response, specifically: (1) preventing sexual violence on our campuses; (2) providing updated, clear and comprehensive policies and information so that students know where and how to bring complaints and staff and faculty understand their obligations; (3) responding to students with complaints of sexual misconduct with coordinated and sustained support, including assisting with reporting to law enforcement; and (4) investigating and adjudicating complaints promptly

and fairly to all parties. During the past year, through teamwork, we have accomplished a great deal.

Legal and Policy Framework

As you are aware, there are numerous Federal and State laws that govern campus response to sexual assault and sexual violence including stalking, domestic and intimate partner violence, most prominently Title IX of the Education Amendments of 1972, the Jeanne Clery Act, the Violence Against Women Act, as well as the New York State Penal Code, and NY State Education Law.

In light of recent changes to federal law and guidance, we have been updating CUNY's existing Sexual Assault Policy and Policy on Equal Opportunity, Non-Discrimination and Against Sexual Harassment to create a single policy covering students, staff and visitors. We learned from our own experiences as well as from students and campus staff that these policies were somewhat overlapping and confusing, so we immediately implemented a CUNY-wide protocol to ensure campus teamwork and consistency in handling complaints. The protocol requires the campus Title IX Coordinator, Public Safety Director and Chief Student Affairs Officers to be immediately informed about and to work together to respond to all allegations of sexual violence, with additional campus officials as appropriate. Similarly, the central CUNY offices you see represented here today – Public Safety, Student Affairs, Recruitment and Diversity and the General Counsel – immediately inform each other about and work jointly with the campuses as needed on issues that are brought to us.

In addition to preparing our Policy on Sex-Based Harassment and Sexual Assault, we are revising our student disciplinary procedures to reflect updated law and guidelines, as well as extensive input that we solicited and received from a wide variety of stakeholders in the process. In late September and early October we sent email messages with the proposed policy and disciplinary process changes to all CUNY faculty, staff and students, seeking their comments. The email blasts were opened by a total of 180,390 viewers. We also received over 100 thoughtful comments in response.

We also conducted focus groups of about 70 CUNY students who reviewed and provided detailed input about the draft Policy, with groups including student veterans, student athletes, students with disabilities, student leaders, resident assistants in campus residential facilities, student campus housing residents, both male and female students, and students in Black Male Initiative programs. We also consulted with the entire University Student Senate; the leadership of the University Faculty Senate; the leadership of the Professional Staff Congress faculty union; campus student affairs staff; campus Title IX coordinators; campus women's center directors; campus public safety directors; campus athletics staff; the CUNY Board of Trustees; our outside pro bono counsel, Dennis Cariello from the DLA Piper law firm, who has served in senior positions at the U.S. Department of Education; and CUNY Law School Dean Michelle Anderson, an acclaimed scholar and nationally recognized expert on rape law; among numerous others.

The revised Policy and changes to the student disciplinary procedures are scheduled to be considered and acted upon by the CUNY Board of Trustees at their regular meeting on December 1, 2014, and if adopted, will take effect in January 2015. There have been and will be public hearings which will provide further opportunity for comments on the documents.

Among the important changes to the Policy and the student disciplinary procedures are:

- (1) providing a clear definition of consent using an “affirmative consent” standard, meaning that consent must be given in words or actions, that silence or failure to resist do not in and of themselves demonstrate consent, and that past consent to sexual activity does not constitute consent to subsequent sexual activity; and
- (2) providing the complainant and accused students with the same rights to receive notice of disciplinary charges and to attend and participate fully in a student disciplinary hearing, to appear through a representative of their choice, to receive notice of the decision of the committee, and to appeal.

Additional Key Activities

In addition to the Protocol and the ongoing Policy revisions, CUNY has implemented additional relevant policies and guidance, including a medical amnesty/Good Samaritan policy that permits students to report incidents of sexual harassment or sexual violence that they experience or witness while under the influence of alcohol or drugs without receiving discipline for their alcohol or drug use, if they agree to complete appropriate education or treatment as the circumstances warrant. We are also reviewing other existing policies to make necessary updates to ensure consistency with legal requirements, revised policies and current best practices.

During summer 2014, in time for the Fall 2014 term, we also provided the campuses with clear guidance and up-to-date educational materials for CUNY students on sexual harassment and sexual assault, including domestic and intimate partner violence and stalking, that reflect current New York State and federal law and guidance, as well as CUNY policy. You will hear more from Paulette Dalpes about our ongoing educational programming for students.

We have also focused intensively on training chairpersons and members of campus faculty-student disciplinary committees who hear and adjudicate complaints against students, as well as the campus staff who handle those proceedings. That training will remain a major priority as we transition to new disciplinary procedures and the new Policy.

Furthermore, an in-house group is in the process of developing an anonymous on-line campus climate survey geared to CUNY's largely non-residential population, which will be sent to all CUNY students in Spring term 2015, to get feedback from students on the atmosphere at our campuses, and what issues students feel we should better address.

We and our three Bronx campuses have begun discussions to foster closer collaborations between CUNY campus Public Safety officers and other campus staff with the Bronx District Attorney's Office, particularly special victims, sex crimes, and domestic violence units, as well as specially trained NYPD liaisons. We anticipate similar collaborations in all five boroughs.

Conclusion

All of what I have described is in support of the extraordinary staff and students at our twenty-four campuses. Our staff are doing significant work every day on education and prevention of sexual assault; providing support and offering resources to affected students; encouraging students to report allegations to the NYPD and working closely with law enforcement; investigating and responding to student allegations; and maintaining and disseminating information on sexual assault allegations. On each campus, the key responders work as a team to address allegations and respond to student needs.

We know there is much more to do on this issue. One sexual assault of a student on any of our campuses is one too many. We are continuing to review our efforts, to solicit feedback

and to make adjustments and improvements. Our North Star is to do the right thing for our students. My colleagues and I thank you for your concern and attention to this important and timely issue.

**Testimony of University Dean Jennifer S. Rubain
CUNY Office of Recruitment and Diversity
Joint Hearing with the New York City Council Higher Education, Women's Issues,
Civil Rights, and Public Safety Committees
Monday, October 27, 2014**

Good afternoon. My name is Jennifer Rubain and I am University Dean for the Office of Recruitment and Diversity. I appreciate the opportunity to address the Committees on Higher Education, Women's Issues, Civil Rights and Public Safety on what the University does to promote compliance with Title IX. I will share how the campus Title IX Coordinators implement CUNY's commitment to provide a safe learning, teaching, and working environment, and review training we offer to faculty and staff.

The City University of New York believes that safety is a necessary ingredient in any learning environment. As such, the University takes very seriously its Title IX obligations to safeguard our student population from sexual violence. This issue has been for some time a top priority for the University. Because it is not solely a legal issue, a law enforcement/safety issue, a student affairs issue or a women's issue, the University has adopted a team approach. To that end, I will outline some of the effective practices we have utilized to address sexual misconduct.

University's Title IX Working Group

The University's approach has been to have key Central Office personnel operate as a Title IX Working Group and function as a team to help our campuses reach students in ways that matter. Our goals are: (1) to prevent students from being sexually assaulted on our campuses; (2) to make sure that we have clear and forceful policies on sexual misconduct, especially sexual assault; (3) to ensure that the campus community is educated and aware of the University's obligations to students who bring complaints of sexual misconduct; and (4) to respond to students with complaints of sexual misconduct promptly and with sensitivity and fairness.

The University's Title IX Working Group is led by me, Jane Sovern, who you just heard from, and Paulette Dalpes who will speak next. This team includes representatives from the Offices of the General Counsel, Recruitment and Diversity, Student Affairs, and Public Safety. Our cross functional team was established nearly 18 months ago and meets biweekly.

In order to best advise the campuses, the members of this group keep current on Title IX trends and effective implementation strategies by reviewing decisions from enforcement agencies and participating in trainings offered by groups such as the National Association of College and University Attorneys (NACUA) and Student Affairs

Administrators in Higher Education (NASPA). Since its inception, the Title IX Working Group has provided high-quality training, resources, and guidelines to help the campuses comply with Title IX. This coordinated approach ensures that all campus responders receive accurate, CUNY-specific and timely information and are equipped with the requisite knowledge and tools to carry out their responsibilities.

Providing Title IX trainings for the campus Title IX Coordinators, Public Safety Directors, and Chief Student Affairs Officers has been a priority for the Working Group and there have been numerous sessions over the past 18 months. These joint training sessions ensure that all parties understand their specific roles and responsibilities and also provide opportunities for the campus partners to share effective implementation strategies. The next scheduled training session is being conducted by the Mayor's Office to Combat Domestic Violence and the Manhattan Family Justice Center on November 17th. This training will sensitize participants to the complex issues and emotions associated with sexual misconduct, domestic violence, intimate partner violence, and stalking; provide a refresher on the elements of crimes associated with sexual assault and domestic violence; describe the resources available to victims at the Family Justice Centers; and provide an overview of how Family Court operates. This trauma-informed training highlights our belief that effective training should include community and legal resources so that complainants are appropriately advised, counseled and supported.

Another key accomplishment is the development of a CUNY Title IX website with Title IX webpages for each campus that provides the names and contact information for the key campus team members: the Title IX Coordinator, Chief Student Affairs Officer, and Public Safety Director. The webpages also include CUNY policies, materials on sexual violence, bystander intervention, consent, and other topics, as well as community resources such as rape crisis centers and enforcement agencies such as the U.S. Department of Education Office for Civil Rights (OCR). It is significant to note that there is a link to the CUNY Title IX website right on CUNY's homepage. Just last month there were 2.5 million unique visitors to the CUNY homepage and almost 1,000 unique visitors viewed the Title IX page. We want members of our community and the community at-large to be able to locate Title IX information easily.

Some additional highlights of Working Group activities include:

- Establishing a Title IX SharePoint to serve as a repository for CUNY policies, training materials, and other helpful resources for the campus Title IX Coordinators.
- Developing a comprehensive complaint log to document and track each phase of the complaint process.

-Developing and disseminating a comprehensive Investigations Manual to ensure consistent complaint handling across the University.

-Conducting Q&A conference calls for Title IX Coordinators, Chief Student Affairs Officers, and Legal Affairs Designees to answer questions concerning the education program requirements and share best practices among the campuses.

-Advising College Presidents and other senior administrators about the University's responsibility for educating the campus community about sexual misconduct.

-Meeting with key New York regional officials of the U.S. Department of Education Office of Civil Rights (OCR) to discuss best practices, with particular focus on our diverse and mostly non-residential student population, and inviting OCR staff to CUNY to train campus Title IX Coordinators, Chief Student Affairs Officers, and Public Safety Directors.

Title IX Coordinator

Each CUNY institution has a Title IX Coordinator who is usually the college's Chief Diversity Officer. As such, that individual has the requisite level of responsibility, training, and competencies to successfully perform the duties of the Title IX Coordinator. The Title IX Coordinator is responsible for ensuring their contact

information is readily available, educating the college community about Title IX, and promptly conducting a fair, thorough and impartial investigation should a complaint be lodged. Direct access to the college president is regarded as a best practice for Title IX Coordinators and our Coordinators have such access. Additionally, my office periodically organizes a meeting of all the Title IX Coordinators which gives them an opportunity to share their strategies for implementing Title IX and to learn from each other.

As I mentioned earlier, the Title IX Coordinators have received extensive training so they are equipped with an in-depth knowledge of the law and the University's Policies and Procedures on Non-Discrimination and Sexual Harassment. Additionally, they have available to them the resources of my office and the Office of the General Counsel to answer questions and provide professional and legal support. This is equally true for the campus Chief Student Affairs Officers, Public Safety Directors, and other campus administrators.

The University Office of Professional Development and Learning Management, better known as PDLM, supplements campus training efforts. PDLM provides a number of trainings as part of its Sexual Harassment Prevention Program, including sessions designed specifically for supervisors and managers.

Recognizing that classroom training may not meet the needs of many members of the CUNY community, PDLM also offers an online course for faculty, staff, students, and campus guests. This online sexual harassment prevention course includes a mastery test and a certificate of completion. It may be accessed 24/7 from work or home and this feature makes it a great option for part-time employees such as adjuncts. Last year, nearly 2,500 individuals completed this training.

Training for Faculty and Staff

CUNY has provided in-person Title IX-related training to staff and faculty at its central offices and its campuses. The sessions have been conducted by well-trained and knowledgeable individuals, including lawyers in CUNY's Office of the General Counsel and an outside counsel from DLA Piper who has high-level experience at the U.S. Department of Education. In addition, CUNY invited representatives of the U.S. Department of Education's Office for Civil Rights (OCR) to make a presentation to a large group of campus administrators with responsibility for Title IX compliance.

Further, we recently offered our campuses an online Title IX training module for employees developed by Everfi, a leading education and technology company. This comprehensive training called "Haven" can usually be completed in 35 minutes, and covers our policy, definitions, and examples of prohibited conduct. Later this week, the

campuses will be given a Title IX training curriculum specifically for faculty and staff. This curriculum may be used for in-person training.

The City University of New York is deeply committed to ensuring a safe learning, teaching, and working environment. We take the issue of sexual misconduct seriously and are dedicating the necessary time and resources to ensuring that members of our community feel safe and secure so they may fully participate in the University community. Thank you for the opportunity to testify.

**TESTIMONY OF PAULETTE M. DALPES
DEPUTY TO THE VICE CHANCELLOR FOR STUDENT AFFAIRS
CITY UNIVERSITY OF NEW YORK**

**Joint Hearing with the New York City Council on Higher Education,
Women's Issues, Public Safety, and Civil Rights Committees
October 27, 2014**

Good afternoon. My name is Paulette Dalpes and I am the Deputy to the Vice Chancellor for Student Affairs at the City University of New York (CUNY). I appreciate and welcome this opportunity to address the Committees on Higher Education, Women's Issues, Public Safety and Civil Rights and to share with you specific efforts we have made to extend awareness to students regarding the policies and protocols of addressing campus sexual harassment and sexual assault. This conversation is of particular importance to me as I have spent my entire career in higher education designing and implementing successful collegiate experiences for diverse college student populations and working to develop safe and inclusive campus environments to support the success of all of our students. This has included facilitating support groups for survivors of rape; training staff to provide alcohol awareness programs in campus residence halls to reduce incidents of sexual violence related to the abuse of alcohol; and adjudicating campus sexual harassment and sexual assault cases.

As my colleagues here today have already shared, approximately 18 months ago we began at CUNY to meet, discuss, and plan an enhanced approach to combatting campus sexual harassment and sexual assault. This included reviewing and revising critical University-wide policies and protocols as well as implementing targeted training to students, and to staff and faculty serving in pivotal positions on the 24 campuses of CUNY. Our work is by no means complete and we anticipate that we will continue meeting every 2 weeks, well into the future, as we endeavor to refine our efforts, identify best practices, and expand our resources for addressing this important topic.

For the purposes of this hearing, please allow me to build upon what my colleagues have shared and detail some of the specific actions we have undertaken to expand education and awareness among students to more effectively address sexual harassment and sexual assault within the CUNY community.

In our educational efforts with students, our primary goals are as follows: First, to ensure compliance with state and federal regulations which require that campuses provide education and awareness to all incoming students about the CUNY policy on sexual harassment and sexual assault incorporating explanations of what constitutes sexual harassment and sexual violence, including sexual assault, stalking, domestic and intimate partner violence, and dating violence; as well as informing students about how to make a report of an incident, where to find confidential resources, and the resulting penalties if a student is found responsible for violating the policy. Secondly, we seek to also educate students about bystander intervention. Best practices tell us if students understand that it is everyone's responsibility to address sexual misconduct and to intervene when they witness behavior of concern, the campus climate will be more responsive to addressing incidents of sexual violence and there will be an active intolerance of such behaviors. Thirdly, we also seek to provide education about the definition of consent, most importantly, for example, if someone is under the influence of alcohol and/or drugs and is unable to give consent, then any sexual behavior with this individual is considered a violation of the CUNY sexual harassment and sexual assault policy, as well as a violation of the law.

We have provided this education in a variety of formats and forums in an attempt to reach as many students as possible. Specifically, this fall, CUNY campuses have been providing education and resources to their new students, including transfer students, to increase awareness and understanding of sexual violence and sexual harassment, domestic and intimate partner violence and stalking, the meaning of consent, CUNY's policies and procedures, and the importance of bystander intervention. The trainings are in various forms, including in-person and online, and occur during student orientations, events, leadership retreats and in residence halls. The online

training uses Haven, a sexual assault education and training module that is featured on the White House NotAlone.gov website. The campuses also provide all students with pamphlets, flyers, posters, and brochures summarizing CUNY's policies and resources and directing students where to file complaints. We have also included this information on a CUNY Title IX website with separate pages for each campus, easily reached at the main CUNY home page under Quick Links. The CUNY home page receives approximately 2.5 million unique visitors every month.

More specifically, many campuses are providing bystander intervention training such as the "Step UP! Be a Leader, Make a Difference" program designed by the University of Arizona and the National Collegiate Athletic Association (NCAA) and other national experts. Others have offered such training in an interactive experiential theater format.

Some campuses educate first-year students about sexual harassment and sexual violence issues as part of credit-bearing courses, including First Year Experience/Introduction to College Life courses or the Summer Freshman Bridge Program.

Additionally, throughout the year, campus women's centers, health services programs, and offices of student activities provide educational workshops and programs to increase student awareness and education about these issues. Last year CUNY campuses provided over 50 programs related to domestic violence, intimate partner violence, sexual harassment and sexual assault. We anticipate this number will double during the current academic year.

Although the great majority of CUNY students are commuters, approximately 3,000 students live in campus residential facilities. Those 3,000 students are a relatively small percentage of our overall 270,000 enrollment. Yet, as we know, student housing can be a high-risk area for sexual misconduct. We have accordingly developed the "CUNY Protocol Guidelines for Residence Life and Student Housing Staff Addressing Allegations of Sexual Harassment and Sexual Violence." The protocol speaks to three major areas: a) clear requirements for providing information to students living in and visitors to the residence halls, b) specific protocol for residence life staff to respond to allegations of sexual harassment and sexual violence and c)

collaborations between departments to address allegations of sexual harassment and sexual violence in the residence hall.

All of the campuses with Residence Halls are providing their residents with the Haven online module described above. Additionally, the residence hall staff is required to facilitate educational programs on this topic with residents, talk about it at floor meetings, as well as post information and resources in the residence hall.

Recognizing the correlations between alcohol and drug use and sexual violence on campus, we have also implemented an Amnesty policy related to the use of drugs and alcohol, as have many colleges and universities across the country. CUNY strongly encourages students to report instances of sexual harassment or sexual violence as soon as possible, even if those reporting or the alleged victim may have engaged in the inappropriate or unlawful use of alcohol or drugs. Therefore, subject to certain conditions, a student who reports or experiences sexual harassment or sexual violence will not be disciplined by the college for any violation of CUNY's Policy Against Drugs and Alcohol in connection with the reported incident.

We have also required all student-athletes to complete the Haven online education module prior to being eligible to compete in CUNY athletic events. And we have provided targeted training to student leaders, specifically requiring this training prior to overnight travel for University events.

And finally, I'd like to offer just one concluding note, while our commitment to educating our students is essential to raising awareness and preventing sexual violence on campus, our first priority is assisting individuals who experience sexual harassment or sexual assault with the consequences of this trauma. To this end, we immediately provide information and available counseling and referral resources to students who allege sexual violence. If a student can talk with a counselor first, then they can become more informed, empowered and ready to take the next step towards pursuing a complaint or filing charges, if they so choose.

While we have worked diligently to address sexual violence within our University community, we recognize that this is by no means enough. We know there remains much more work to do and we endeavor to build upon the strong foundation we have developed over the past 18 months to create campus environments that support, nurture and guarantee a safe and supportive learning environment for all students, and to hold accountable those who violate CUNY's policies.



**TESTIMONY OF DIAMI VIRGILIO, DEVELOPMENT AND COMMUNICATIONS
ASSOCIATE OF DAY ONE**

Oversight Hearing on Campus Sexual Assault

Thank you to Public Advocate James, Council Members Williams, Cumbo, Gibson, and Barron for holding this hearing on this critical issue of sexual assault on campus.

I appreciate the opportunity to speak with you today.

Day One is the only New York organization devoting its full resources to addressing the experience of young people 24 and under dealing with dating violence or sexual assault. As such, we welcome the opportunity to share some of the information we've gained while advocating for survivors.

Although gaining recent national attention, sexual assault and intimate partner violence among young people of college age is far more pervasive than is often suspected. 60% of college students that report sexual assault are assaulted within a dating relationship, and LGBTQ youth are affected at the same rates as other youth. In the experiences of many of our clients, starting to attend college is also often an escalating factor in prior abusive relationships that spill over from high school and increase in danger when an abusive partner starts to perceive a loss of control. Dating abuse and sexual assault of college age young people are inexorably linked. Given the age and developmental stage of our young clients, an abusive relationship often interrupts or derails their development, education, and career planning. This can lead to post-traumatic stress disorder, disengagement from educational and work opportunities, and long-term economic instability.

Day One helps young survivors to cope with their trauma by providing free social and legal services which include individual and group counseling, legal assistance and representation in court to obtain an order of protection.

In schools, on campuses, and in community based settings, we give youth and youth-serving adults the tools to recognize the signs of an unhealthy relationship and identify resources that can help increase safety. Along the way, we confront their perceptions about gender norms, sexuality, violence and oppression to understand the patterns of abuse and control that our clients identify. We provide this education to 4,000 youth and 500-1000 youth serving professionals per year.

Though other organizations in New York provide support to adult domestic violence victims, no other program specializes in dating violence and related sexual assault among young people. Other programs might be unfamiliar with this issue on a campus setting when the victim shares classes with her abuser, or may never have done "safety planning" for a teen stalked by someone using ever-changing technologies. Youth might feel uncomfortable navigating systems or support groups that happen on campus in



small communities or that are off campus but designed with adults in mind. For these reasons, Day One is best positioned to deliver these services.

Representative of our expertise, Day One is currently partnering with Pace University to bring education on recognizing signs of abuse and ways to practice healthy relationships on campus. Day One is also partnering with the Manhattan Family Justice Center to train Title IX Coordinators and other college faculty on how to respond to abusive behavior in college students' relationships.

.What Colleges need:

- Uniform reporting policies that make it easy for a young person to feel safe disclosing sexual assault or relationship abuse in a youth friendly confidential setting.
- Well trained professionals across the campus who can facilitate referrals. Young people often disclose to someone they trust and that can be anyone from a professor to an advisor. All personnel should be prepared to direct students to the appropriate resources.
- Cooperation plans with outside city agencies to support survivors who may have an assailant or abusive partner who is not a student of the campus.
- Affirmative consent policies that enable clear expectations of what constitutes a violation of codes of interpersonal conduct

Survivors need:

- Education about what constitutes healthy behavior in their relationships
- Clearly packaged and labeled resources online and in person that can be accessed easily and quickly in an emergency
- Peer led organizations and campaigns that promote awareness of sexual assault and dating abuse

We look forward to partnering with the council and the Public Advocate's office to support the development of survivor centered, youth focused policies.

Testimony
NYC Council Hearing
Sexual Assault and Harassment at Higher
Education Institutions
October 27, 2014



My name is Emily May, and I am the co-founder and executive director of *Hollaback!*, a New York City based organization that works to end sexual harassment in public space – including college campuses.

We are also here today as one of the four leading organizers on the #carrythatweight National Day of Action taking place this Wednesday, October 29th, alongside our partners at Rhize and Columbia University student leaders from Carrying the Weight Together, and No Red Tape. The #carrythatweight national day of action is inspired by Emma Sulkowicz, who is boldly carrying a dorm mattress as long as her rapist continues to attend Columbia University. The campaign encourages students, staff and faculty of colleges to carry a mattress or a pillow with them around campus on October 29th. At the time of this hearing, students at over 100 colleges and high schools across the United States and abroad have committed to participate in the day's events.

On behalf of both Hollaback! and the #carrythatweight campaign, I want to thank the Council for coordinating this important hearing.

I moved to New York City from Richmond Virginia when I was 18 years old to attend New York University. As I was walking down the street my first week at school a man came up to me and said, "Hey baby." I assumed the best and responded "Good Morning." He responded, "I want to f*** you in the a**."

I heard comments like that to and from class all throughout my university career. Like many students, I wondered if they were my fault. I thought that if I looked "tougher" or "meaner" the harassers would go away. I tried wearing baggy clothing, I faked talking on my cell phone, and I stopped walking home at night alone. But nothing worked.

When we accept sexual harassment on college campuses, we're creating a climate that make sexual assault more acceptable too. In a study called "Drawing the Line" by the AAUW, 51% of male students admitted to sexually harassing their fellow students. When 51% of our nation's "best and brightest" men are sexually harassing their fellow students -- you know we're talking about more than just some bad seeds. We're talking about an epidemic.

And it's an epidemic that is well known on campuses. According to research in 2012 by Hollaback!, 55% of college administrators said that current systems to report and address campus harassment are not sufficient. Students – for their part – realize this too. When asked by the AAUW how to address campus harassment and assault, 57% of students said they would like their college to offer a confidential web-based reporting platform for submitting complaints. It was the highest ranked solution by far, and yet, few colleges offer it. The reason? They are scared that exposing additional harassment and assault on their campuses will make them "the rape school."

This is where the government comes in. We need to make sure that every student has the option to report harassment and assault in a safe, anonymous, and secure way.

At Hollaback!, that's why we're working on an app to expose the epidemic of sexual harassment and assault on college campus -- and engage students in ending it. By collecting student's reports, Hollaback U works outside the university system to create influence, and cuts through red tape to give students the ability to share their reports directly with administrators. The app features a map of reports alongside local resources, like rape crisis centers. It will have a built-in evaluation tool to alert students when they have enough data to be statistically significant -- and it will provide resources for student leaders to organize on their campuses, and for bystanders to intervene when they see harassment happening. Today we're asking for the council's support in bringing this project to light in New York City.

We all have a role in carrying the weight of sexual assault on college campuses. Let's make today the day that New York City boldly decided to make New York City's colleges safe learning environments for all. The students of New York City are counting on us.

Thank you.

**NYC Council Joint Committee Hearing: Oversight-Sexual Assault on NYC Campuses
Testimony of Lucas Almonte**

Introduction

Good afternoon. I would to thank all the Chairpersons, members of the committees, and Public Advocate James for inviting us students to share with you all how we are collectively working to end sexual assault on campus. My name is Lucas Almonte, I am the Student Government President at New York City College of Technology (CUNY) and have been recently elected as the Vice Chair for Legislative Affairs for the University Student Senate (USS).

Role of University Student Senate

Sexual assault is a complex issue and the subject of much national discourse over the past few months. Fortunately, the University Student Senate, as the official representative body of all 400,000 plus CUNY students, is in a position to lead student-based efforts at CUNY and to create partnerships with other NYC colleges and universities to raise awareness about the prevalence of this issue. During my tenure as a member of the USS, I have chaired the Article 15 committee charged with making recommendations regarding the proposed amendments to the student disciplinary procedures and currently lead the coalition building effort around Title IX.

Most recently, on September 23, 2014, I participated in a Campus Sexual Assault Prevention Student Roundtable held by the National Campus Leadership Council. I was joined by student leaders from ten (10) other schools including Barnard College, Brooklyn College, Columbia College, Fordham University, Marist College, New York University and Queens College. The roundtable discussion was facilitated by Valerie Jarrett, who currently serves as the Senior Advisor to President Obama and Tina Tchen, the Executive Director of the White House Council on Women and Girls. In sum, our discussion centered around three main areas: prevention, survivor services and campus-based disciplinary action.

Key Issue: Prevention

To the first point of sexual assault prevention, we came to a consensus that there needs to be more bystander intervention training on our campuses. The goal of bystander intervention training is to empower potential witnesses to act to prevent sexual violence. Although there are many challenges in implementing mandatory training for all students, the University Student Senate has already begun holding Title IX training with our student members, and we are also currently working to identify key stakeholders like student governments and club leaders, athletes and fraternity and sorority members.

Key Issue: Survivor Services

Secondly, with regard to services provided to survivors, while canvassing the current environment of the individual CUNY campuses, I was able to meet with a group of City College students who have been working to secure funding and space for a campus gender resource center. Currently, only 10 of the 24 colleges in CUNY have a Women's Center on campus. The Women's Center on my home campus of City Tech was closed earlier this year due to limited resources and despite our continuous pleads, the center remains closed. The University's Women's Center Council which comprises of members from each individual Women's Center was instrumental in helping formulate the current University policies, yet less than half of the CUNY campuses have a center. The "multi-dimensional programs" offered by the Women's Centers are vital to ensuring that survivors are afforded the resources, like on-going support and counseling services, that are necessary to empower survivors. It should be noted, however, that sexual assault and violence does not only affect to women. Sex-based harassment and assault also affects students who identify themselves as Lesbians, Gay, Bisexual, Transgender, Queer, Intersex, or Asexual. The City Council and State legislature has to ensure that CUNY establishes

a baseline of adequate and comprehensive services to be provided to students regardless of their college, sexual orientation or gender identification. Ultimately, we need a gender resource center with highly trained staff at each CUNY campus.

Key Issue: Disciplinary Action and Know Your Rights

Lastly, the University Student Senate has been working closely with the University to address the inadequacies of Title IX investigations throughout the University. We have provided feedback on both the changes to the student disciplinary procedures and the policy on sex-based harassment and sexual violence. In addition, it should be recognized that the University did solicit feedback from all students via email; nonetheless, it still appears like not many students are aware of the policies or the implications of the changes being made. As a result, we are currently assessing whether there are intracampus campaigns or efforts being lead by student governments and clubs to inform and train students about their Title IX rights on campus.

Conclusion

Once again, I would like to thank the committees and members for the opportunity to testify today. I hope we can continue to work together to change the culture on New York City campuses and to bring an end sexual assault. Thank you.



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NYC Council Joint Committee Hearing: Oversight-Sexual Assault on NYC Campuses

Testimony of Claudia Wald

Good afternoon. My name is Claudia Wald and I the USS Vice-Chair elect for Technology fee Affairs and a student at Hunter College.

I am concerned about the dramatic increase in sexual assaults on college campuses over the past decade, and believe that higher education institutions can work effectively to support survivors and engage all students during this formative time period of their lives, to leave college with the understanding that sexual assault is completely unacceptable.

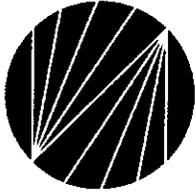
To this end, I believe that taking steps to safeguard students including through the provision of support services for survivors, mandatory training and the protocols on how the institution and law enforcement work together to respond to such violence, is critical.

Fostering an environment where students and especially survivors are provided information about their rights and options in a confidential manner in the event of a sexual assault, cases are duly investigated, and survivors readily have access to community resources, can facilitate healing for survivors and help them to move forward with their lives.

Establishing Gender Resource Centers on CUNY campuses can help to provide a more supportive environment to survivors. I also believe this is an important step towards fostering a safe and secure learning environment for all students and as part of our commitment to make meaningful changes to campus sexual assault policies.

Finally, primary prevention strategies are an important part of changing the way that sexual assault is perceived. It is my hope that through these multifaceted efforts, we can challenge the current climate which incentivizes non-reporting and can serve to silence victims of sexual assault. I am also hopeful that changes at the campus level will reverberate to increase funding for community services for survivors of sexual assault and move us towards a society where women feel safe, rather than vulnerable, supported rather than marginalized, and heard rather than silenced.

Thank you for listening to my testimony and for your steadfast support and commitment to this campaign.



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**Intervention in Campus Sexual Assault Testimony
By Mary Haviland, Esq., Executive Director**

My name is Mary Haviland and I am Executive Director of the New York City Alliance Against Sexual Assault. The mission of the Alliance is to prevent sexual violence and reduce the harm it causes through education, research and advocacy. As such, we have a the largest Training Institute for sexual assault forensic examiners and human service professionals and for the last five years have been one of two Centers of Excellence in New York State on the prevention of this violence. We are conducting two research evaluation projects and have new funding to provide a referral hub and ombudsman type advocacy for survivors in New York City.

Addressing campus sexual violence requires new thinking and creative solutions to a problem that is affecting as many as one in 5 women on campus and as we saw from the Penn State case, an important number of men and boys. There are over 200 colleges and universities in New York State and as many college students in NYC as the population of the city of Boston. As of this month, the U. S. Department of Education Office on Civil Rights is investigating eight New York State schools for Title IX violations, two of which are in New York City. I am going to address the issue of intervention in sexual assault and my colleague from the Alliance, Saswati Sarkar, will be addressing prevention on campuses.

First, there is a set of principles upon which there is almost universal agreement. They are:

1. Closed systems that rely only on internal campus procedures for resolving sexual violence cases do not offer survivors support, opportunity for healing or access to just punishment for the offender.
2. There must be transparent policies defining sexual assault and describing where and how to report. These policies must provide clear information about which campus employees can take confidential reports, what disciplinary actions will take place and what precautions a campus will take to ensure the on-going safety of the survivor.
3. There must be sufficient student education on sexual assault.
4. Victim-centered techniques of interviewing and trauma informed counseling must be employed in working with students who report violence. Survivors must be informed of all of their options, their right to be assisted in reporting to local law enforcement (as per the Clery) and their legal rights in the local jurisdiction.
5. Investigation and adjudication procedures for sexual violence must be uniform for all students on campus (in other words, no special procedures for individual departments such as athletics and others). These procedures must be prompt, fair and impartial and training must be provided for all personnel engaged in this process.
6. There must be clear penalties to hold perpetrators accountable and to ensure that campuses are safe.

7. Finally, a promising practice employed by some campuses is to create a Coordinated Community Response Task Force that includes the Title IX Coordinator, the Counseling or Health Center which provides services to survivors, Campus Safety, the Dean of Students or person who oversees the adjudication process and local resources such as rape crisis centers, law enforcement and prosecutors.

Recognizing that all colleges are not adhering to these principles, there are efforts underway at the federal and state level to improve the response to sexual assault. They are:

1. The Campus Sexual Violence Elimination Act (SAVE) was included in recent Violence Against Women Act requiring: reporting of domestic violence and stalking incidents; that survivors receive full information about options; standardization and assurance of fair and impartial investigation and adjudication; and prevention education on campus.
2. Two influential reports; the White House Report entitled "Not Alone" and Senator Claire McCaskill's report based on 440 surveys of U.S. colleges and universities on sexual assault response.
3. Senators McCaskill, Gillibrand and others have drafted the Campus Accountability and Safety Act which requires: the designation of Confidential Advisors by colleges and universities; minimum training standards; a survey of every student in the U.S.; uniform disciplinary procedures on each campus; and MOU's with local law enforcement.

4. NYS passed the Campus Safety Act, which requires colleges and universities to report violent felonies to local law enforcement, with clear language affording a choice to report or not in the case of sexual assault.
5. NYS Assembly Member Edward Braunstein is proposing legislation to require NYS colleges and universities to enter into an MOU with local rape crisis centers in order to provide free and confidential services and establish a training partnership between the centers and higher education institutions.
6. NYS Assembly Member Linda Rosenthal is working with rape crisis centers state-wide to restore funding that was cut this summer for prevention and increase funds for services based on a 65% increase in cases since 2011.

Recommendations:

1. As the Public Advocate is suggesting in her legislation, through the network of sexual assault experts, creating an entity that will provide training, technical assistance and policy development to NYC colleges and universities. Rape Crisis programs, law enforcement, SAFE's and prosecution can train on an array of aspects of sexual assault including victim centered practices, evidence collection, investigation and adjudication processes. Senator McCaskill's report reveals that only 50% of colleges include local victim assistance/advocacy programs on their coordinated sexual assault response teams and only 25% include prosecution offices.
2. Colleges and universities work with the NYC network of rape crisis centers to provide a fuller array of services and options to student survivors.

3. Discussion of affirmative consent. The Downstate Coalition for Crime Victims will be holding a discussion in the next few months with people who have experience working with an affirmative consent standard as adopted in California and used for many years by Antioch College.
4. Discussion of the Confidential Advisor role provided for in the Campus Accountability and Safety Act. The legislation describes a victim centered advocate function as well as a forensic interview role. These duties are normally not provided by the same person in sexual assault for good reasons. Furthermore, the degree of independence from the college or university is not specified. We are recommending clarification of this proposal.
5. Since April 1, New York State has changed the way it is funding rape crisis centers and cut prevention funding in half. The result is that all of the 17 rape crisis centers in New York City have suffered cuts in funding at a time when they are experiencing increased demand for their services. In addition, there is a disparity of access to services in the outer boroughs with fewer rape crisis centers in Brooklyn and the Bronx as well as fewer hospitals that are certified to provide quality crisis intervention. As a result, the Alliance is recommending that the Sexual Assault Initiative be increased to include funds for centers and hospitals that are providing increased services and assistance to college campuses.

In short, there is no one solution. The response must be comprehensive and flexible enough to offer options to the range of sexual violence that occurs on campuses. The public dialogue and attention to this issue are an incredible

opportunity to make improvements in the safety at the City's colleges and universities, to offer a process for justice and to hold offenders accountable when sexual violence takes place.

**Prevention of Campus Sexual Assault Testimony
By Saswati Sarkar, Prevention Program Manager**

My name is Saswati Sarkar and I am the prevention program manager at the New York City Alliance Against Sexual Assault. The Alliance is a New York State Department of Health (NYS DOH) designated Center of Excellence in Primary Prevention dedicated to eliminating sexual violence through advocacy, research, policy education and public awareness; while ensuring best care and intervention for all survivors across NY-metro region. Our experience in this leadership role has contributed to shaping New York State's (NYS) primary prevention plan by serving on the NYS DOH's Sexual Violence Primary Prevention Committee, strengthening NYS's leadership in primary prevention of sexual violence, supporting rape crisis programs statewide to implement evidence-based and promising primary prevention programming as well as serving as the "go-to" organization in New York City for connecting programs and resources and facilitating meaningful partnerships.

While the White House Taskforce to Protect Students From Sexual Assault is an important sign of the recognition of the importance of primary prevention efforts in alleviating sexual violence on campuses, this realization is falling at a difficult

time as one in 5 women on campus across the country is at risk of being sexually assaulted¹. While quality care and survivor-centered victim services are critical, eliminating sexual violence requires breaking the cycle of violence by addressing the root causes and societal factors that perpetrate sexual violence in the first place. The VAWA amendments to the Clery Act, Title IX recommendations, the White House Report entitled “Not Alone” as well as the Campus Accountability and Safety Act drafted by Senators McCaskill, Gillibrand et al., underscore the need for comprehensive prevention strategies on college campuses that address sexual violence before it happens (known as primary prevention). Comprehensive prevention strategies requires more than providing incoming students with information at orientation, it demands saturating the campus community with a range of ongoing prevention strategies including implementing effective campus policies and evidence-informed prevention education for campus-based population that promotes healthy masculinity and pro-social bystander behavior.

Recommendations:

1. Campuses should be urged to conduct and publish annual campus climate surveys to measure the extent and nature of the problem, assess the effectiveness of existing campus-based prevention and response strategies, and help the campus community to understand the scope of the problem on their campus. The reports should also be made available to new and incoming

¹ White House Task Force to Protect Students from Sexual Assault (April 2014). NOT ALONE: The First Report of the White House Task Force to Protect Students From Sexual Assault. Retrieved October 24, 2014 from http://www.whitehouse.gov/sites/default/files/docs/report_0.pdf.

students to help them make informed decisions when selecting safe campuses to pursue higher education.

2. Primary prevention education for students can drastically lower the incidence of sexual assaults, by educating both potential perpetrators about what constitutes sexual assault and future bystanders on how to recognize and safely intervene to prevent sexual assault. Mandated primary prevention programming must include regular and ongoing prevention education about bystander intervention, healthy masculinity and supporting peer survivors to foster a culture of reporting.
3. University and college campuses must also conduct regular and appropriate community-wide primary prevention education that engages **all members** of the campus community, including undergraduate and graduate students, staff, faculty, administrators and parents.
4. Mandatory dorm-based prevention education reinforcing positive social norms and skills related to healthy bystander behavior need to be implemented for residence hall RAs and new students.
5. Mandatory coach-implemented educational programs need to be implemented for male athletes addressing hyper-masculine peer norms that support/ facilitate sexual assault².

² Centers for Disease Control and Prevention (2014). Preventing sexual violence on college campuses: Lessons from research and practice. Retrieved [date] from <https://www.notalone.gov/schools/>

In short, campuses need to implement thoughtful campus-wide ongoing primary prevention programs that can break the cycle of violence and address sexual violence before it happens.



The City University
of New York

**CUNY Women's
Centers Council**

**Testimony by Ms. Ebonie Jackson
New York City Council Committee on Higher Education
Jointly with the Committee on Public Safety,
the Committee on Women's Issues and
the Committee on Civil Rights
October 27, 2014**

Testimony to the New York City Council Committee on Higher Education
jointly with the Committee on Public Safety, the Committee on Women's
Issues and the Committee on Civil Rights
October 27, 2014

Good afternoon Chairperson Inez Barron and members of the City Council Committees on Higher Education, Public Safety, Women's Issues and Civil Rights. I am Ebonie Jackson, Co-Chair of the City University of New York Women's Centers Council. The Council was established in 2001 with the goal to educate and advise the University on women's issues that impact upon student retention efforts, and to serve as a source of support for CUNY Women's Centers in their work to promote the growth and development of women students as they pursue both their academic and their lifelong goals. I am here today as their representative to support the two City Council resolutions on sexual assault, Resolution 427 and Resolution 454.

The nine CUNY Women Centers are based at four community colleges: Borough of Manhattan CC, Guttman CC, Kingsborough CC and LaGuardia CC and five senior colleges: Brooklyn, College of Staten Island, John Jay, Medgar Evers, and York. The Women Centers in CUNY are very diverse in staffing, funding, mission and student participation. However, the needs of our students share a common thread that we all work to address. As evidenced by empirical data, many women confront obstacles in navigating our complex society and have difficulty balancing their multiple roles and expectations while attempting to become successful students, professionals, parents, partners and caregivers. Our Women's Centers help to provide some of the resources to support students at higher education institutions by offering a friendly, supportive atmosphere that is responsive to the diverse needs expressed by the women students of CUNY.

The colleges serve women facing a multitude of needs, including support in response to domestic and intimate partner violence, incest, rape, sexual harassment, eating disorders, substance abuse, parenting issues, immigration concerns, welfare and work, and disability. They also serve women in need of childcare, legal advice, guidance on time management and career development, and information on women's issues. While extensive, this is by no means an exhaustive account, but a sample of the varied information and support services that CUNY's Women's Centers provide to our students. While our female students face many challenges, the Women's Centers strive to do their very best with the resources available.

Issues of concern to this body are intimate partner abuse and sexual assault. The approach and response to these are similar where Women's Centers exist on campus. For example, they provide a safe haven for individuals in need, counseling, on and off-campus referrals, confidential support groups, and coordination of relevant programming designed to educate and inform students of their rights and existing resources to address concerns related to the experience of abuse and violence in their lives. Programming includes a variety of events such as: classroom presentations and lectures, the *Clothesline Project*, Sexual Assault Panels and Conferences, *Take Back the Night*, *Walk With Me*, and panels that include advocates for and survivors of intimate partner violence. These activities are intended to reach women and men to raise awareness and educate them on the issue of intimate partner and sexual violence.

It should be emphasized that each Center follows a specific protocol for issues dealing with intimate partner abuse. Depending upon the issue, each center collaborates with the Counseling Centers, Campus Public Safety Offices, Dean of Students, Health Services, and Title IX Coordinators, and offers specific resources to help students in distress. Therefore, Women's Centers must turn to other resources, both on and off campus in order to provide a wider range of services to students regarding intimate partner and sexual violence.

At the Centers we have learned that intimate partner abuse and sexual assault negatively impact a student's ability to attend class, study and pursue educational goals. We endeavor to address some of these issues by working in tandem with other faculty and staff to help students connect to other services on or off campus. Students who graduate in spite of the abuse and violence they experience in their personal lives, are often only able to do so because of the personal attention and concern they are shown at the colleges that have Women's Centers, and by faculty and staff who devote their lives to the study and empowerment of women.

Our efforts at the *academy are tireless*; however, the pervasive occurrence of intimate partner violence is at epidemic proportions. We support Resolution 427, the Campus Accountability and Safety Act and Resolution 454, the Survivor Outreach and Support Campus Act. Together these Acts, if passed, will provide a basic foundation for moral and ethical accountability, incentives to institutionalize comprehensive response plans, and encouragement to integrate the topics into the curriculum—reinforcing societal behavioral change and the needed funding to invigorate the movement to stop the violence on college campuses across the US.

Respectfully Submitted,
Ebonie Jackson,
Co-Chair, CUNY Women's Centers Council
Manager, York College Women's Center
October 27, 2014

October 27, 2014

*New York City Council Meeting - Sexual Assault on New York City College Campuses
Testimony by Sophie Andar*

Dear Colleagues Working to End College Sexual Assault and all forms of Sexual and Intimate Partner Violence,

Thank you for this opportunity to introduce myself and share my work with you as a health educator and violence prevention specialist. This year as a fellow of the Teachers College, Columbia University Research Group on Disparities in Health (RGDH), I conducted what is to my knowledge the first study to investigate digital media factors in the context of college sexual assault. In the Executive Summary herein, I have shared key findings, implications, and recommendations. I am presently preparing the study for publication in an academic journal.

The prevalence of college sexual assault and factors that put women at greater risk; the known harms of Internet use, pornography, sexual cyberbullying, and sexting; and the severe health consequences of sexual violence call for investigation of college sexual assault among women in the digital age. The White House Task Force to Protect Students from College Sexual Assault and the collective experiences and voices of the 233 women represented in my study – 44.2% of whom survived college sexual assault – make clear that the complexity of sexual violence requires a broadly-informed, comprehensive approach. To support colleges in this endeavor, the Task Force recently issued its first report and research guidelines, following extensive new prevention and response guidance from the Department of Education's Office for Civil Rights (OCR). Although the Task Force is currently exploring how to use technology to create awareness and support survivors, its new guidelines address neither the potentially abusive nor helpful role of digital media in college sexual assault. Also, the Campus Accountability and Safety Act also does not address the potential role of digital media in college sexual assault.

I hope my exploratory research highlights the relevance of understanding, accounting for, and utilizing digital media in efforts to address college sexual assault, as well as sexual and intimate partner violence in other settings. Also, I hope my study offers directions for future research, as digital media is central to how young experience each other and the world, yet its relationship to sexual victimization during college is virtually unknown.

Please feel free to contact me at SophieAndar@gmail.com with your thoughts and questions.

Thank you and kind regards,

Sophie Andar, Ed.D.

The Prevalence of College Sexual Assault Among Women in the Digital Media Era:
An Online Investigation of Potential Impacts from Social Networking,
Pornography, Cyberbullying, and Sexting

by Sophie Andar, Ed.D.

~

Executive Summary

Required by Title IX and the Clery Act to report, prevent, and respond appropriately to sexual violence, federally funded U.S. colleges must address the realities that nearly 25% of women experience attempted or completed sexual assault at college (Krebs, Lindquist, Warner, Fisher, & Martin, 2007), the prevalence of partners' and acquaintances' perpetration (Fisher, Cullen, & Turner 2000; Krebs et al., 2007) speaks to the overlap of sexual and intimate partner violence (WHO, 2010), and almost 80% of survivors do not report their assaults (Wolitzky-Taylor et al., 2011). Meanwhile, digital media is a core part of young Americans' lives (Center for the Digital Future, 2013; Judge, 2012), and college sexual assault must be understood in context of the Internet age. The Internet facilitates intimate partner violence (i.e. Zweig, Dank, Lachman, & Yahner 2013), adolescent sexual victimization (i.e. Mitchell, Finkelhor, & Wolak, 2007a, 2007b), and pornography exposure, which are factors related to college sexual assault (Krebs et al., 2007; Smith, White, & Holland 2003; Foubert, Brosi, & Bannon 2011).

Moreover, the 2010 suicide of Rutgers University student Tyler Clementi prompted by the clandestine broadcast of a sexual encounter he had (Foderaro, 2010) highlights the potentially lethal consequences of cyberbullying among college students. More recently, the rape of a 16 year-old in Stuebenville, Ohio revealed how digital record of sexual violence can involve further abuse online, as the survivor was shamed and threatened with homicide via social media after her rape (Welsh-Huggins, 2013). Similarly, teenagers Audrie Pott and Rehtaeh Parsons killed

themselves after their sexual assaults were spread online with accompanying harassment (Burleigh, 2013; Visser, 2013). In the report "Rape and Sexual Assault: A Renewed Call to Action," which announced the establishment of the White House Task Force to Protect Students from Sexual Assault, the White House Council on Women and Girls and the Office of the Vice President (2014) acknowledged that "victims may be further traumatized by social media," but "this is an unresearched issue" (p.13). The present study appears to be the first to have investigated U.S. college women's experiences and perceptions of sexual assault in relation to known risk factors, digital media use and exposure, reporting behavior, and college prevention and response efforts.

The study sample comprised of 233 college women, most of whom identified as White (69.1%, n = 161) or Latina (15%, n=35) - with a mean age of 20.9 years (min 18, max 33, SD=2.63). All women qualified to participate by being enrolled in a U.S. college, at least 18 years old, and willing to share their knowledge of college sexual assault. A social media campaign recruited participants by inviting them to complete the online survey for a chance to win a prize. Participants were also welcome to invite their peers to share the link via social media, permitting snowballing. Data collection began January 13th, 2014 and ended February 1st, 2014. Data was downloaded from SurveyMonkey.com and analyzed using SPSS 17.0. Underrepresentation of African Americans, response bias, and inaugural use of the survey instrument were among the study's limitations.

Nearly half (48.1%, n=112) of the participants had sent a sext of themselves, and 55.4% (n=129) reported having received a sext. Twenty-seven percent of respondents (n=63) had willingly allowed themselves to be photographed naked, partly naked, or having sex, and 13.7% (n=32) had consented to someone filming or live streaming them having sex or performing a

sexual act. Meanwhile, 9.4% (n=22) of participants reported having had photos or video taken of them naked, partly naked, having sex, or performing a sex act without their consent or knowledge, and 7.3% (n=17) indicated that such images had been shared without their consent or knowledge. For the majority of those who had been photographed or filmed nonconsensually, the perpetrator was the respondent's boyfriend or girlfriend (59.09%, n=13), while the next most likely perpetrator was an acquaintance (22.73%, n=5). Boyfriends or girlfriends were also the most likely perpetrators of nonconsensual sharing of sexual images (35.29%, n=6), followed by a nonsexual or nonromantic friend (29.41%, n=5).

About two thirds of the women (66.1%, n=154) had been sexually harassed, 47.2% (n=110) had felt violated during a sexual experience, and 24.9% (n=58) had been stalked during college. College sexual assault was reported by 44.2% (n=103), while 14.4% (n=14) felt they had been forced to do something the assailant had seen in pornography, and 14.4% (n=14) felt the perpetrator was porn-addicted. Photos or video were taken of 7.2% of survivors (n=7) during their assaults, yet 11.3% (n=11) were unsure if this had happened, and 14.4% (n=14) were unsure if images of the assault were spread online. Many of the survivors (64.9%) reported having drunk alcohol willingly prior to the assault, while 41.2% indicated someone had been trying to get them drunk before they were assaulted. Also among key findings, logistic backwards stepwise regression analysis revealed occurrence of college sexual assault to be predicted by more childhood sexual abuse trauma ($e^B=1.418$, $p=.003$; 95% CI: 1.130, 1.781), drinking alcohol ($e^B=3.346$, $p=.000$; 95% CI: 1.100, 10.183), having had sex since college ($e^B=2.596$, $p=.015$; 95% CI: 1.201, 5.609), and having been a bystander to college sexual assault ($e^B=1.731$, $p=.000$; 95% CI: 1.731, 6.245) – in a model where addition of the above predictors reduced the unexplained variance by a range of (0.183 - 0.245).

Participants' recommendations for improving how colleges address sexual assault focused on providing accountable, accessible, sensitive, and comprehensive education, services, and policies. Numerous women cited Title IX and/or Clery Act violations, and they often called for colleges to simply fulfill their obligations to address sexual assault responsibly. A number of students expressed anger and disappointment over their school's mishandling of individual cases and the problem at-large, and several students emphasized the need for trauma-informed personnel and protocol. Recommendations included best practices in college sexual assault prevention programming and mandated, campus-wide education.

The study's results imply that ending college sexual assault requires a coordinated and comprehensive approach that is conversant with the overlap of stalking and sexual, domestic, and dating violence, as well as the potential involvement of digital media. Specifically, colleges should account for digital media abuse in sexual assault policies, procedures, education, and services. Policies should include harmful digital media behaviors in sexual violence definitions and examples. Protocols that hold perpetrators accountable for sexually abusive uses of digital media are also needed. Education should embrace both proven methods in addressing college sexual assault and new practices for how to recognize and respond to digital media abuse within sexual assault, stalking, and intimate partner violence. Valuing students as partners, understanding how the Internet shapes their lives, and leveraging digital media's assets could build colleges' competence in dealing with sexual assault, as well as the interrelated problems of stalking and intimate partner violence.

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CENTER FOR
ANTI-VIOLENCE
EDUCATION

327 7TH STREET BROOKLYN NY 11215 T: [718] 788-1775 F: [718] 499-2284 CAENY.ORG

October 27, 2014

Good afternoon and thank you to New York City Public Advocate Letitia James, to the New York City Council Committees on Public Safety, Women's Issues, Higher Education, and Civil Rights, and to the individuals and organizations that have shown up today to speak. My name is Lauren Manley, and I am a student at the Silberman School of Social Work at Hunter College, and a social work intern at The Center for Anti-Violence Education in Brooklyn.

On behalf of The Center for Anti-violence Education (CAE), I am pleased to offer testimony at today's hearing *Stand Up, Speak Out*, addressing college sexual assault.

For 40 years, CAE has developed and implemented comprehensive violence prevention programs for individuals and organizations, including many colleges and universities, reaching over 2,500 New Yorkers each year. CAE's programs focus on women, girls, and LGBTQ communities, with a special attention to the needs of survivors. Through a combination of education, physical training, and leadership development, our programs empower participants to prevent, interrupt, and heal from violence.

What we know--and what you have heard and will hear today--is that the epidemic of sexual assault on college campuses necessitates a three-fold plan: best practices for prevention, reporting processes, and modes of healing. Today I will primarily address the issues of prevention and healing.

Based on our years of experience, CAE knows that self-defense is an integral part of violence prevention. A simple blocking technique can give someone enough time to get away from, or attract help during, a potentially dangerous attack. Physical activities help individuals to feel more in control and in touch with their own bodies, a supremely important factor in building confidence. Through verbal exercises, individuals practice using their voices, and learn about de-escalating situations and setting boundaries. We also know that good self-defense transcends the personal experience, and includes connecting individuals to resources and building community support. Learning to advocate for oneself and others is a form of political activism, which both addresses the societal causes of violence, and creates a space for healing.

We believe that self-defense provides an alternative mode for healing. In the last three years, 1,300 survivors of sexual assault and intimate partner violence have attended our self-defense classes. 95% of adult survivors reported that they learned to feel less blame for violence that has happened to them. As one participant stated, self-defense "restores to survivors something that is often lacking in other forums—a connection between mind, body, and spirit that was severed for most when they were assaulted." And another, "It is through training that I have moved beyond coping and surviving to a deeper sense of integration."



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In order to address the epidemic of sexual assault in colleges and universities in New York City, we must address all three aspects of best practices for prevention, reporting processes, and healing for survivors. Studies show that the highest rate of sexual assault occurs within a student's first semester of college. We recommend that every campus offer a self-defense course during this time. We also recommend self-defense being offered as an alternate healing resource for survivors of sexual assault. Based on the experiences of our participants, as well as my own personal experience, we recognize a relationship between self-defense and the confidence and willingness to seek help, report, and advocate for oneself, as well as a relationship between self-defense and effective bystander intervention. Encouraging intervention and reporting, however, necessitates changes in policy and reporting practice to establish accountability for both individuals and institutions.

As a student in New York, I am grateful that you are holding this crucial hearing, and I thank you for the opportunity to participate in it.

Sincerely,

Lauren Manley



WHO WE ARE

Founded in 1974, The Center for Anti-Violence Education (CAE) develops and implements comprehensive violence prevention programs for individuals and organizations. Through a combination of education, physical empowerment and leadership development, CAE provides underserved communities throughout the New York Metropolitan area with skills to break cycles of violence. We do this work to actively create a peaceful, just and equitable world.

WHO WE SERVE

Each year, CAE partners with more than 70 community organizations and reaches over 2,500 people of all incomes, ages, racial and ethnic backgrounds, sexual orientations and physical abilities. Free programs, sliding scale fees and free child care reflect our bedrock commitment to low-income individuals and families. CAE's programs focus on women, girls and LGBTQ communities, with a special sensitivity to the needs of survivors. Participants build skills to enable them to heal from, prevent and counter violence.

WHAT WE KNOW

Violence prevention is a public health strategy: until individuals address violence in their lives, it is difficult to obtain and maintain education and employment, housing, healthy relationships, physical and mental health, and participation in community life. Individuals build confidence when they discover that they have physical strength, a voice, a sense of self-worth, and belonging to a community. Physical activities—such as martial arts and self-defense—help them feel more in control and in touch with their own power. A simple blocking technique can give someone enough time to get away from, or attract help for, a potentially dangerous attack. Verbal exercises and role plays help people practice using their voices, de-escalating situations, and setting boundaries. Discussions provide a forum for exploring issues of violence and overcoming feelings of helplessness and isolation.

WHAT WE DO

With a budget of \$622,000, a staff of six and a team of 20 specially-trained instructors and teen peer educators, CAE provides the following programs:

- **Community Alliance Against Violence:** long-term violence prevention courses for LGBTQ youth at four youth-serving organizations and shelters, coupled with trainings for providers to increase their capacity to help youth prevent and respond to violence, funded by a grant from the Robert Wood Johnson Foundation.
- **Community Violence Prevention:** customized workshops for clients and staff at colleges, schools, youth centers, rape crisis centers, domestic violence programs and other service providers throughout the five boroughs of New York City.
- **5-Week Violence Prevention & Self-Defense Courses:** offered five times annually to empower participants to prevent, respond to and heal from violence and avoid re-victimization.
- **Martial Arts:** the only martial arts program (karate and tai chi) for women and transgender communities in New York City.
- **Power, Action, Change for Teens (PACT):** an after-school violence prevention and leadership development program that includes peer educator training and multi-session courses for young women and trans youth ages 12–19.
- **Pre-teen Empowerment Project (PEP):** long-term violence prevention and leadership development program for girls ages 9–12, with a focus on strengthening voice and body; identifying healthy/unhealthy behaviors; leadership and advocacy; and accessing support.

In the past year we doubled the number of violence prevention workshops we held across New York City. We have successfully created model programs, piloted locally and then replicated nationally. A violence prevention curriculum created in association with Girls, Inc. has reached over 22,000 girls across the U.S. We also plan to share the results and successes of our cutting-edge violence prevention program for homeless LGBTQ youth nationally, to actively change the culture of violence these young people face.

Testimony of Suzanne B. Goldberg

Herbert and Doris Wechsler Clinical Professor of Law
Director, Center for Gender & Sexuality Law
and Sexuality and Gender Law Clinic
Columbia Law School

Special Advisor to the President on Sexual Assault Prevention and Response
Columbia University in the City of New York

**New York City Council Committee on Higher Education
Jointly with the Committees on Civil Rights, Public Safety, and Women's Issues**

Oversight Hearing: Sexual Assault on New York City College Campuses
October 27th, 2014

On behalf of Columbia University, I would like to thank Chairpersons Inez Barron, Vanessa Gibson, Laurie Cumbo and Darlene Mealy for the opportunity to provide testimony on the issue of Sexual Assault on New York City College Campuses. My name is Suzanne Goldberg. In addition to serving as the Herbert and Doris Wechsler Clinical Professor of Law at Columbia University, and Director of both the Center for Gender & Sexuality Law and the Sexuality and Gender Law Clinic, I currently serve the University community as Special Advisor to the President on Sexual Assault Prevention and Response. I would like to provide an update on some of the most recent steps the University has undertaken—first started during the spring semester of last year and continuing as I speak—to address the critically important and deeply troubling issue of campus-based sexual violence.

Let me first state unequivocally that Columbia University is committed to fostering an environment that is free from all forms of gender-based misconduct, including sexual assault. The University recognizes its responsibility to increase awareness of the many forms of gender-based misconduct, work to prevent its occurrence, support victims and survivors, diligently investigate reports of misconduct, and deal fairly and firmly with offenders. This is central to the work of the University, in which all members of the University must come together to respect and care for one another in a manner consistent with our deeply held academic and community values and to enable all to take advantage of the tremendous opportunities Columbia offers to its students and the broader community.

Beginning in the Spring of 2014, the University initiated a dialogue among representatives of the student body, faculty and senior administration, including President Bollinger, on ways it can better serve the needs of our community for safety, support and education in connection with the issue and occurrence of gender-based misconduct. This campus-wide engagement

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IN THE CITY OF NEW YORK

remains ongoing today and has proven an invaluable tool for assessing areas for improvement and how best to implement changes in an effective and fair way.

Informed by this dialogue, as well as by recent guidance from the White House, the U.S. Department of Education, and federal legislation, on August 15th, President Bollinger announced a new Gender-Based Misconduct Policy for Columbia University, including Barnard College and Teachers College. I would like to submit a copy of this policy for the record of this hearing. From the outset, the explicit goals informing the drafting of the new policy have been to: ensure fairness for all parties involved, provide more assistance to students in need, and strengthen confidence in the University's handling of reports of sexual assault and other gender-based misconduct.

My own view is that Columbia's policy does an excellent job of setting out - in clear and understandable terms for our students - the confidential and other resources available on and off campus and a disciplinary process that is both fair and sensitive to the particular needs of students in a University setting.

As you review the submitted policy I would like to highlight some key changes that we believe will be especially significant going forward as Columbia educates about, investigates and adjudicates matters related to gender-based misconduct, including sexual assault:

- Accommodations —including no-contact orders, changes to housing assignments and extensions for papers and exams—are available to students from the time they request help until they graduate, whether or not they choose to engage the disciplinary process. While students have always been able to access these accommodations, the new policy sets out clearly and directly the range of accommodations available to students. In addition, the Gender-Based Misconduct Office now has case managers who can assist students directly with obtaining these accommodations and accessing other resources.
- Both the complainants and the respondents in investigations may choose any advisor of their choice, including a lawyer. The University will arrange for a volunteer lawyer-advisor if student so requests. Columbia is currently one of the only – or perhaps the only – University in the country to provide this volunteer lawyer resource for its students.
- As part of the University's investigative procedure, hearing panels consist of three University officials who receive frequent, intensive training on how to hear cases related to gender-based misconduct fairly, accurately, and with sensitivity to all students involved.
- Investigator reports now include an assessment of individual credibility and make recommended findings of responsibility, in addition to detailing the relevant content from interviews conducted and documents gathered through the investigative process.

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IN THE CITY OF NEW YORK

All University officials involved in the process, including the hearing panelists described above, receive specialized training, including specific training about how to approach students about sensitive issues that may arise in the context of gender-based misconduct proceedings and training on the University's policy and procedures. In addition to whatever other sanctions are imposed, all students found responsible for gender-based misconduct, including sexual assault, will be required to complete appropriate education and/or training related to the gender-based misconduct violation unless they are expelled from the University.

In addition to these policy changes the University has also increased staff in the following areas:

- The Gender-Based Misconduct Office (previously the Office of Student Services for Gender-Based and Sexual Misconduct) has added three case managers, who each serve as a neutral point person for both complainants and respondents throughout the disciplinary process. These case managers assist students with obtaining accommodations and accessing support and other resources, as described above, in addition to providing students with information about the disciplinary process.
- The office has also increased the number of investigators from two to four, and these investigators typically work in pairs to conduct their investigations.
- The University has expanded its Sexual Violence Response and Rape Crisis/Anti-Violence Support Center, opening a new location on campus earlier this month. Six new staff positions have been created as part of the Crisis and Support Center, including an assistant director at the University Medical Center. The Center has always been available to students either in person or by phone 24/7 while school is in session and is now available 365 days per year.

The very first page of the new policy invites all members of the Columbia community, especially including students, to provide their input throughout the school year. As the Policy is implemented during the course of this academic year, changes and improvements may be made based on experience and feedback the administration receives from a variety of stakeholders at Columbia, first and foremost our students.

I also want to stress that these policy changes have been designed to complement several interim measures that the University put in place prior to this new policy, including changes to the mandatory training that all new Columbia students receive about gender-based misconduct, including sexual violence.

New undergraduates, in particular, received a video even before they arrived on campus that stressed the link between University values and sexual respect, and included both administrators and student peer educators. When these new students arrived on campus, they underwent training related to the new policy, specialized training in bystander intervention

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through the Step Up Program, and additional small-group conversations led by trained peer educators about consent in sexual relationships. Throughout the year, Sexual Violence Response is also running a poster campaign throughout the University, to stress messages about consent, intimate partner violence, support resources, and more. In addition, significant planning is underway for additional prevention education during the second semester. You can find extended discussion of these and other initiatives in my Update to the Columbia community, which I submit for the record today. Still more information is available on Columbia's sexual respect website: <http://www.sexualrespect.columbia.edu>.

Finally, no effort to assess the scope of gender-based misconduct within our community as well as areas for improvement on an issue as challenging as this one can be effective without discussion of past practices. With this in mind, in September Columbia University published its first annual Report on Gender-Based Misconduct Prevention and Response. I am also submitting a copy of this report for the record. The report includes aggregate data on reported violations of the University policy on gender-based misconduct by students reported through the disciplinary process during the 2013-14 academic year. It is worth noting here that Columbia is one of very few peer institutions to publish such information and to offer such a comprehensive report about the range of the University's work on prevention in addition to data regarding response.

I want to thank you all for your time as well as your attention to this critically important matter. On behalf of Columbia University, I look forward to working together as the Council continues to engage the issues of gender-based misconduct, including sexual violence, on college and university campuses.

GENDER-BASED MISCONDUCT POLICY FOR STUDENTS (POLICY)

PROCEDURES FOR RESPONDING TO STUDENT GENDER-BASED
MISCONDUCT (PROCEDURES)

Revised August 15, 2014

Gender-Based Misconduct Office

This Policy and the accompanying Procedures are intended to comply with Title IX guidance recently issued by the White House Task Force to Protect Students from Sexual Assault and the Department of Education's Office for Civil Rights and the requirements of the Campus SaVE Act. The Policy and Procedures have been prepared by University administration and reviewed by the President's Advisory Committee on Sexual Assault (PAC-SA), the President's Special Advisor for Sexual Assault Prevention and Response, and other University faculty. These groups, student groups and others may provide additional input throughout the coming academic year. Comments and questions, which are always welcome, may be directed to titleix@columbia.edu.

INTRODUCTION

Columbia University, Barnard College, and Teachers College¹ are committed to fostering an environment that is free from gender-based discrimination and harassment, including sexual assault and all other forms of gender-based misconduct. The University recognizes its responsibility to increase awareness of such misconduct, prevent its occurrence, support victims, deal fairly and firmly with offenders, and diligently investigate reports of misconduct. In addressing issues of gender-based misconduct, all members of the University must come together to respect and care for one another in a manner consistent with our deeply held academic and community values.

The University complies with Title IX of the Higher Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities. This Policy and the accompanying Procedures are intended to ensure a safe and non-discriminatory educational environment and comply with Title IX and other applicable law.

Gender-based misconduct comprises a broad range of behaviors focused on sex and/or gender that may or may not be sexual in nature. Sexual harassment, sexual assault, sexual exploitation, gender-based harassment, stalking, domestic violence and dating violence are all forms of gender-based misconduct. Gender-based misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship. Gender-based misconduct can be committed by anyone regardless of gender identity, and it can occur between people of the same or different sex or gender. The University does not tolerate any form of gender-based misconduct, and all gender-based misconduct is prohibited by this Policy.

To further the goal of eliminating gender-based misconduct from its community, the University offers: (1) educational and preventative programs; (2) services for victims and others affected by gender-based misconduct; (3) accessible, prompt, and fair methods of investigation and resolution of reports of misconduct; and (4) protections designed to prevent against recurrence.

This Policy and the accompanying Procedures set forth how the University defines and addresses gender-based misconduct involving students. The Policy first specifies prohibited conduct. It then describes available resources and reporting options, and explains whether and to what extent interactions with various resources are confidential. Finally, the Policy discusses measures that may be available in particular cases to support and assist students. The Procedures spell out the investigation, hearing, and sanctioning process for matters in which students are accused of misconduct, as well as the affected students' rights in connection with the process. Following the Procedures is a Definitions section containing specific definitions and scenarios illustrating gender-based misconduct that are important for understanding the Policy. The very last section is a comprehensive listing of Resources available to students affected by gender-based misconduct.

Nothing in the Policy or the Procedures shall be construed to abridge academic freedom and inquiry, principles of free speech, or the University's educational mission.

¹ For the purposes of this Policy and the Procedures, the term "University" includes all three institutions. When describing just one of the institutions, the names Columbia, Barnard, and Teachers College are used.

Scope of the Policy and Procedures

This Policy governs gender-based misconduct involving students² that: (1) occurs on any University campus or in connection with University programs or activities; (2) creates a hostile environment for University students; or (3) involves a respondent who is a current undergraduate, graduate, or professional student at the University. The Policy applies regardless of a person's gender, gender identity, gender expression, sexual orientation, age, race, nationality, class status, ability, religion, or other protected status.

The Procedures describe the investigation and disciplinary process that apply when the respondent is a current undergraduate, graduate, or professional student at the University, including students on leave. If the respondent is affiliated with the University but is not a University student, different procedures apply to the investigation and disciplinary process as set forth below:

If the respondent is a Columbia employee or other person doing business with Columbia, the investigation and disciplinary processes described in Columbia's Employment Policies and Procedures on Discrimination and Harassment (eocaa.columbia.edu) apply.

If the respondent is a Barnard employee or other person doing business with Barnard, the investigation and disciplinary processes described in the Barnard College Grievance Procedures for Sexual and Gender-Based Misconduct (<http://barnard.edu/doc/titleIX/titleIX>) apply.

If the respondent is a Teachers College employee or other person doing business with Teachers College, the investigation and disciplinary processes described in the Teachers College Policy on the Protection from Harassment (http://www.tc.edu/policylibrary/protection_from_harassment) apply.

Students are entitled to appropriate support from the University and to be treated with respect, dignity, and sensitivity in connection with all gender-based misconduct incidents. The University's Gender-Based Misconduct Office serves as the central point of contact for all University students affected by gender-based misconduct. Students of Barnard and Teachers College may contact the Office directly or through the Title IX Coordinator at their school.

Note: While this Policy and the Procedures identify the University office or employee who will typically perform certain roles or duties, the University may designate other University offices or employees to perform any roles or duties described in the Policy or Procedures.

² While gender-based misconduct is prohibited in all University programs, for the purpose of this Policy "student" does not include elementary or secondary school students in University programs.

GENDER-BASED MISCONDUCT POLICY FOR STUDENTS (POLICY)

Prohibited Conduct

Gender-based misconduct comprises a broad range of behaviors focused on sex and/or gender that may or may not be sexual in nature. Any intercourse or other intentional sexual touching or activity without the other person's consent is sexual assault, which is a form of gender-based misconduct under this Policy. Sexual harassment, sexual exploitation, gender-based harassment, stalking, domestic violence, and dating violence are also forms of gender-based misconduct. Intimidation for one of these purposes is gender-based misconduct, as is retaliation following an incident of alleged gender-based misconduct or attempted gender-based misconduct. Misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship, can be committed by anyone regardless of gender identity, and can occur between people of the same or different sex or gender. **This Policy prohibits all forms of gender-based misconduct.**

Any non-consensual sexual activity is gender-based misconduct. Consensual sexual activity requires unambiguous communication and mutual agreement for the act in which the participants are involved. Sexual activity accompanied by coercion or force is not consensual. A person cannot give consent if he or she lacks the ability to make or understand the decision because of disability, lack of sleep, consumption of alcohol or drugs, or if he or she is unwillingly physically constrained. A sleeping or unconscious person cannot give consent. The use of alcohol or drugs does not justify or excuse gender-based misconduct and never makes someone at fault for experiencing gender-based misconduct.

Examples of Gender-Based Misconduct

Specific categories of gender-based misconduct and other important definitions used in this Policy are included in the Definitions section following the Procedures, along with scenarios illustrating specific instances of gender-based misconduct. For purposes of illustration, the following list sets forth examples of conduct that could constitute gender-based misconduct under those definitions:

- Coercion for a date or a romantic or intimate relationship
- Unwelcome touching, kissing, hugging, or massaging
- Use of unwanted force in connection with sexual activity or attempted sexual activity
- Sexual contact with a person who has not clearly consented
- Unwelcome remarks about the private parts of a person's body
- Belittling remarks about a person's gender or sexual orientation based on gender-stereotyping
- Videotaping or photographing of activity of a sexual or private nature without the consent of the person(s) being videotaped or photographed
- Obscene gestures of a sexual or gender-based nature
- Graffiti concerning the sexual activity of another person
- Use of email, the Internet, or other forms of digital media to facilitate any of the behaviors listed above

RESOURCES FOR STUDENTS

Immediate Assistance

The University encourages all students affected by gender-based misconduct to seek immediate assistance. Seeking assistance promptly may be important to ensure a student's physical safety or to obtain medical care or other support. It may also be necessary to preserve evidence, which can assist the University and/or law enforcement in responding effectively. Assistance is available 24 hours a day, 7 days a week. The Resources listing following the Procedures provides contact information for the campus and community resources available to help.

Confidentiality

The University values the privacy of its students, employees, and other community members. It wants all community members to seek the assistance they need without fear that the information they provide will be shared more broadly than they would like. Federal and state laws, however, impose reporting obligations on University personnel that, in some circumstances, can require certain personnel to share information from a report of gender-based misconduct with government authorities, University Public Safety or others at the University. The attached Resources listing includes a chart summarizing the confidentiality obligations of different categories of University personnel with respect to reports of gender-based misconduct.

Even when University employees have an obligation to report to others, which means their office is described as "non-confidential" under this Policy, they will protect and respect students' privacy to the greatest extent possible and share information only on a need-to-know basis. Any of the staff listed as Resources will be able to explain their reporting obligations in more detail.

Advocacy and Counseling Services and Healthcare Providers (Confidential)

The University provides confidential advocacy, crisis and pastoral counseling and medical services on campus. Advocates, counselors, clergy and healthcare providers can provide students with immediate and long-term help. Conversations with them are confidential, except as described in the Resources listing following the Procedures. They will listen and help access additional assistance, and explain options for obtaining additional support from the University and others. They can also arrange for medical care and accompany students, or arrange for someone to accompany students, to seek such care. Students may use these resources whether or not they decide to make an official report or participate in University disciplinary proceedings or the criminal process. These advocates, counselors, clergy, and healthcare providers are familiar with the University's disciplinary process, can explain what to expect, and provide support while disciplinary or criminal processes are pending.

Gender-Based Misconduct Office (Non-Confidential)

The University has established the Gender-Based Misconduct Office to support and provide assistance to students affected by gender-based misconduct. The Office does not act as an advocate, but is a neutral resource available to all students. The Gender-Based Misconduct Office is responsible for referring students to available resources, offering appropriate protections, and coordinating the disciplinary process. The Office can provide support and assistance immediately following an incident, throughout the investigation and disciplinary process and throughout a student's time at the University. Contact information for the Gender-Based Misconduct Office is in the Resources listing following the Procedures.

Title IX Coordinators (Non-Confidential)

The Title IX Coordinators for Columbia, Barnard and Teachers College are responsible for overseeing the University's response to Title IX reports and complaints, and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX Coordinators oversee the administration of this Policy and the Procedures in a neutral and equitable manner. Contact information for the Title IX Coordinators is in the Resource listing following the Procedures.

Law Enforcement (Non-Confidential)

Students may report gender-based misconduct to the New York City Police Department, the Manhattan District Attorney's Office, or the local law enforcement agency where the misconduct occurred if the misconduct occurred outside of New

York City. The University and criminal justice system work independently from one another. Law enforcement authorities do not determine whether a violation of this Policy has occurred. The University's Public Safety personnel and the other resources listed in the Resources listing are familiar with New York City and New York State law enforcement processes and can explain what happens when gender-based sexual misconduct is reported to law enforcement. Confidential support resources, the Gender-Based Misconduct Office and University Public Safety can explain how to report sexual assault and other forms of gender-based misconduct to law enforcement. Confidential support resources or University Public Safety personnel will accompany any student requesting support to the Police Department or District Attorney's Office. They cannot serve as a substitute for legal advice on these matters.

REPORTING GENDER-BASED MISCONDUCT

The University encourages students to report gender-based misconduct to the Gender-Based Misconduct Office as promptly as possible so that the University can investigate and respond effectively. Generally, once the Office receives a report, it must investigate. Students may meet with Gender-Based Misconduct Office personnel to learn more about the process before making a report.

The University recognizes that students may be most comfortable disclosing gender-based misconduct to a University employee they know well, such as a faculty member, coach or resident advisor. Any University employee (other than the confidential resources identified in the Resources listing) who receives a report is required to inform the Gender-Based Misconduct Office, directly or through the appropriate Title IX Coordinator, about the incident. The University will endeavor to follow up on any report it receives about possible gender-based misconduct, whether from a student, other member of the community or an anonymous source.

Before a student reveals information, University employees will try to ensure that the student understands the employee's reporting obligations—and, if the student wishes to maintain confidentiality, direct the student to confidential resources. A student may choose to make a full report or request confidentiality as he or she determines.

Requesting Confidentiality in Connection with a Report to the University

A complainant³ may report gender-based misconduct to the Gender-Based Misconduct Office and request that the Office not disclose his or her identity to anyone else, including the

person who allegedly committed the misconduct. While such a request may limit the University's ability to investigate and respond to the reported misconduct, the Gender-Based Misconduct Office, in consultation with the appropriate Title IX Coordinator(s), will consider the request in light of the University's commitment to provide a safe and non-discriminatory environment for all students and will honor the request whenever possible. The Gender-Based Misconduct Office will promptly notify the complainant making the request whether the University will be able to honor it.

Whether or not the University is able to grant a request to keep the complainant's identity confidential, University personnel will reveal information about investigations and disciplinary proceedings related to gender-based misconduct only to those who need to know in order to carry out their duties and responsibilities. In all cases, the University will take appropriate steps designed to mitigate the effects of the alleged gender-based misconduct, prevent its recurrence, and make accommodations for the students involved. This may include academic, residential, and work accommodations, increased monitoring, supervision, or security at locations or in connection with activities where the alleged misconduct occurred, and training and educational materials for the campus community. If there is reason for concern about possible retaliation or harm, the University will take protective measures in consultation with the affected students.

Accommodations

The Gender-Based Misconduct Office will work with all students affected by gender-based misconduct to ensure their

³Throughout this Policy and the Procedures, "complainant" is used to refer to the person making the allegation(s) of gender-based misconduct and "respondent" to refer to the person alleged to have committed gender-based misconduct.

safety and promote their well-being. Sometimes this assistance will take the form of actions or accommodations to support or protect a student in the immediate aftermath of an incident and while an investigation or a disciplinary action is pending. Following report of an incident, the Gender-Based Misconduct Office will provide written notice to the complainant and respondent of the accommodations that may be available. Students may request accommodations even in cases where a complainant has requested that no investigation be undertaken or the complainant or respondent has declined to participate in University disciplinary proceedings or the criminal process. The Office will evaluate any request for accommodations in light of the circumstances and information available at the time. **The University will provide information about the accommodations only to those who need to know in order to make them effective.**

Under appropriate circumstances, accommodations may include:

- Moving a student's residence
- Adjusting a student's work schedule for University employment
- Changing a student's academic schedule
- Changing a student's transportation arrangements
- Allowing a student to withdraw from or retake a class without penalty
- Providing access to tutoring or other academic support
- Issuing a "no contact" order

Failure to comply with accommodations is a violation of University policy and may lead to additional disciplinary action.

The Gender-Based Misconduct Office will also assist students seeking accommodations for a disability in connection with the process of reporting or responding to an incident of gender-based misconduct by working with the appropriate disability services office.

Outside of the University, a complainant may also be entitled to obtain remedies under applicable law, such as a judicial restraining order. The University can assist in contacting law enforcement or legal service organizations to learn about these remedies.

Reporting of Crime and Disciplinary Statistics

A federal law called the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires the University to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute gender-based misconduct under this Policy. As described in the chart in the Resources listing following the Procedures, many employees who receive reports of gender-based misconduct are required by the Clery Act to notify University Public Safety about such incidents for statistical reporting purposes. These notifications may include the classification and location of the reported crime but do not identify the students involved. The Clery Act also requires the University to issue a "timely warning" when it receives a report of certain crimes that pose a serious or continuing threat.

Additionally, as a matter of policy, the University will annually release aggregate information concerning reported incidents of gender-based misconduct and the results of student disciplinary proceedings. Such reports do not contain information identifying individual students.

Other Information about Reporting

Time for Reporting

The University does not limit the time for submitting a report of gender-based misconduct. However, the University's ability to investigate and respond effectively may be reduced with the passage of time.

Reports from Others and Anonymous Reports

In cases where gender-based misconduct is reported to the Gender-Based Misconduct Office by other than the complainant (by a faculty member, resident advisor, friend or roommate, for example), the Office will promptly notify the complainant that a report has been received. This Policy and the Procedures will apply in the same manner as if the complainant had made the initial report. The Office will make every effort to meet with the complainant to discuss available options and on-campus and off-campus resources. Reports from an anonymous source will be treated in a similar fashion.

Related Alcohol and Drug Violations

Sometimes students may be reluctant to report instances of gender-based misconduct because they fear being charged with University alcohol or drug policy violations. The University encourages students to report all instances of gender-based misconduct and will take into consideration the importance of reporting gender-based misconduct in addressing violations of the University's alcohol and drug policies. This means that, whenever possible, the University will respond educationally rather than punitively to student alcohol or drug policy violations associated with reported gender-based misconduct.

Unknown/Non-University Offenders

The University will investigate reports of incidents affecting University students that are committed by individuals who are not members of the University community or whose identity is not known to the extent it is able, and take appropriate actions designed to protect affected students and others in the University community. In addition, the Gender-Based Misconduct Office will assist students in identifying appropriate campus and other resources.

Public Awareness Events

The University supports public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, survivor speak outs, and other forums. These activities help inform the need for campus-wide education and prevention efforts. The disclosure of incidents of gender-based misconduct at such events is not considered a report to the University for purposes of triggering an investigation of a particular incident.

Anti-Retaliation/Anti-Intimidation Policy

The University strictly prohibits retaliation against and intimidation of any person because of his or her reporting of an incident of gender-based misconduct or involvement in the University's response. The University will take strong disciplinary action in response to any retaliation or intimidation. The University will pursue such discipline through the applicable student conduct policy or other disciplinary process and follow the applicable time frames within such policies or processes.

PROCEDURES FOR RESPONDING TO STUDENT GENDER-BASED MISCONDUCT (PROCEDURES)

RIGHTS OF THE COMPLAINANT AND RESPONDENT, INVESTIGATION, DETERMINATIONS, AND APPEAL

Rights of the Complainant and Respondent

In order to provide accessible, prompt, and fair methods of investigation and resolution of incidents of student gender-based misconduct, the University has developed a process for investigation and adjudication of misconduct reports. Throughout this process, both the complainant and respondent have the following rights:

- To respect, dignity, and sensitivity.
- To appropriate support from the University.
- To privacy to the extent possible consistent with applicable law and University policy.
- To information about the University's Gender-Based Misconduct Policy for Students.
- To the presence of an advisor throughout the process.
- To participate or to decline to participate in the investigation or hearing panel process. However, a decision to refrain from participating in the process either wholly or in part will not prevent the process from proceeding with the information available.
- To a prompt and thorough investigation of the allegations.
- To adequate time to review documents in the Gender-Based Misconduct Office following the investigation.
- To adequate time to prepare for a hearing.
- To an opportunity to challenge investigator(s) or hearing panel member(s) for a possible conflict of interest.
- To refrain from making self-incriminating statements.
- To appeal the decision made by the hearing panel and any sanctions.
- To notification, in writing, of the case resolution, including the outcome of any appeal.
- To report the incident to law enforcement at any time.
- To understand that information collected in the process may be subpoenaed in criminal or civil proceedings.

Privacy

The University will reveal information about its investigations and adjudication of gender-based misconduct only to those who need to know the information in order to carry out their duties and responsibilities. It will inform all University personnel participating in an investigation, proceeding, or hearing that they are expected to maintain the privacy of the process. This does not prohibit either a complainant or respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or similar resources.

Advisors

The complainant and respondent, respectively, may be accompanied to any meeting or hearing related to an incident of misconduct by the advisor of their choice. Advisors may support the student and provide advice about the investigation and disciplinary process. During meetings and hearings, the advisor may talk quietly with the student or pass notes in a non-disruptive manner. The advisor may not intervene in a meeting or hearing or address the investigator or hearing panel, including by questioning witnesses or making objections.

If a complainant or respondent desires to have an attorney serve as his or her advisor, the University will arrange for a volunteer attorney-advisor if the student so requests. If the University is requested to arrange for a volunteer attorney for either the complainant or respondent, it will notify the other and arrange for a volunteer attorney-advisor for the other person upon request.

Declining to Participate

A complainant and/or respondent may decline to participate in the investigative or disciplinary process. The University may continue the process without the complainant's and/or respondent's participation. In most cases, a refusal to participate in the investigative process will preclude a complainant or respondent from participating before the hearing panel.

Time Frames

The University will seek to resolve every report of gender-based misconduct within approximately sixty calendar days of an initial report, not counting any appeal. Generally, the time line will be as follows:

- Investigation begins within 5 days after the initial report
- Investigation completed within 30 days after the investigation begins
- Hearing (if any) held within 15 days after the conclusion of the investigation
- Determination of the hearing panel issued within 5 days after the hearing
- Notice of sanctions issued within 5 days after the determination of the hearing panel

- Notice of appeals filed by either/both complainant and respondent within 5 days after the notice of determination and sanctions received by the complainant and respondent
- Decision on the appeal within 10 days after notice of appeal received

Each of these stages is explained in greater detail below.

Time frames may vary depending on the details of a case and at certain times of the academic year (for example, during breaks, study periods or final exams). The University may extend any time frame for good cause, with a written explanation to the complainant and respondent.

Notice

The Gender-Based Misconduct Office will give the complainant and respondent, respectively, a written explanation of their rights and options, and any available accommodations, as soon as possible after an incident is reported. The Office will also ensure that both the complainant and respondent are updated throughout the investigative process, including with timely notice of meetings where either or both the complainant and the respondent may be present.

More specifically, the complainant and respondent will simultaneously be given the following written notices:

- Conclusion of the Investigation
 - Notice of an opportunity to review in the Gender-Based Misconduct Office the investigative report and any other information that will be used in the disciplinary proceedings, consistent with federal law governing the privacy of student information.
- Administrative Resolution
 - Notice of whether the respondent accepts responsibility for violating the Policy.
- Hearing Panel
 - Notice of the date and time of any hearing and list of hearing panel members.
 - Notice of the hearing panel's finding of "responsible" or "not responsible," along with the rationale for the outcome. This notice will include an explanation of the University's appeals process.

- Sanctioning
 - Notice of the sanctions imposed and the reasons for the sanctions. This notice will include an explanation of the University's appeals process.
- Appeals Process
 - Notice of whether an appeal has been filed.
 - Notice of whether the responsibility determination or sanctions have been modified.
 - Notice when the responsibility determination and sanctions become final.

Conflicts of Interest

The University requires any individual participating in the investigation, hearing process, sanctioning or appeal determinations to disclose to the Gender-Based Misconduct Office any potential or actual conflict of interest. If a complainant or respondent believes that any individual involved in the process has a conflict of interest, he or she may make a request to the Office that the individual not participate. A complainant or respondent who believes that a member of a hearing panel has a conflict of interest must submit this written request to the Gender-Based Misconduct Office within three days after notification of the panel's membership. Any request should include a description of the conflict. If the Office determines that a conflict of interest exists, the University will take steps to address the conflict in order to ensure an impartial process.

Investigation

The Gender-Based Misconduct Office will inform the complainant before starting an investigation. The complainant may request that an investigation not be undertaken. The Office, in consultation with the appropriate Title IX Coordinator(s), will consider such a request in light of the University's commitment to provide a safe and non-discriminatory environment for all students. If the Gender-Based Misconduct Office determines not to investigate, it will notify the complainant in writing, including that the determination was made at the complainant's request. At the complainant's request, the Gender-Based Misconduct Office will also notify the respondent in writing, including that the complainant asked the University not to investigate.

If an investigation proceeds, the University will notify the respondent in writing that a report has been filed. The notice will

describe the allegations in the report. The complainant and respondent will be given the opportunity to meet separately with the Gender-Based Misconduct Office to review the Policy and these Procedures.

The University's process for responding to, investigating and adjudicating gender-based misconduct reports will continue during any law enforcement proceeding. The Gender-Based Misconduct Office may need to temporarily delay an investigation while the police are gathering evidence but it will resume the investigation after it learns that the police department has completed its evidence-gathering and will generally not wait for the conclusion of any related criminal proceeding.

The Gender-Based Misconduct Office will designate a specially trained investigator (or team of investigators) to interview the complainant, respondent and any witnesses. The investigator will also gather pertinent documentary materials (if any) and other information. The investigator will follow the protocols set forth below:

- **Preserving Evidence.** The investigator will direct the complainant, respondent, witnesses, and other interested individuals to preserve any relevant evidence.
- **Character Witnesses.** The investigator will not interview witnesses whose sole purpose is to provide character information.
- **Romantic or Sexual History in Sexual Assault Cases.** The investigator will not consider information concerning the romantic or sexual history of either the complainant or the respondent, except from either the complainant or respondent regarding their shared sexual history. If either offers such information, the other will have the right to respond.
- **Prior Conduct Violations.** The investigator will not consider the respondent's prior conduct violations, unless the Gender-Based Misconduct Office or the respondent's school provides information because:
 - The respondent was previously found to be responsible, and
 - The previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.

The investigator will prepare a report detailing the relevant content from the interviews and the documentation gathered. The report will include the investigator's assessment of individual credibility and recommended findings of responsibility.

The respondent and complainant will each have the opportunity to review a copy of the investigative report and any other information that will be used during the disciplinary proceedings. The names and other identifying information of other students will be redacted from such materials in accordance with the Family Educational Rights and Privacy Act (FERPA), except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination. The Gender-Based Misconduct Office will supervise this review and ensure that reasonable time is afforded for review prior to the hearing.

Informal Resolution

The Gender-Based Misconduct Office may seek to resolve certain gender-based misconduct cases through an informal process involving both the complainant and respondent. (For example, a complainant and respondent may agree with the Office that education and training for the respondent are an appropriate and sufficient response in a particular case). This type of informal resolution can take place during the investigation or after its conclusion. If, based on the information known about the incident, the Gender-Based Misconduct Office believes such a resolution is possible, the Office will speak with the complainant. If the complainant agrees, the Office will then speak with the respondent. If both complainant and respondent are satisfied with a proposed resolution and the Office believes the resolution satisfies the University's obligation to provide a safe and non-discriminatory environment for all students, the resolution will be implemented, the disciplinary process will be concluded and the matter will be closed. If these efforts are unsuccessful, the disciplinary process will continue. Before starting these discussions, the Gender-Based Misconduct Office will notify the complainant and respondent that each has the right to end the informal process at any time. The University will not use informal resolution for cases involving allegations of sexual assault.

Mediation

A student may request mediation from the Gender-Based Misconduct Office at any stage of the process. The complainant and respondent will be asked not to contact each other to discuss mediation. Mediation will be used only with the consent of both the complainant and respondent, and either has the right to terminate the mediation process and resume the regular disciplinary process at any time. The mediation process will typically commence within ten days after consent is received from both complainant and respondent and will continue until concluded or terminated by either the complainant or respondent. If the mediation results in a resolution, the disciplinary process will be concluded and the matter will be closed. If a resolution cannot be reached, the disciplinary process will proceed. The University will not use mediation for cases involving allegations of sexual assault.

Administrative Resolution

After the complainant and respondent have had an opportunity to review the investigative report and related material, the Gender-Based Misconduct Office will ask the respondent to respond to the alleged violation in one of the following ways: 1) Responsible; 2) Not Responsible; or 3) No Response. If the respondent accepts responsibility, the matter will proceed to the sanctions stage, followed by any appeals. If the respondent declines responsibility, or chooses not to respond, the University will convene a hearing panel.

Hearings

Hearing Panel

If informal resolution, mediation or administrative resolution is not available, the University will convene a hearing panel following the end of the investigation. The hearing panel determines whether the respondent is responsible or not responsible for a violation of the Policy. If the respondent is determined to be responsible, the matter proceeds to the sanctions stage.

The hearing panel will generally have three members drawn from a small group of specially-trained University student affairs administrators. In certain matters, the University may include retired judges, lawyers or other individuals with relevant experience and special training. Panelists will not be from the school of either the complainant or the respondent. All panel-

ists will receive training from experts in the field at least once a year. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of gender-based misconduct. The complainant and respondent will be informed of the panel's membership before the hearing process begins.

Written Submissions

Both the complainant and respondent will have the opportunity to submit written responses to the investigation report and other relevant information to the hearing panel. Each of the complainant and respondent will have the opportunity to review any written submissions by the other. The hearing panel may set reasonable parameters for these written submissions. The hearing panel will review the investigation report and written submissions. The panel may determine that a hearing is not necessary when all three panel members agree that the information in the investigation report and the written submissions (if any) is sufficient to make a determination (for example, where the complainant and the respondent do not disagree about the relevant facts). If the panel decides that a hearing is not necessary, the panel will proceed directly to make a determination, including an explanation of why a hearing is not necessary, as described below.

Hearing Procedures

The Gender-Based Misconduct Office will, whenever possible, give the complainant and respondent at least five days' advance notice of the hearing. The hearing is a closed proceeding, meaning that no one other than the panel members, the complainant and respondent, their respective advisors, witnesses (when called), and necessary University personnel may be present in the hearing room or rooms during the proceeding. The Office will work with other University personnel so that any student whose presence is required may participate in the hearing.

In general, hearings will proceed as follows:

- Complainant statement
- Respondent statement
- Questions to the complainant by the hearing panel
- Questions to the respondent by the hearing panel

- Witness testimony and questioning by the hearing panel
- Questions to the investigator by the hearing panel
- Closing statement by complainant
- Closing statement by respondent

The panel may set reasonable time limits for any part of the hearing. Each of the complainant and respondent will have the opportunity to present witnesses and other information consistent with the Policy and these Procedures. The panel may determine the relevance of, place restrictions on, or exclude any witnesses or information. When the complainant and respondent are not able to be present for the hearing panel, arrangements will be made for participation via alternate means.

In cases where either the complainant or respondent opts not to participate in the hearing, the panel may still hear from the other.

Additional hearing rules include:

- **Testimony via Closed-Circuit Television.** Only the person testifying (and that person's advisor, if applicable) is in the hearing room during his or her testimony. Each of the complainant and respondent is able to view testimony from a separate, private room via closed-circuit television.
- **Questioning.** Only the panel may ask questions of the complainant and respondent and any witnesses. Both the complainant and respondent will have the opportunity to suggest questions of the other and of witnesses by submitting suggested questions to the panel in writing. The panel may revise or not ask any or all submitted questions.
- **Information Regarding Romantic or Sexual History.** The panel will not consider the romantic or sexual history of either the complainant or respondent in cases involving allegations of gender-based misconduct, except for testimony offered by one or the other about the complainant's and respondent's shared sexual history that the panel deems relevant. If such information is offered by the complainant or respondent, the other has the right to respond. The existence of a prior consensual dating or sexual relationship between the complainant and respondent by itself does not support an inference of consent to alleged gender-based misconduct.

▪ **Prior Conduct Violations.** The hearing panel will not consider the respondent's prior conduct violations, unless the Gender-Based Misconduct Office or the respondent's school provided that information to the investigator because:

- The respondent was previously found to be responsible, and
- The previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.

▪ **Hearing Recording.** The University will keep an audio recording of the hearing for the use of the panel, for sanctioning, and for purposes of appeal. The panelists and the Sanctioning Officer (described below) and/or the Dean of the respondent's and/or the complainant's school(s) may request a transcript of the recording.

▪ **Cell Phones and Recording Devices.** Cell phones and recording devices may not be used in the hearing room(s) unless approved by the panel in advance.

Panel Determinations/Standard of Proof

The panel will use "preponderance of the evidence" as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that a panel must be convinced based on the information it considers that the respondent was more likely than not to have engaged in the conduct at issue in order to find the respondent responsible for violating the Policy.

The panel will find a student responsible, or not responsible, based on a majority vote. The panel will generally render a decision within 5 days after the conclusion of a hearing. The panel's decision will include an explanation of the basis for the decision.

If the panel finds the respondent responsible, the matter will proceed to the sanctions stage. The Gender-Based Misconduct Office will transmit the panel's determination to the Sanctioning Officer (described below) of the respondent's school, the respondent, and the complainant.

Sanctions and Other Remedies

How Sanctions Are Determined

Each school will designate a Sanctioning Officer. To promote consistency with the University's handling of similar cases: (1) appropriate training will be provided to Sanctioning Officers at least once a year; and (2) prior to imposing any sanction, a Sanctioning Officer will consult with the Gender-Based Misconduct Office about sanctions imposed in similar cases. Available sanctions will be consistent across all University schools. Similar offenses may result in different sanctions where there are distinguishing facts and circumstances in the opinion of the Sanctioning Officer.

All hearing panel determinations will be referred to the Sanctioning Officer of the respondent's school. The Sanctioning Officer will impose sanctions that are:

- Fair and appropriate given the facts of the particular case;
- Consistent with the University's handling of similar cases;
- Adequate to protect the safety of the campus community; and
- Reflective of the seriousness of gender-based misconduct.

The Sanctioning Officer will consider relevant factors, including if applicable: (1) the specific gender-based misconduct at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.); (2) the circumstances accompanying the lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the complainant; (5) the respondent's prior disciplinary history; (6) the safety of the University community; and (7) the respondent's conduct during the disciplinary process.

In determining what sanctions will protect the safety of the University community, the Sanctioning Officer will be advised by University Public Safety or other experts and will consider: (1) the risk that the respondent may engage in additional gender-based misconduct; and (2) the deterrent or permissive effect of a particular sanction on the campus community, including on particular individuals and organizations aware of the offense (keeping in mind that a sanction must always be fair and appropriate for the particular case).

The Sanctioning Officer will render a sanctioning decision within five days following the receipt of the panel's determination. The sanctioning decision will be communicated in writing to the complainant and the respondent.

List of Sanctions

The University may impose any one or more of the following sanctions on a student determined to have violated the Policy:

- Reprimand/warning
- Changing the respondent's academic schedule
- Disciplinary probation
- Revocation of honors or awards
- Restricting access to University facilities or activities (including student activities and campus organizations)
- Community service
- Issuing a "no contact" order to the respondent or requiring that such an order remain in place
- Moving the respondent's residence
- Dismissal or restriction from University employment
- Removal from student housing
- Suspension (limited time or indefinite)
- Expulsion
- Revocation of degree

In addition to any other sanction (except where the sanction is expulsion or revocation of a degree), the University will require any student determined to be responsible for a violation of the Policy to receive appropriate education and/or training related to the gender-based misconduct violation at issue. The University may also recommend counseling or other support services for the student.

Ongoing Accommodations for Complainant

Whatever the outcome of the hearing process, a complainant may request ongoing or additional accommodations and the Gender-Based Misconduct Office, in consultation with the designated student affairs officer of the complainant's school, will determine whether such measures are appropriate. Potential

ongoing accommodations include:

- Providing an escort for the complainant
- Moving the complainant's residence
- Changing the complainant's academic schedule
- Adjusting the complainant's work schedule
- Allowing the complainant to withdraw from or retake a class without penalty
- Providing access to tutoring or other academic support, such as extra time to complete or re-take a class

Additional Responses

The University may also determine that additional measures are appropriate to respond to the effects of the incident on the University community. Additional responses for the benefit of the University community may include:

- Increased monitoring, supervision, or security at locations or activities where the misconduct occurred
- Additional training and educational materials for students and employees
- Revision of the University's policies relating to gender-based misconduct
- Climate surveys regarding gender-based misconduct

Appeals

Either the respondent or the complainant or both may appeal the determination of the hearing panel and/or the sanctions. Appeals are decided by the Dean of the respondent's school. The three grounds for appeal are:

1. A procedural error affecting the determination or sanction;
2. New information that was not available at the time of the investigation or hearing and that may change the determination or sanction; and
3. Excessiveness or insufficiency of the sanction.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals.

The appealing student must submit the appeal in writing to the Dean of the respondent's school within five days after receiving the sanctioning notice. If either the complainant or respondent submits an appeal, the Gender-Based Misconduct Office will notify the other that an appeal has been filed and the grounds of the appeal. The non-appealing student may submit a written response within five days after notice of an appeal.

If the Dean concludes that a change in the hearing panel's determination is warranted, the Dean may enter a revised determination, reconvene the panel to reconsider the determination, or return the matter for additional investigation. After consultation with the Gender-Based Misconduct Office, the Dean may also change the sanction. In cases where the complainant and respondent are in different schools, the Dean of the respondent's school will consult with the Dean of the complainant's school in considering any appeal. If both the complainant and respondent appeal, the appeals will be considered concurrently.

The Dean of the respondent's school will notify the complainant and respondent of the final decision in writing. Appeals decisions will be rendered within ten days after the receipt of the written appeal. All appeal decisions are final.

Records Disclosure

Disciplinary proceedings conducted by the University are subject to the Family Educational Records and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the University without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances.

Any information gathered in the course of an investigation may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct, or required to be produced through other compulsory legal process.

Additional information about FERPA can be found in Essential Policies for the Columbia Community at <http://www.essential-policies.columbia.edu/policy-access-student-records-ferpa> and <http://barnard.edu/Policy/FERPA> and www.tc.edu/policylibrary/ferpa.

Amendments

The University may amend the Policy or the Procedures from time to time. Nothing in the Policy or Procedures shall affect the inherent authority of Columbia, Barnard or Teachers College to take such actions as it deems appropriate to further the educational mission or to protect the safety and security of the University community.

GENDER-BASED MISCONDUCT POLICY FOR STUDENTS (POLICY)

DEFINITIONS AND SCENARIOS

Definitions of Gender-Based Misconduct

- **Sexual Assault—Non-Consensual Sexual Intercourse.** Any form of sexual intercourse (vaginal, anal, or oral) with any object without consent. Intercourse means: vaginal or anal penetration (however slight) by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact).
- **Sexual Assault—Non-Consensual Sexual Contact.** Any intentional sexual touching, however slight, with any object without a person's consent. Intentional sexual contact includes contact with the breasts, buttocks, or groin, or touching another with any of these body parts; making another person touch any of these body parts; and any intentional bodily contact in a sexual manner.
- **Domestic Violence.** The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse directed towards (a) a current or former spouse or intimate partner; (b) a person with whom one shares a child; or (c) anyone who is protected from the respondent's acts under the domestic or family violence laws of New York. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Domestic violence can be a single act or a pattern of behavior in relationships.
- **Dating Violence.** The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse directed towards a person who is or has been in a social relationship of a romantic or sexually intimate nature with the victim. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Dating violence can be a single act or a pattern of behavior in relationships.
- **Sexual Exploitation.** Non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. Examples of sexual exploitation include: observing another individual's nudity or sexual activity or allowing another to observe nudity or sexual activity without the knowledge and consent of all participants; non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all participants; exposing one's genitals in non-consensual circumstances; and inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.
- **Stalking.** A course of conduct directed at a specific person that would cause a reasonable person to feel fear or suffer substantial emotional distress. Stalking involves repeated and continued harassment against the expressed wishes of another individual, which causes the targeted individual to feel emotional distress, including fear or apprehension. Stalking behaviors may include: pursuing or following; unwanted communication or contact—including face-to-face, telephone calls, voice messages, electronic messages, web-based messages, text messages, unwanted gifts, etc.; trespassing; and surveillance or other types of observation.

▪ **Sexual Harassment.** Unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education, or educational or campus life activities; or
- submission to or rejection of such conduct by an individual is used as the basis for academic or student life decisions affecting that individual; or
- such conduct has the effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, demeaning, or offensive campus or living environment.

▪ **Gender-based Harassment.** Acts of aggression, intimidation, stalking, or hostility based on gender or gender-stereotyping constitutes gender-based harassment. Gender-based harassment can occur if students are harassed either for exhibiting what is perceived as a stereotypical characteristic of their sex, or for failing to conform to stereotypical notions of masculinity or femininity. To constitute harassment, the conduct must unreasonably interfere with an individual's education or educational activities or create an intimidating, hostile, demeaning, or offensive academic or living environment.

▪ **Intimidation.** Any threat of violence or other threatening behavior directed toward another person or group that reasonably leads the target(s) to fear for their physical well-being or to engage in sexual conduct for self-protection.

▪ **Retaliation.** Any adverse action, or attempted adverse action, against an individual (or group of individuals) because of their participation in any manner in an investigation, proceeding, or hearing under this Policy, including individuals who file a third-person report. Retaliation can take many forms, including sustained abuse or violence, threats, and intimidation. Any individual or group of individuals, not just a respondent or complainant, can engage in retaliation.

Important Related Concepts

The definitions that follow provide further guidance as to the conduct this Policy prohibits:

▪ **Coercion.** Unreasonable pressure for sexual activity. When someone makes it clear that he or she does not want to en-

gage in sexual activity or does not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, and /or force. Ignoring objections of another person is a form of coercion.

▪ **Consent.** Consent requires unambiguous communication and mutual agreement concerning the act in which the participants are engaging.

▪ A sexual interaction is considered consensual when individuals willingly and knowingly engage in the interaction.

▪ Someone who is incapacitated (by alcohol or drug use, unconsciousness, disability, or other forms of helplessness) cannot consent.

▪ Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion.

▪ Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Previous relationships or previous consent for sexual activity is not consent to sexual activity on a different occasion.

▪ Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

▪ Silence or the absence of resistance is not the same as consent.

▪ Consent can be withdrawn at any time.

▪ Previous consent does not mean ongoing consent. (For example, consent to certain acts at one point in an evening does not mean consent to the same acts later in the same evening.)

▪ How drugs and alcohol affect consent:

- Individuals should be aware of, and carefully consider, the potential consequences of the use of alcohol or drugs. Alcohol and other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and affirmatively given. If there is a question about whether someone consented to sexual activity after consuming drugs or

alcohol, the University will examine the issue from the perspective of a reasonable person. Specifically, the University will consider whether the respondent reasonably should have known about the impact of alcohol and other drugs on the complainant's ability to give consent.

- The use of alcohol or drugs does not justify or excuse behavior that constitutes gender-based misconduct.
- The use of alcohol or other drugs never makes someone at fault for experiencing gender-based misconduct.
- **Force.** The use of physical violence and/or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.
- **Hostile Environment.** A hostile environment may arise when unwelcome conduct of a sexual or gender-based nature affects a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational and/or living environment. A single, isolated incident of sexual or gender-based harassment may, based on the facts and circumstances, create a hostile environment.
- **Incapacitation.** A state where a person cannot make a rational, reasonable decision because the person lacks the ability to understand his or her decision. A person can become incapacitated as a result of disability, involuntary physical constraint, sleep, or consumption of alcohol or other drugs.

Other Definitions

- **Complainant.** The person making the allegation(s) of gender-based misconduct.
- **Respondent.** The person alleged to have committed gender-based misconduct.

Sexual Assault Scenarios

- Pat and Dana met at a party. They spent the entire party getting to know each other and dancing. Dana had four shots of tequila and four beers over the course of the evening. At one point, Dana went to the bathroom. Pat noticed that Dana staggered upon returning from the bathroom. Dana's friend

informed Pat that Dana had been vomiting. Pat volunteered to take Dana home. When they arrived at Dana's dorm room, Pat began kissing Dana and proceeded to have sexual intercourse with Dana. Upon waking up in the morning, Dana asked Pat what happened that evening. Pat told Dana that they had sex and that Dana had asked to have sex. Dana began crying and said "I didn't want to have sex with you." *This is a violation of this Policy. A reasonable person could have concluded that Dana was incapacitated due to her alcohol use because Dana was stumbling and had vomited in the bathroom. Dana was therefore not able to give consent.*

- Taylor and Hong have been dating for a few months. On several occasions, Taylor and Hong have engaged in consensual sexual intercourse. One night, Hong and Taylor were making out when Hong said, "I don't feel like having sex tonight." Taylor continued to kiss Hong and took off Hong's clothing despite Hong's verbal and physical objections. Eventually, Hong became silent and submitted to Taylor's insistence to have sex. *This is a violation of this Policy. Hong objected to having sex and Taylor ignored these objections. Although Taylor and Hong have previously had consensual sexual intercourse, Hong did not consent to sexual activity on this particular evening.*
- Peyton and Jordan were in the hallway of their residence hall with a group of their neighbors on the floor joking around and telling stories. Peyton placed his arms around Jordan's waist as they continued their conversation. Jordan removed his hands from her body. A few minutes later, Peyton touched Jordan's breasts, stating he did not understand why she was making such a big deal about him touching her. *This is a violation of this Policy. After Jordan removed Peyton's hands from her body, Peyton touched her breasts. This behavior constitutes intentional physical contact of a sexual nature.*

GENDER-BASED MISCONDUCT POLICY FOR STUDENTS (POLICY)

ON-CAMPUS RESOURCES

All contact information for the listed resources was confirmed at the time of the Policy's initial publication August 15, 2014. Up to date contact information can always be found on the University's Sexual Respect website at www.SexualRespect.columbia.edu.

UNIVERSITY ADVOCACY AND CRISIS COUNSELING (Confidential)

- Rape Crisis/Anti-Violence Support Center 212-854-HELP (4357)
- Columbia Ombuds Office 212-854-1234
- Teachers College Ombuds Office 212-678-4169

Note: See the chart on the following pages for an explanation of these resources' reporting obligations.

MEDICAL SERVICES (Confidential)

- Barnard 877-941-1695
- Columbia Morningside 212-854-9797
- CUMC 212-305-3400
- Teachers College 212-854-9797

Note: The medical treatment resources listed above can provide treatment for injuries and for potential exposure to sexually transmitted diseases. They also provide emergency contraception and other health services. They can assist in preserving evidence or documenting any injuries, including by helping find a Sexual Assault Nurse Examiner, who is specially trained to collect evidence. Taking these steps promptly after an incident can be very helpful in later criminal proceedings and/or in seeking a protective order.

Note: See the chart on the following pages for an explanation of these resources' reporting obligations.

UNIVERSITY MENTAL HEALTH AND PASTORAL COUNSELING (Confidential)

- Counseling and Psychological Services
 - Barnard (Furman Counseling Center) 212-854-2092 /After-hours 877-941-1695
 - Columbia 212-854-2878
 - CUMC 212-305-3400
 - Teachers College 212-854-2878
- Office of the University Chaplain (Ordained Clergy) 212-854-6242

Note: See the chart on following pages for an explanation of these resources' reporting obligations.

UNIVERSITY GENDER-BASED MISCONDUCT OFFICE (Not Confidential)

- Jeri Henry, Interim Director, 212-854-1717

UNIVERSITY TITLE IX COORDINATORS (Not Confidential)

- Title IX Coordinator for Columbia University
Melissa Rooker, Associate Provost
Office of Equal Opportunity and Affirmative Action
103 Low Library | (212) 854-5918
mrooker@columbia.edu
- Title IX Coordinator for Barnard College
Amy Zavadil, Associate Dean for Equity
105 Milbank Hall | (212) 854-0037
azavadil@barnard.edu
- Title IX Coordinator for Teachers College
Janice Robinson, Vice President,
Diversity and Community Affairs
128 Zankel | (212) 678-3391
jrobinson@tc.edu

UNIVERSITY PUBLIC SAFETY (Not Confidential)

- Barnard College 212-854-3362
- Columbia Morningside 212-854-5555
- CUMC 212-305-7979
- Teachers College 212-678-3333

Note: See the chart on the following pages for an explanation of these resources' reporting obligations.

OFF-CAMPUS RESOURCES

All contact information for the listed resources was confirmed at the time of the Policy's initial publication August 15, 2014. Up to date contact information can always be found on the University's Sexual Respect website at www.SexualRespect.columbia.edu.

OFF-CAMPUS ADVOCACY, COUNSELING, AND HEALTH SERVICES

- Safe Horizon 212-523-4728
- Mt. Sinai/St. Luke's Hospital Crime Victims Treatment Center 212-523-4728
- New York Presbyterian/CUMC Emergency Room 212-305-6204
- NYC Domestic Violence Hotline (24-hours) 800-621-HOPE (4673)
- Gay and Lesbian Anti-Violence Project (24-hours) 212-714-1141

Note: Mt. Sinai/ St. Luke's Hospital's Emergency Room at 1111 Amsterdam Avenue (113th Street between Amsterdam and Morningside) and New York Presbyterian Hospital/CUMC Emergency Room at 630 West 168th Street (168th and Broadway) can provide treatment for injuries and for potential exposure to sexually transmitted diseases, emergency contraception and other health services. They can assist in preserving evidence or documenting any injuries and have personnel who are specially trained to collect evidence.

OFF-CAMPUS LAW ENFORCEMENT

- New York City Police Department
 - Emergency 911
 - 26th Precinct 212- 678-1311
- NY County District Attorney's Office
 - Domestic Violence & Child Abuse Hotline
212-335-4308
 - Sex Crimes Hotline 212- 335-9373
 - Special Victims Bureau at the Manhattan Family
Justice Center 212- 335-4300

Requesting Accommodations for a Disability

Students seeking accommodations for a disability in connection with the process of reporting or responding to an incident of gender-based misconduct may contact the Gender-Based Misconduct Office or the office responsible for disability services at their institution, as listed below.

- Columbia University, Disability Services
(212) 854-2388
<http://www.health.columbia.edu/ods>
- Barnard College, Office of Disability Services
(212) 854-4634
<http://www.barnard.edu/ods>

• Teachers College, Office of Access and Services for Individuals with Disabilities
(212) 678-3689
<http://www.tc.columbia.edu/oasid/staff.html>

Additional Government Resources

The government resources listed here may provide additional assistance for students wishing to file an external complaint of gender-based misconduct or students with inquiries regarding the application of Title IX and its implementing regulations:

<http://www.notalone.gov>

U.S. Department of Education, Office for Civil Rights
<http://www.ed.gov/ocr>

US Department of Education
Office for Civil Rights
New York – Region II
32 Old Slip, 26th Floor
New York, NY 10005
646-428-3800
OCR.NewYork@ed.gov

U.S. Department of Justice, Office on Violence Against Women
<http://www.ovw.usdoj.gov>

US Department of Justice
Office on Violence Against Women
145 N Street, NE, Suite 10W.121
Washington, DC 20530
(202) 307-6026

CONFIDENTIALITY PROTECTIONS & REPORTING OBLIGATIONS

As a reminder, confidential resources will not share information with anyone. Non-confidential resources are also required to respect and protect students' privacy to the greatest extent possible. They will disclose identifying information to others only on a need-to-know basis.

PERSONNEL	STATUS	REPORTING OBLIGATIONS
University Chaplains (Ordained Clergy)	Confidential	None, unless acting in a role described below.
Counseling and Psychological Services	Confidential	<p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource will report to New York County Mental Health officials (NY Mental Hygiene Law)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will report to University leadership (NY Social Services Law)</p>
Rape Crisis/ Anti-Violence Support Center	Confidential	<p>This resource will report incidents without any identifying information to the Gender-Based Misconduct Office to enable the University to understand the existence and extent of the problem (Title IX)</p> <p>If the incident is a crime on or near the campus, this resource will report it without any identifying information to Campus Public Safety for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify University leadership (NY Social Services Law)</p>
University Ombuds Office	Confidential	<p>This resource will report incidents without any identifying information to the Gender-Based Misconduct Office to enable the University to understand the existence and extent of the problem (Title IX)</p> <p>If the incident is a crime, this resource will report it without any identifying information to the appropriate Campus Public Safety office for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify University leadership (NY Social Services Law)</p>
Physicians and Other Health Professionals	Confidential	<p>These resources will report incidents without any identifying information to the Gender-Based Misconduct Office to enable the University to understand the existence and extent of the problem (Title IX)</p> <p>If the incident is a crime, these resources will report it without any identifying information to Campus Public Safety for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act)</p> <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, these resources will report to New York County Mental Health officials (NY Mental Hygiene Law)</p>

CONFIDENTIALITY PROTECTIONS & REPORTING OBLIGATIONS

PERSONNEL	STATUS	REPORTING OBLIGATIONS
Physicians and Other Health Professionals	Confidential	If there is reasonable cause to suspect that a minor has been sexually abused, these resources will notify University leadership (NY Social Services Law)
Gender-Based Misconduct Office	Not Confidential	<p>Unless a complainant requests otherwise and the request is granted, this resource will investigate and respond to reported gender-based misconduct incidents (Title IX)</p> <p>If the incident is a crime, this resource will report it without any identifying information to Campus Public Safety for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act)</p> <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures</p>
Title IX Coordinators	Not Confidential	<p>Unless a complainant requests otherwise and the request is granted, this resource will supervise the investigation and response to reported gender-based misconduct incidents (Title IX)</p> <p>If the incident is a crime, this resource will report it without any identifying information to Campus Public Safety for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act)</p> <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures</p>
Public Safety Personnel	Not Confidential	<p>Public Safety will report to the Gender-Based Misconduct Office all information received about gender-based misconduct incidents so the University can investigate and respond (Title IX)</p> <p>If the incident is a crime, Public Safety will include it in a crime log and annual crime statistics without identifying the alleged victim (Clery Act)</p> <p>If the incident is a crime and poses a serious or continuing threat, Public Safety will issue an emergency notification or timely warning (Clery Act)</p> <p>If the incident is a violent felony under the New York Penal Code, Public Safety will report it to the New York Police Department and cooperate in any investigation (Memorandum of Understanding between NYPD and University)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, Public Safety will notify University leadership (NY Social Services Law)</p> <p>Public Safety will share information with University personnel who need to know it in order to carry out University policies and procedures</p>

CONFIDENTIALITY PROTECTIONS & REPORTING OBLIGATIONS		
PERSONNEL	STATUS	REPORTING OBLIGATIONS
Other University Personnel	Not Confidential	<p>Will report to the Gender-Based Misconduct Office all information received about gender-based misconduct incidents so the University can investigate and respond (Title IX)</p> <p>If the incident is a crime, a "campus security authority" will report it without any identifying information to Campus Public Safety for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, other university personnel will notify University leadership (NY Social Services Law)</p> <p>Other University personnel will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>

Testimony of Michael Lederhandler, Director of Operations for the Department of Public Safety for the City University of New York

Joint Hearing with the New York City Council on Higher Education, Women's Issues, Civil Rights, and Public Safety Committees

Monday, October 27, 2014

Good afternoon. My name is Michael Lederhandler and I am the Director of Operations for the Department of Public Safety of the City University of New York. I have previously served as the Director of Public Safety at Kingsborough Community College, and as Interim Director of Public Safety at John Jay College of Criminal Justice. I welcome the opportunity to address the Committees on Higher Education, Women's Issues, Civil Rights and Public Safety on how the CUNY Department of Public Safety is striving to eliminate sexual violence on our campuses. At the same time we are keeping our university community better informed as to what to do if they become witness to or a victim of sexual violence. In CUNY, as my colleagues will further testify, we have made great strides in prevention, education, response, and facilitation of reporting acts of sexual violence on our campuses.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires colleges and universities to publish an annual security report. The report contains information regarding campus security including such topics as: emergency procedures, crime prevention, university law enforcement authority, crime reporting policies, sexual assault prevention, disciplinary procedures and other matters of importance to security on campus. It also contains crime statistics for the previous three calendar years. These statistics are compiled from incident reports, reports from designated Campus Security Authorities and from our local police precincts. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault and emergency and evacuation procedures.

Faculty, staff, students, and others who may be on our campuses or on the contiguous geographic perimeter of our campuses are encouraged to promptly report any past crime, attempted crime, or actual criminal activity to the Department of Public Safety. The department will expeditiously respond to the condition reported and make necessary notifications to the local police precinct when appropriate. Victims of and or witnesses to acts of sexual assault, stalking, or intimate partner violence are encouraged to report such acts to college authorities. When the college becomes aware of a reported incident of this nature an investigation will promptly be carried out under the joint supervision of the Title IX Coordinator, The Chief Student Affairs Officer, and the Director of Public Safety. These individuals will work together, with different areas of responsibility, coordinating their response so as to best serve the needs of the victim while ensuring a thorough inquiry into the facts that may end in disciplinary action to the offender as well as a referral to civil authorities. The Director of Public Safety will coordinate with outside law enforcement (NYPD) as necessary.

CUNY Campuses and our geographic perimeters are patrolled on a 24-hour a day basis by either Public Safety Officers (Campus Peace Officers), Campus Security Assistants and/or contract security guards. Public Safety Officers are sworn law enforcement officers holding NYS Peace Officer status and have the power to make arrests. Contract security officers and Campus Security Assistants hold New York State Security Guard licenses. The City University of New York Department of Public Safety maintains a cooperative relationship with local, state and federal law enforcement agencies, and our campuses have strong relationships with their local precincts. Should the need arise for emergency notification to our university community due to an imminent threat from a sexual predator or other type of crime or criminal we have the ability to use multi-tiered forms of mass communication. These systems include messaging by text, phone, and e mail through our CUNY Alert system, college wide e mail blasts, electronic signage, immediate updates to the college websites, and verbal announcements through the college's emergency communication systems.

Sexual assault is a crime of power, aggression and violence. Terms such as "date rape" and "acquaintance rape" tend to minimize the fact that the act of rape, or any sexual assault, is a very

serious crime. There is never an excuse or a reason for a person to rape, assault or even touch another person's private parts without consent. The impact on those who experience such an attack can include severe and lasting physical, mental and emotional damage. University and campus public safety assists any student requesting to contact outside agencies, including local police, regarding charges and complaints of sexual assault. We make sure that our students are aware of this option and encourage them to do so. The Public Safety Department can assist the victim in getting to and from campus classes, filing a police report and obtaining an order of protection against the perpetrator.

Attached please see our crime statistics for Sex Offenses for calendar years 2011, 2012, and 2013.

These include the reported crimes of statutory rape and incest which fall under the columns of Non-forcible sex offenses. The forcible sex offenses include the crimes of rape, criminal sexual act, sexual abuse, forcible touching, aggravated sexual abuse, and facilitating a sex offense with a controlled substance. While our number of reported sexual offenses are low for a university of our size, we are committed to the fact that one sexual assault is one too many and working as a team we will continue to aggressively combat this plight through our programs of prevention, response, awareness, education and training.

The City University of New York (CUNY)

Department of Public Safety (DPS)

Crime Statistics	2011	All On-Campus Property				Non-Campus Property				Public Property				GRAND TOTAL	On Campus Residential Only			
		Reported to			SUB TOTAL	Reported to			SUB TOTAL	Reported to			SUB TOTAL		Reported to			Section TOTAL
		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS			DPS	NYPD	*Non DPS	
Sex Offenses, Forcible	13	0	1	14	0	1	0	1	1	3	0	4	19	2	0	0	2	
Sex Offenses, Non-Forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

* Denotes Report to other campus authorities

Crime Statistics	2012	All On-Campus Property				Non-Campus Property				Public Property				GRAND TOTAL	On Campus Residential Only			
		Reported to			SUB TOTAL	Reported to			SUB TOTAL	Reported to			SUB TOTAL		Reported to			Section TOTAL
		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS			DPS	NYPD	*Non DPS	
Sex Offenses, Forcible	11	0	0	11	1	0	0	1	1	8	0	9	21	0	0	0	0	
Sex Offenses, Non-Forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

* Denotes Report to other campus authorities

Crime Statistics	2013	All On-Campus Property				Non-Campus Property				Public Property				GRAND TOTAL	On Campus Residential Only			
		Reported to			SUB TOTAL	Reported to			SUB TOTAL	Reported to			SUB TOTAL		Reported to			Section TOTAL
		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS			DPS	NYPD	*Non DPS	
Sex Offenses, Forcible	8	0	0	8	0	1	0	1	0	1	0	1	10	1	0	0	1	
Sex Offenses, Non-Forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

* Denotes Report to other campus authorities



Cyrus R. Vance, Jr.

New York County District Attorney

Testimony Before the New York City Council Committee on Higher Education

“Oversight – Sexual Assault on New York City College Campuses”

Monday, October 27, 2014

I thank the New York City Council Committee on Higher Education for allowing me to submit testimony regarding the extremely important issue of sexual assault on college campuses.

In order to bring justice to survivors, we must do all we can to eliminate sexual assaults on college and university campuses. But we must do it in a way that also safeguards basic due process rights. That’s why it is critical that any sexual assault – a very serious crime – is reported to law enforcement. If there is a homicide that took place on a college campus, law enforcement would handle that investigation; it would not go through a college disciplinary proceeding. Sexual assaults should be no different.

What constitutes a sexual assault is defined very specifically under New York’s criminal law, while colleges and universities have widely varying definitions. Therefore, an incident that a college may determine to be a sexual assault may not meet the legal definition of criminal sexual assault. Additionally, the standard of proof in criminal law is proof beyond

a reasonable doubt; most colleges only require a lower burden of proof: a preponderance of the evidence.

I appreciate any effort to standardize colleges' definitions of sexual assault, but I hope that any definition that is adopted at least tracks New York's penal code. If there are differences with the criminal code, students must be made aware of those differences.

I urge colleges to educate students not just about what constitutes sexual assault, but also about their rights under the criminal justice system. It is critically important for their health, as well as to preserve evidence should there be a prosecution.

Students also should know the important differences between a criminal justice proceeding and a college disciplinary procedure. In sexual assault cases, like many other violent crimes, evidence collection is crucial. Using its subpoena power, law enforcement has the ability to collect physical and medical evidence – evidence that disappears if it is not collected quickly. My office sees many cases where a student is unhappy with his or her college's proceeding, and then takes the case to us after a significant period of time has passed since the alleged assault. But by that time, important medical and physical evidence, such as blood and DNA, is no longer available. In addition, law enforcement can collect other important types of evidence, such as text messages and emails that may play an important role in bringing justice to the victims or exonerating the innocent.

Colleges do not have subpoena power, and therefore, their ability to determine the guilt or innocence of an accused individual is severely limited.

The criminal justice system also has the ability to issue orders of protection that may last beyond the students' graduation. Although colleges can issue "stay-away orders," those orders are not valid after the perpetrator's graduation, and are unenforceable by the police.

From a law enforcement perspective, reporting campus sexual violence to the police can help us protect the larger public. As we know, sexual offenders are often recidivists. If an offender sexually assaults a person on campus and no report is made, law enforcement cannot identify repetitive criminal behaviors should the same offender commit a subsequent attack off-campus.

Recognizing the importance of educating college staff and students on these issues, my Office's Sex Crimes Unit, for years, has been conducting trainings for college staff on topics including New York's sexual assault laws, what students should do if a sexual assault occurs, the role of my Office in these cases and the services we offer to victims, and safety tips for students. I urge college staff to educate students about this important information.

Finally, I want to impress upon the Committee the need for real, hard data about the prevalence of the problem of sexual assaults on college campuses. We need to conduct surveys that use a randomly selected group of students rather than relying on online surveys, whose participants are self-selecting. The survey's questions must also be clearly defined as to what constitutes sexual assault and lack of consent.

Once again, thank you for the opportunity to participate in this discussion, and I look forward to working with the New York City Council, state lawmakers, and the Governor on ways we can better protect our students from sexual assault.

New York State Coalition Against Sexual Assault
28 Essex Street, Albany, NY 12206 • 518.482.4222

Testimony of Joanne Zannoni, New York State Coalition Against Sexual Assault
New York City Council Hearing on Res. 427 and Res. 454
Sexual Assault on New York City College Campuses
October 27, 2014

My name is Joanne Zannoni. I'm the Executive Director of the New York State Coalition Against Sexual Assault (NYSCASA). NYSCASA is a nonprofit coalition of community-based rape crisis programs approved by the New York State Department of Health. These programs are located in every county in New York State and provide sexual violence crisis intervention and prevention services. Thank you for this opportunity to provide testimony.

The bipartisan Campus Accountability and Safety Act (CASA) represents a positive effort to strengthen the response to campus sexual assault. Consistent with feedback provided to the CASA sponsors by the National Alliance to End Sexual Violence (NAESV) on September 5, 2014:

- *NYSCASA agrees with many components included in CASA.*
- *One component that should be added to CASA, however, is a requirement that each campus establish a memorandum of understanding with its local rape crisis program or state sexual assault coalition to provide confidential victims services, a variety of training, prevention programs, and review of sexual assault- related policies and procedures, and/or other consultation services.*
- *NYSCASA does not support tasking confidential campus advisors with other duties (such as investigation, interviewing, or reporting) that create conflicts with their confidential advisor role.*

The Survivor Outreach and Support Campus Act (SOS Campus Act) intends to ensure that every campus sexual assault victim has an advocate representing the victim's interests. In New York State, the local rape crisis programs already fulfill this role with all victims of sexual assault, and the campuses should enlist rape crisis program advocates for this purpose. NYSCASA believes that each campus sexual assault victim should have the support of an advocate who is not beholden to the campus, if the victim so chooses.

Last but not least, NYSCASA strongly encourages policy makers and decision makers at the federal, state, and local levels to work proactively and collaboratively with rape crisis victim advocates to address campus sexual assault response and prevention. Rape crisis victim advocates have expertise that should be utilized during the development and implementation of policies, training, materials, and practices to effectively respond to and prevent campus sexual assault.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Jesenia Vanegas (Jesenia)

Address: _____

I represent: The Sister Circle Collective & CUNY CCNY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Esraa Saleh

Address: 27

I represent: City College of New York.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Mary Haviand

Address: 32 Broadway Suite 1101

I represent: NYC Alliance Against Sexual

Address: 3 Assault

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Sarwati Sarkar

Address: 32 Broadway, Suite 1101

I represent: NYC Alliance Against Sexual Assault

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 427 Res. No. 454

in favor in opposition

Date: 10/27/2014

(PLEASE PRINT)

Name: Farah Tavis

Address: 279 Empire Blvd. Bklyn NY 11205

I represent: Black Women's Blueprint

Address: 279 Empire Blvd. Bklyn

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Eliana Theodorou, Esq.

Address: 5 Hanover Square Suite 1502

I represent: Legal Momentum - President Carol Robles-Ronan

Address: same

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/27/14

(PLEASE PRINT)

Name: Ebonie Jackson

Address: 94220 Guy R. Blewer Blvd Jamaica NY 11451

I represent: CLONY Women's Centers Council

Address: 227 W. 175L

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Suzanne B. Goldberg

Address: _____

I represent: Columbia University

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Dorey May

Address: 30 3rd Ave Brooklyn

I represent: HOLLABAUGH

Address: 30 3rd Ave Brooklyn

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Natalie Peña

Address: 900 Riverside Drive, NY, NY 10032

I represent: City College of New York

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Kira Bahova

Address: 3605 Kingsbridge Ave Bronx, NY 10463

I represent: City College of New York

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Lilly Melarsa

Address: 44 Ardley Rd Montclair NJ 07042

I represent: Myself

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/24/14

(PLEASE PRINT)

Name: Lauren Manley

Address: 327 7th St Brooklyn

I represent: Center for Anti-violence Education

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Alyssia Osorio

Address: 423 W 144th St

I represent: City College

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Shaila Bora

Address: 344 E 28 St Apt #15 E NYC, NY

I represent: CCNY students

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Diami Virgilio

Address: 690 Allerton Ave Apt. 41W Bronx, NY 10467

I represent: Day One

Address: PO Box 1507 Canal St. Sta. New York, NY 10013-

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: DR. SOPHIE ANDAR

Address: 83 WOOSTER ST. # 4 N.Y., N.Y

I represent: MYSELF

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ayumi Hirai

Address: _____

I represent: myself as an international

Address: _____
Student at CUNY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Zoe Ridolfi-Starr
Address: Columbia University (Student)
I represent: No Pod Tape Columbia
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 10/27/2014

(PLEASE PRINT)

Name: Lucas Almonte
Address: 73 Ellwood Street APT 1B, New York, NY 10010
I represent: University Student Senate (CUNY)
Address: 555 W 57th Street Suite 1420, New York, NY 10040

CUNY
PANEL

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: DEPUTY GENERAL COUNSEL JANE SOVERAIN
Address: DEAN JENNIFER RUBAIN
I represent: DEPUTY TO THE VICE CHANCELLOR OF STUDENT AFFAIRS PAULITE DALPHES
Address: MICHAEL LENDERHANDLER - DIRECTOR OF PUBLIC SAFETY

Please complete this card and return to the Sergeant-at-Arms PUBLIC SAFETY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/27/14

(PLEASE PRINT)

Name: Zoe Raguzos

Address: _____

I represent: New York University

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/27/14

(PLEASE PRINT)

Name: Claudia Wald

Address: _____

I represent: Self (Survivor)

Address: _____

Please complete this card and return to the Sergeant-at-Arms