

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CIVIL RIGHTS
COMMITTEE ON YOUTH SERVICES

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May 9, 2011
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HELD AT: Committee Room
250 Broadway - 14th Fl.

B E F O R E:

DEBORAH L. ROSE
LEWIS A. FIDLER
Chairpersons

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Julissa Ferreras
Margaret S. Chin
James G. Van Bramer
Sara M. Gonzalez
Melissa Mark-Viverito
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A P P E A R A N C E S (CONTINUED)

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Dr. Robert McGarry
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Diane Jerzak
Concerned Citizen

CHAIRPERSON ROSE: Good morning.

My name is Debbie Rose and I'm the chair of the Committee on Civil Rights. I am pleased to be joined by my co-chair, Council Member Lew Fidler, who is the chair of the Committee on Youth Services. Today we will be hearing Introductory Bill No. 363, a local law to amend the New York City Charter and the Administrative Code of the City of New York in relation to requiring the Commission on Human Rights to educate the public on various types of bias-based harassment. I'd like to begin by thanking everyone for attending today's hearing and by recognizing my fellow Council Members present with us - - . We have Council Member Cabrera. We have Council Member Koo and Council Member Gonzalez. Thank you for being here.

As we all know and have undoubtedly experienced at some point in our childhood, bullying is unfortunately a common part of the adolescent experience; however, as youth gain more and more access to technology, bullying has morphed into a whole new monster known as cyberbullying. Cyberbullying is bullying by

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2 technological means and can involve harassment via
3 e-mail, chat room, instant messaging, websites
4 such as blogs and text messaging and include the
5 posting and sharing pictures and videos. Due to
6 the anonymous nature of the Internet however, the
7 victim may not know who the perpetrator is, how
8 many perpetrators there are, or how many people
9 are witnessing the harassment causing great
10 distress. Cyberbullying can result in low self-
11 esteem, poor grades, conflicts at home, violence
12 at school, delinquency, and as we have all seen,
13 all too often recently, suicide. We can never do
14 enough to protect our children. As a City, we
15 must take proactive, not reactive measures to
16 ensure that youth in New York City know that all
17 forms of bullying are unacceptable and that they
18 need not resign themselves to being victims.

19 It is my belief that Intro 363,
20 which Chairperson Fidler, the author of the bill,
21 will describe shortly, will go a long way to
22 meeting that goal. I look forward to listening to
23 the Commission on Human Rights and learning what
24 efforts they are taking to prevent bullying in New
25 York City and I look forward to hearing from

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2 advocacy groups to hear what more we could do,
3 could be done as well. With that, I'll conclude
4 my remarks here and relinquish the microphone to
5 my esteemed colleague, Chairperson Fidler.

6 CHAIRPERSON FIDLER: Thank you,
7 Chairwoman Rose and thank you very much for
8 scheduling this hearing on Intro 363 and I want to
9 welcome everybody here. I don't think it should
10 take a great deal of persuasion for everyone in
11 this room to understand how a child feels when
12 they're being bullied. It's not nice. It's not
13 pleasant. It can in fact lead to a lifetime of
14 problems that are generated from that. As we've
15 moved into the Internet age, bullying has taken on
16 geometric growth. The anonymity of the Internet
17 frequently has made it a breeding ground for
18 bullying of all kinds. Now as an elected
19 official, I guess I'm kind of used to that, but a
20 child should never have to be used to that.
21 Bullying in and on the Internet has the ability to
22 reach tens of thousands of people. It is bad
23 enough when a child is forced to suffer personal
24 hell of being the victim of a bully or bullies in
25 a small discreet environment, but when that

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2 environment is now multiplied by the Internet, the
3 problem has grown proportionately and I thought of
4 Intro 363 actually about 6 months before the
5 tragic incident at Rutgers with Tyler Clementi.
6 Certainly there would be a no more graphic example
7 of how the Internet can be used to bully and
8 torment somebody and no more graphic example of
9 the negative results that can come from it. I
10 would have loved for Intro 363 to have mandated
11 that the Department of Education be required to
12 make a syllabus on cyberbullying part of their
13 curricula. Unfortunately, state education law
14 prevents that. Perhaps, our colleagues at Albany
15 will do something about that, but we do have the
16 power to work with the Human Rights Commission,
17 another apt place for this type of measure. So
18 the Human Rights Commission can take on the charge
19 of making sure that people, in particular young
20 people, understand the tremendous dangers of
21 bullying on the Internet, what the consequences
22 can be, how harmful it can be, how hurtful it can
23 be, in the hopes that will open some eyes and keep
24 people more aware and that we can hopefully reduce
25 the amount of cyberbullying that is unfortunately

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2 going on on our Internet every day. With that,
3 I'd like to call our first panel of witnesses from
4 the Human Rights Commission. We have Clifford
5 Mulqueen and Lee Hudson and we turn it over to you
6 for your testimony. Thank you. Anyone who is
7 planning on testifying, please see the sergeant at
8 arms to fill out a slip.

9 LEE HUDSON: Madam Chair, Council
10 Members, good morning. Thank you for giving the
11 Commission an opportunity to testify regarding
12 Intro 363, prosing changes to the New York City
13 Human Rights Law and the New York City Charter.
14 Specifically Intro 363 seeks to enumerate some
15 types of bias harassment and repeated hostile
16 behavior, such as taunting, abuse and
17 cyberbullying that should be covered in the
18 educational activities of the Commissioner.

19 As you know, the Commission
20 dedicates more than half of its resources, both in
21 dollars and personnel to education programs,
22 community outreach and other activities that
23 foster positive intergroup relations as mandated
24 by the New York City Human Rights Law. As a key
25 element of the Human Rights Law, not surprisingly,

1 bias and bias-related harassment in its many forms
2 is a staple of our presentation. During the past
3 year from April 2010 to April 2011, the
4 Commission's community education field staff of 25
5 individuals conducted 1428 conferences, workshops
6 or trainings regarding the Human Rights Law,
7 immigration issues and conflict resolution. Over
8 70,000 individuals participated in these
9 educational programs. With concern that bias-
10 related attitudes in the discriminatory behaviors
11 that can follow are shaped at an early age, we
12 take particular pride in our efforts to educate
13 young people, who are the future of our city.
14 Over 400 of the conferences, workshops, classes
15 and peer mediation trainings conducted by the
16 Commission during this period were targeted toward
17 youth with over 9,000 young people participating.
18 Taunting, abuse and cyberbullying and other forms
19 of harassment were discussed in every one of these
20 400 educational presentations, as well as in many
21 programs attended by school administrators,
22 parents and grandparents of school-aged children.
23 Obviously, cyberbullying, the latest form of
24 bullying, is an area of importance. Always
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2 offensive and unacceptable, bullying and
3 cyberbullying become even more of concern to the
4 Commission when those acts enter the bias,
5 discrimination and hate crime arenas. The
6 Commission has been addressing cyberbullying for
7 example for some time and will continue to as long
8 as it's relevant.

9 Let's take a brief look at the
10 range of those hundreds of presentations from the
11 last year that have included anti-bias related
12 harassment or repeated hostile behavior messages.
13 In addition to requests we receive or those we
14 initiate, the Commission reaches large numbers of
15 school administrators in all boroughs, including
16 principals, assistant principals, deans, school
17 guidance counselors and parent coordinators
18 through the Department of Education's Integrated
19 Services Center, the Children First networks and
20 the Youth Development managers and staff that
21 coordinate them. These contacts result in a
22 stream of presentations conducted by Commission
23 staff to parent meetings, school government
24 groups, such as the one at Port Richmond High
25 School in Staten Island, student leadership

1 groups, such as the one sponsored by the Unity
2 Network of Student Leaders for over 600 students
3 at the College of Staten Island or college
4 preparatory programs, such as the Jobs for Youth
5 Apprenticeship Program and the Poised for Success
6 Program at Medgar Evers College, after school
7 programs, like Young Women's Leadership at August
8 Martin High School in Jamaica or P.S. M.S. 43
9 Beacon Youth, or Cambria Heights in Queens or
10 Astor Collegiate Academy in the Bronx. Naturally,
11 the networks the Commission has built over the
12 years often begin in the classroom. Some of the
13 321 classes we conducted in the last 12 months
14 were ranged in a preventative mode, such as the 28
15 classes we recently completed for the Eagle
16 Academy for Young Men in the Bronx. Others are
17 scheduled in response to particular circumstances,
18 such as a recent call from the school
19 administration at Middle Village Academy High
20 School in Manhattan, asking for our assistance as
21 they addressed some tensions involving students'
22 use of Facebook. The Commission formed teams and
23 conducted small group presentations for the entire
24 student body of 450 young people. The Commission
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1
2 also continues to conduct peer mediation trainings
3 at Middelin High Schools [phonetic].

4 As a part of their participation,
5 principals forward a statement of interest,
6 describing what they hope the program will
7 contribute to the school. Principals often cite
8 inappropriate or malicious use of social media as
9 one reason for the need for the program and in
10 some schools, the peer mediators are referred to
11 in the school as conflict managers. Conflict
12 resolution and sexual harassment are the two most
13 requested trainings we deliver. In addition to
14 many sessions with school administrators and
15 teachers and parent coordinator groups, we have
16 provided trainings for instructors such as the
17 social justice boot camp sponsored by Project
18 Reach Youth on Staten Island and other trainees
19 that the Council for Unity Project in Brooklyn.

20 The Commission contributes to
21 ongoing taskforces and councils that address these
22 bias harassment issues, such as the Eye Opener of
23 Staten Island Community Service Center, Youth
24 Against Violence, the annual Youth Summit Bias
25 Awareness Youth Discussion sponsored by Project

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2 Hospitality in the Port Richmond Anti-Violence
3 Taskforce with the NYPD on Staten Island, Staten
4 Island Immigrant Council, Council Member Rose's
5 anti-bias education initiative—I Am Staten Island,
6 the Domestic Violence Taskforce and immigration
7 taskforces in Manhattan Borough President
8 Stringer's Office, the Lower East Side Anti-Youth
9 Violence Committee and the East Harlem Consortium
10 of Social Service Agencies, Queens Borough
11 President's Domestic Violence in Immigrant
12 Councils, Clergy Taskforce in the Bronx, Youth
13 Bridge in Brooklyn and We Are Brooklyn. The
14 Commission contributes to other efforts that
15 address these issues with young people and adults
16 sponsored by community boards, such as the
17 bullying and conflict resolution presentation we
18 delivered at the Community Board 14 youth
19 conference in Brooklyn or the Lower East Side
20 Anti-Violence Conference sponsored by Community
21 Board No. 3 and Assemblywoman Deborah Glick.

22 Community organizations seek the
23 Commission out for presentations regarding these
24 issues. A few recent examples would include the
25 Center Against Domestic Violence's Bullying in the

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2 21st Century Conference, the Relationship Abuse
3 Prevention Program in Manhattan, Saint Christopher
4 Otilie in Jamaica, the Door, Henry Street
5 Settlement and the Boy's Club in Manhattan, or New
6 Settlement Apartments in the Bronx. The
7 Commission's presentations also include
8 collaborative efforts with New York State and
9 federal agencies, such as the New York State
10 Taskforce on School Community Collaboration,
11 Engaging New York City Youth Bullying Prevention
12 Conference or the Hate Crime Forum sponsored by
13 the Community Relations Borough of the United
14 States Department of Justice. The Commission is a
15 referral agency and provides workshops as part of
16 the City's Department of Education's Respect for
17 All Week activities.

18 Currently the Commission is
19 expanding its bias education efforts to provide
20 youth diversion trainings for the young
21 participants in the Youth Courts at the Red Hook
22 Community Justice Center in Brooklyn, the Staten
23 Island Youth Justice Center and the city's other
24 youth court venues and preparing to link PSAs on
25 its website, addressing anti-LGBT violence that we

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2 provided assistance with that were produced by
3 Generation Q, the Queens Community House in
4 Queens.

5 The Commission demonstrates each
6 day our dedication to addressing the insidious
7 problem of bias-related harassment and repeated
8 hostile behaviors. Cyberbullying is a glaring
9 recent development in these forms of harassment.
10 The Commission is aware of it and began
11 immediately to address it in all its youth and
12 young adult and adult presentations and although
13 we would certainly agree that these topics should
14 be covered whenever addressing young people and
15 their parents, we have issues with this proposed
16 legislation.

17 The Commission is concerned that
18 this legislation by mandating the particular
19 topics that the Commission must cover in our
20 educational programs would have the unintended
21 consequence of limiting the operational
22 flexibility and timeliness of the Commission's
23 responsibility to monitor and address these issues
24 as they present themselves. Simply put, issues
25 that are relevant today may not be relevant

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2 tomorrow and other issues that arise surely should
3 not await further legislation to authorize their
4 inclusion. To be effective in reaching the
5 targets of our educational programs, the
6 Commission must be able to adapt quickly. That
7 flexibility would be hampered by this proposed
8 legislation. We welcome your suggestions on how
9 to improve our programs, but strongly suggest that
10 this legislation is not the appropriate means for
11 doing so. Thank you for your time and the
12 opportunity to share our views.

13 CHAIRPERSON FIDLER: Are you going
14 to testify as well, Mr. Mulqueen?

15 CLIFFORD MULQUEEN: No, sir.

16 CHAIRPERSON FIDLER: Well, let me
17 just say that while I'm kind of astonished at your
18 conclusion, I can see that you clearly recognize
19 that cyberbullying is a significant issue that
20 needs to be addressed. Without being overly
21 snarky, I don't think you're expecting the
22 Internet to go away and I don't think you're
23 expecting to see any--well, maybe I should ask.
24 Are you anticipating any changes in federal law
25 that are going to restrict the manner in which

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2 people use the Internet that would affect their
3 ability to cyberbully?

4 LEE HUDSON: Council Member, I'm
5 really not aware. I'm not in a position to
6 comment.

7 CHAIRPERSON FIDLER: So, I'm not
8 really sure why this piece of legislation that
9 would mandate that you continue to enlighten
10 people about the dangers of cyberbullying and
11 caution against it restricts your flexibility in
12 any way. It's certainly not something that I
13 think is going to go away in our foreseeable
14 future. The Internet, if anything, is growing.
15 Three years ago, the idea of Twitter probably
16 would have been silly and yet Twitter is another
17 method by which people can be bullied almost
18 instantly. So if anything, cyberbullying is
19 something that unfortunately is not only here to
20 stay, but is more likely to amplify and the
21 existing Human Rights Law did not in any shape,
22 way, manner or form effect your flexibility in
23 doing the things that you have been doing on this
24 issue up to now, so I'm really a little surprised
25 that you would take the position that this is

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2 anything other than strength in your hand that in
3 fact tell other City agencies when you step in,
4 that the law requires that they cooperate with you
5 in this effort because it is the law. So I'm a
6 little surprised at that. So I'm just going to--
7 unless you want to respond to that, I'll just--

8 LEE HUDSON: [Interposing] We,
9 Council Member, just raised an administrative
10 point about it, not a content point around
11 cyberbullying and its dangers.

12 CHAIRPERSON FIDLER: Well, okay.
13 So I'll leave that be and I have to say that I
14 find the objection to the legislation and the
15 basis for the objection to the legislation to be a
16 little silly. Obviously you've been out and
17 working on this. One particular area that I know
18 our research has shown is particularly sensitive
19 in terms of cyberbullying are the LGBTQ kids. Do
20 your programs have any particular emphasis to deal
21 with LGBT youth?

22 LEE HUDSON: Yes, we respond to
23 that issue quite strongly in our presentations.
24 It is one of the--sexual orientation and gender
25 identity are probably two of the most difficult

1 areas that we address in our presentations.

2 CHAIRPERSON FIDLER: How do you
3 address them?
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5 LEE HUDSON: We discuss the law.
6 We discuss the values behind the law and we
7 discuss the inappropriateness of their violation.

8 CHAIRPERSON FIDLER: From your
9 testimony, I gleaned that you do do an amount of
10 work with the Department of Education. You do
11 training-

12 LEE HUDSON: We intersect with
13 them. Yes.

14 CHAIRPERSON FIDLER: Do you have
15 any way of knowing whether or not the training
16 that you're giving is reaching students-is
17 actually getting to the kids? Do you have any way
18 of verifying that the Department of Education
19 takes the training that you're providing and
20 actually is disseminating it and using it in any
21 significant way?

22 LEE HUDSON: We go into schools and
23 do peer mediation trainings. Often we hear from
24 those administrators afterwards. We do follow up
25 with those schools. We are one factor, Council

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2 Member, in a large host of organizations and
3 individuals that are addressing these issues and
4 as an agency, we would love to say we had a
5 tremendous impact. I would like to think we have
6 a collective impact.

7 CHAIRPERSON FIDLER: Yes, and I
8 don't want to be unfair. I recognize that you're
9 not the largest agency in the city of New York,
10 that your budget and means are limited, and as I
11 said in my opening statement, my preference would
12 be to mandate that the Department of Education
13 make this part of the everyday curriculum for
14 every classroom in the city. I think in your
15 testimony you mentioned being in 321 classrooms.
16 I'm sure that there are thousands, maybe tens of
17 thousands of classrooms in the city of New York,
18 and if we are truly going to get at this, we need
19 to get into every one of those classrooms. I
20 would love to give you whatever legal tools there
21 are that would enable you to compel the Department
22 of Education to take the training, take the
23 programs, take the agenda that you're bringing to
24 them and make sure that it gets into every
25 classroom. So that is where we're trying to go

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2 with this legislation. That is what we're trying
3 to do. We're trying to give you that tool to be
4 able to say to the chancellor, this is the law in
5 this city and maybe you need to step up to the
6 plate. That is the imperative behind Intro 363
7 and I hope you'll communicate that to Commissioner
8 Gatling and that we find a way to work to make
9 that goal happen. Thank you.

10 CHAIRPERSON ROSE: Thank you,
11 Chairman Fidler. First I'd like to say to the
12 Human Rights Commission, I want to thank you for
13 all of the work that you've done on Staten Island
14 in reference to the issues that we've had the past
15 year with the bias attacks and I really appreciate
16 that, so we hope that you would relay that message
17 to Commissioner Gatling and I appreciate the help
18 with the I Am Staten Island initiative. With that
19 said, I've never seen since I've been here a year
20 and a half on Council, Staten Island referenced so
21 many times in any document, at any hearing and
22 especially receiving any number of services, so I
23 don't know if that's a good thing or a bad thing
24 because of the nature of the services that we've
25 actually had to have provided on Staten Island,

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2 but again, it shows that you have worked with our
3 needs. I thank you for that. I'd like to know
4 what is the process for the Human Rights
5 Commission actually getting involved in an
6 instance where there is a bias-based bullying.
7 What's the process? How do you come to be a part
8 of that?

9 LEE HUDSON: Council Member, we
10 often receive calls from schools or administrators
11 or we are at meetings, and they approach us.
12 Often times, we're in the school to do a
13 presentation and the students will raise these
14 issues. It is inconceivable to imagine going into
15 any classroom or many presentations at all and not
16 have the subject come up. It is definitely on
17 individuals' minds. Students report a great deal
18 of experience with this subject - - somewhat
19 sophisticated about it. We can walk into a room
20 and that will very likely be one of the issues
21 that will be raised--this new level that our
22 digital age has taken in terms of harassment.

23 [phone ringing]

24 CHAIRPERSON ROSE: So, the process
25 pretty much is reactive, not proactive? Is there

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2 ever a time when you decide or determine that it...
3 I'm going to wait 'cause that's just—it's not even
4 a song that I liked. If it was a song I liked, I
5 might have been able to go on.

6 MALE VOICE: [off mic] tell
7 everyone to please turn off their cellphone?

8 [background conversation]

9 CHAIRPERSON ROSE: Okay. That's
10 important. So most of your interactions however,
11 are reactive not proactive. Is there ever a time
12 that the Human Rights Commission, based on the
13 fact that you know that there's 99% or 93% of
14 young people are using the Internet—that this is a
15 problem that has large numbers attached to it—is
16 there ever an incident or a condition that would
17 have the Human Rights Commission act proactively
18 that you would initiate a response or a training?

19 LEE HUDSON: Well, we do. First of
20 all, we are out talking to teachers and calling
21 schools and we are out promoting the programs as a
22 general rule, so that is very proactive. But we
23 do receive reports of incidents in schools and
24 hear about them often through the channels that
25 we've developed over the years and so then, we

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2 contact the schools and we set up programs, but
3 we're always going out. We meet with groups of
4 school counselors. We raise the availability of
5 these programs, and they speak one to the other
6 and stretch that message quite a bit.

7 CHAIRPERSON ROSE: I'm really
8 trying to find out how you identify those places--
9 the schools or whatever that you're going to go to
10 that you haven't received a phone call or there
11 wasn't a media story about an active act of
12 cyberbullying or a bias attack.

13 LEE HUDSON: We can be in the
14 school to talk about Human Rights Law. These
15 issues are also intertwined. The minute you begin
16 discussing the law and the protected classes,
17 you're talking about bias-related harassment,
18 you're talking about prejudice.

19 CHAIRPERSON ROSE: There is no
20 program that you have that you go out--and
21 eventually I guess your goal would be to speak to
22 all of the schools about--

23 LEE HUDSON: [Interposing] That
24 would be extraordinary. We certainly with the
25 people that we have in the agency are unable to do

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2 that, so we go to meetings and we respond to needs
3 as we perceive them in changing demographic
4 neighborhoods, schools that are splitting or
5 combining often lead to some tensions between the
6 students and often principals, knowing that those
7 schools are going to be combined, broken up,
8 moved, et cetera, will call us and say, "Would you
9 come in? We know this is going to happen and the
10 students are going to be possibly dealing with
11 some extra stress.

12 CHAIRPERSON ROSE: [Interposing] Do
13 you think that the students and the schools know
14 where to go for help if there's an incidence of
15 bullying?

16 LEE HUDSON: Well, we certainly
17 recommend to them that they use the authority
18 structure within the schools and their parents and
19 if it certainly becomes of a threatening nature or
20 repeated serious teasing, they should be reaching
21 out to an escalating form of authority.

22 CHAIRPERSON ROSE: Do you think
23 that what we're doing at this level is effective
24 enough?

25 LEE HUDSON: I'm not sure what-by

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2 effective enough, if you mean that individuals are
3 no longer engaging in cyberbullying, we would like
4 to think there is an impact—

5 CHAIRPERSON ROSE: [Interposing] Do
6 you have any figures that would show sort of like
7 a before and after?

8 LEE HUDSON: As I mentioned before,
9 we are one of many efforts that are being made
10 with these students and it would be really
11 somewhat I think presumptuous of us to assume that
12 we were the factor. We would take peer mediation
13 programs, for example into the impact schools that
14 were identified by the NYPD, and they would do
15 reports on their impact schools and they would
16 list a large number of factors that led to
17 reductions of violence in those schools. Peer
18 mediation would be one of them and we would be
19 pleased to be a part of the picture.

20 CHAIRPERSON ROSE: Okay. Are there
21 any questions?

22 CHAIRPERSON FIDLER: First of all,
23 we've been joined by Council Members Chin and
24 Seabrook and we have a number of our colleagues
25 have questions, starting with Councilwoman

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2 Gonzalez, followed by Council Member Cabrera.

3 COUNCIL MEMBER GONZALEZ: Thank
4 you, Chairs. Ms. Hudson, on your testimony here,
5 you spoke about different areas of the city and
6 the Bronx, Brooklyn, so on and so forth, I know
7 you also spoke about the Red Hook Community
8 Justice Center, which is in my district in Red
9 Hook. I just want to ask you, all these trainings
10 and all these different programs that you have
11 throughout the city, do you have data—like in
12 other words, it's not just something that happens
13 once and then are there any outcomes? Are there
14 anything that you learn from in doing these
15 trainings? And the other thing that I thought of
16 immediately when Council Member Rose was speaking
17 and asking you questions is there could be a
18 consideration of some kind of pilot program just
19 to utilize your department to maybe train people
20 throughout the city because this way, you don't
21 have to send manpower out there for example in
22 schools or whatever. That's a thought, but I was
23 just wondering about that. Is there any data? Is
24 there anything that you get from these trainings
25 that you do that go back—that you look at and sort

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2 of analyze or—you say you do follow up? You did
3 say that.

4 LEE HUDSON: We do. We do follow
5 up. In our peer mediation program, we're in the
6 school for eight to ten weeks, so it's possible
7 to—and you have a consistent group of students.
8 You have 20 students that have been self-
9 identified and somewhat with the counselors who
10 would be influential in the school and help to
11 create a climate in the school, a culture in the
12 school of tolerance and non-discriminatory
13 behavior, so in those instances, obviously it's
14 easier to assess did this program—are there
15 students coming forward with—are they mediating
16 disputes? Can we look at the settlement
17 agreements, which we do, that the students draft?
18 We speak to the coordinators that the principal
19 assigns. In that program, it gives us a different
20 kind of dataset. When we go to a school and we
21 are there for 40 minutes or 30 minutes to do a
22 presentation with the students, it certainly is a
23 difficult thing to measure a holistic—

24 COUNCIL MEMBER GONZALEZ:

25 [Interposing] And there are certain questions that

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2 are being asked that are maybe documented so that
3 you're learning from it?

4 LEE HUDSON: Absolutely.
5 Absolutely. Every presentation that we-

6 COUNCIL MEMBER GONZALEZ:
7 [Interposing] So that goes back to some sort of
8 think tank somewhere?

9 LEE HUDSON: Absolutely, it goes
10 back to a database in which the issues that were
11 raised in the workshop--what were they? What were
12 the actions that were taken and what is the follow
13 up that is anticipated?

14 COUNCIL MEMBER GONZALEZ: I really
15 think that's very important and with this
16 legislation, I think due to the situation in the
17 city, specifically my district--I'll try to stick
18 to that--there's a real influx of immigrants and
19 there is people that need to understand other
20 people's cultures and whether it's young folks or
21 whatever it is, we need to have some kind of
22 system in place, so that these young people within
23 the school system may be working with community
24 boards, may be working with local police
25 departments--because I'm sure that the local police

1 precincts would be able to understand exactly
2 what's going on within that community and sort of
3 identify it. Because it seems to me from your
4 testimony that you guys are really in a lot of
5 different places in the city and that's great, but
6 this legislation would take it further. I don't
7 understand why it would not be important to the
8 administration because there's a lot that's going
9 to happen here if we do this. And also we may
10 learn from the data, but we also may be able to do
11 some kind of further situation with the Council,
12 Councilman Fidler, with the pilot program or
13 something that will enable the Department to teach
14 others—train the trainer. Everybody's not a
15 doctor, but they go to school. Everybody's not a
16 clinician, but they go to school. So you can't
17 expect a group of people to do everything, so I
18 would suggest that you guys revamp and think about
19 it a little bit because it is significant.
20 People's lives are being lost because of this and
21 it's not the fault of your department, but I'm
22 just saying if you're already doing something, why
23 not expand it and try to work with something
24 that's in place, so that we can do that, including
25

1 local precincts, including community boards
2 because they're the first to identify what's going
3 on within their communities.
4

5 LEE HUDSON: Yes. We do try to
6 work with community boards. Each staff member has
7 assigned community boards that they cover, that
8 they go to—precinct community councils and
9 community board meetings and district service
10 meetings. We have a geographic assignment in
11 addition to a programmatic one.

12 COUNCIL MEMBER GONZALEZ: Okay,
13 well—

14 LEE HUDSON: [Interposing] But I do
15 appreciate your comments.

16 COUNCIL MEMBER GONZALEZ: Thank
17 you. And according to your testimony, it seems
18 like you guys are really working hard, but let's
19 hopefully have some data. I'd love to see where
20 you've been in my district. My district is
21 District 38, Brooklyn. I'd like to know. I know
22 it's Red Hook Justice, but we have a lot of
23 incredible schools and like I said, there are a
24 lot of issues pertaining to cultural barriers and
25 different things that are going in within that

1 district that can lead to something like this.

2 And there's also a rise in gang activity to some
3 sort, so I would appreciate it if I could get some
4 data. I'm Council Member Gonzalez, District 38,
5 Brooklyn. Thank you. Thank you, Chair.

6 CHAIRPERSON ROSE: Ms. Hudson, I
7 would like to know when did you develop the
8 cyberbullying curriculum?
9

10 LEE HUDSON: Oh, that's a good
11 question. I would say at least four years ago--
12 three to four years ago.

13 CHAIRPERSON ROSE: And how do you
14 feel about the results of the curriculum? Do you
15 think that the curriculum is appropriate,
16 adequate, it's engaging and that you will actually
17 be able to reap some benefit from it?

18 LEE HUDSON: I believe so, yes. As
19 I say, it's interactive. The students participate
20 in the exercises that we bring there and they
21 raise their own illustrations. They develop
22 scenarios. They've added some scenarios of that
23 nature to their peer settings to--when they are
24 practicing peer mediation and they bring in
25 scenarios that have occurred to them when we ask

1
2 them what are some of the instances of
3 discrimination that you have experienced—this
4 cyberbullying will invariably appear.

5 CHAIRPERSON ROSE: In our quest to
6 get some sort of quantitative data, do you do like
7 pre-tests and a post-test after students have
8 taken part in these workshops?

9 LEE HUDSON: We have given students
10 evaluations at the end of workshops. We will ask
11 them when we go in if they're familiar with the
12 Human Rights Law, if they're familiar with some of
13 these issues and the presenters will note the
14 students' awareness in before and after when they
15 are writing up their reports of each of their
16 sessions, but we don't give them a test on the
17 material before we do a workshop. We will ask
18 them to fill out evaluations afterwards.

19 CHAIRPERSON ROSE: Are these
20 evaluations a part of any record that you keep?

21 LEE HUDSON: They become part of
22 the record of the presenters that fill out
23 activity logs following each of their
24 presentations.

25 CHAIRPERSON ROSE: Okay. So, but

1
2 we're not able to quantify if we're making any
3 appreciable change or difference with the
4 workshops?

5 LEE HUDSON: Probably not to the
6 statistical level of significance that someone
7 might like to come in and say we have—I think in
8 an instance where we have had a more
9 comprehensive—we've done the entire 6th grade, for
10 example, we have been asked to come in and do the
11 6th grade somewhere, we could probably definitely
12 do some sort of an assessment of that, but a class
13 here and a class there—it's a—really trying to
14 season the area, try to generate an awareness that
15 these students will talk to other students and
16 spread it throughout the school, but often it's
17 the initiative of the individual teachers or
18 particular school administrators to have us there
19 in the first place.

20 CHAIRPERSON ROSE: Do you have an
21 idea of what it would take in terms of staffing or
22 resources to allow the Human Rights Commission to
23 be more pro-active to visit more schools, to—I
24 would like to see this used as a preventive tool
25 instead of an intervention. So what type of

1 additional resources would it take for this to
2 become a proactive, a preventive type of program?

3
4 LEE HUDSON: I think it would be a
5 sizeable increase in the number of individuals in
6 the agency and I'm not sure there are—that that's
7 realistic.

8 CHAIRPERSON ROSE: [Interposing] In
9 terms of maybe the educators, the I think the - -
10 .

11 [crosstalk]

12 LEE HUDSON: The field staff.

13 CHAIRPERSON ROSE: Is there a
14 number?

15 LEE HUDSON: I just said I really
16 think that that's a rather overwhelming—and I
17 think it's unrealistic in our current budget
18 situation.

19 CHAIRPERSON ROSE: So would you say
20 that maybe the best way to do that was to have the
21 State mandate that your curriculum be a part of
22 the DOE?

23 LEE HUDSON: I think that's an
24 interesting suggestion, Councilwoman. I think to
25 reach expansively and to every class, you're

1 talking about something that's fairly
2 institutionalized in the material that would be
3 guaranteed to be presented and tested in every
4 class.
5

6 CHAIRPERSON ROSE: I believe
7 Respect for All is something that's been - -
8 curriculum of New York City schools. How would
9 you compare the curriculums?

10 LEE HUDSON: I am really not in a
11 position to evaluate the Respect for All
12 curriculum. I haven't seen a particular
13 curriculum. I know that there are a range of
14 activities that the different schools take toward
15 that development-

16 CHAIRPERSON ROSE: [Interposing]
17 Could yours be interspersed into that since it's
18 already part of it?

19 LEE HUDSON: We do. They will call
20 us and say would you participate in our Respect
21 for All week activities or-and when we go into the
22 schools and do presentations, we refer to the
23 Respect for All policies in the schools. We will
24 hold up a copy of the brochures that many of the
25 teachers will provide, et cetera. So we see the

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2 values and the principles that we're presenting in
3 these schools as identical, very similar to those
4 which the Department of Education is working on.

5 CHAIRPERSON ROSE: Okay, thank you.

6 CHAIRPERSON FIDLER: We've been
7 joined by Council Member Williams, and I just--
8 before I go to Council Member Cabrera, I just have
9 to say, there's an old expression I think it may
10 have its origins in Shakespeare, that the law is
11 an ass. And particularly, listening to Chairwoman
12 Rose in this colloquy, it just occurs to me just
13 how ridiculous it is that we cannot mandate that
14 the Department of Education bring this curriculum
15 into every classroom--that we have to have a
16 discussion about what resources the Human Rights
17 Commission would need to be able to do that when
18 we have a staff of tens of thousands of teachers
19 and administrators already in place in those
20 classrooms. It strikes me that almost every
21 Council Member--I know I do--provides computers
22 because we've recognized that computers are an
23 essential part of education these days. If you're
24 not literate, if you're not computer and
25 technologically literate--but yet we can't mandate

1
2 that part of the training that the kids receive on
3 those computers is to the dangers of
4 cyberbullying. It's like handing them a weapon
5 and allowing them to feel free to point it as they
6 see fit, without having been instructed as to the
7 dangers of it. And that is all because of the
8 state education law and because we are prohibited
9 from doing those things, and I hope we will find a
10 welcome ear in Albany someplace where maybe they
11 can do something that doesn't cost us a plug
12 nickel [phonetic]—doesn't cost them a plug nickel
13 that would make some sense. Sorry about that.
14 Just had to say that. Council Member Cabrera,
15 followed by Council Members Chin and Koo.

16 COUNCIL MEMBER CABRERA: Thank you
17 so much to both Chairs. This is of special
18 interest to me since I chair the Technology
19 Committee. I'm just curious to know if I
20 understood right. You have been conducting these
21 trainings in school and in different places just
22 for the last four years. Is that what I heard?

23 LEE HUDSON: Well, the Human Rights
24 Commission has been conducting trainings on anti-
25 bias and bias hostile behavior for many years.

1
2 The emergence of cyberbullying was something that
3 we added to our discussions as it became an issue.

4 COUNCIL MEMBER CABRERA: So, if I
5 understand right--this is what I'm hearing, that
6 there is no solid research as to whether what
7 you're presenting is being effective or not. Is
8 that correct?

9 LEE HUDSON: I think the point that
10 I was attempting to make earlier was that we are
11 not alone in presenting these messages to these
12 students--

13 COUNCIL MEMBER CABRERA:
14 [Interposing] I understand that.

15 LEE HUDSON: --and it would be
16 difficult for us to take credit or blame for a
17 condition in a particular instance.

18 COUNCIL MEMBER CABRERA: I
19 understand the issue having different variables,
20 impacting, but just about every organization that
21 comes here, they do their own research and they--
22 you can truly measure if a particular body of
23 knowledge was understood and perhaps, even
24 applied, so you can have a pre-test, post-test,
25 come back six months later, and to see whether the

1
2 body of knowledge was applied. I'm just surprised
3 to hear that that has not been done - - fact that
4 anybody could just do the dissertation. This
5 sounds like a great subject. I wish I would have
6 that when I was doing my doctorate in counseling.
7 This would have been an easy task to do. It's
8 very straightforward, but I'm surprised because
9 this is what I fear—I don't know if what's being
10 put forth really works. So before I say, let's
11 have it in all the schools, how do I know if it
12 even works? How do we know if it's effective? I'm
13 looking for the efficacy of these trainings that
14 are taking place, and how do we know that they do
15 really work?

16 LEE HUDSON: Often when we do
17 presentations, we do them in sequences of twos or
18 threes, and when we go back to the second one, we
19 review and see whether the students have grasped
20 the fundamental concepts in the beginning of the
21 law, the areas of the law, the jurisdictional
22 areas of the law that are there, and then we
23 proceed into some of the other areas. I think
24 some of what we deeply would want to measure would
25 be more difficult to measure and that would be

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2 attitude change, behavior change and things of
3 that nature. We can go back and we can ask
4 students whether or not there was comprehension
5 related to the points that we were making about
6 the Human Rights Law, but whether those students
7 are internalizing it and are in fact going to
8 carry that message forward in their behavior and
9 in their attitudes, that is another matter, and
10 we're not often with the students long enough to
11 be able to determine that, but we are in touch
12 with these schools and some of these teachers and
13 principals. We have schools we have relationships
14 with, so we do know that—

15 COUNCIL MEMBER CABRERA:

16 [Interposing] I just hear a lot of anecdotal data
17 and I don't hear a lot of quantitative data. I'm
18 a college professor and research is something that
19 I truly, truly value. And in a day and age, - -
20 we're so strapped for funding, I just want to make
21 sure that what we're teaching has been
22 demonstrated to be effective and anecdotal data is
23 not enough and there are resources—maybe you're
24 not able, but there are colleges, there are
25 organizations that I'm sure—and institutions and

1
2 centers that would be more than glad to make sure
3 to actually—just to show the data, qualitative
4 data, whether the program is working or not. I'm
5 curious about your conflict mediation. I think
6 it's a great, awesome idea. In terms of the
7 conflict mediation, do you bring your own teams,
8 or are you working with the teams that are already
9 in the schools?

10 LEE HUDSON: We're working—we bring
11 a team of two and the principal assigns two
12 coordinators from the school that will carry the
13 program forward and then, there are the students
14 and we meet with them for between 90 and—well,
15 about two hours for eight to ten sessions. We
16 interview the students in the beginning to find
17 out what their interests in mediation, why they
18 feel they would be good at this—would carry
19 through the program, and then we have commencement
20 ceremonies, swearing in ceremonies at the end and
21 parents come and council people come and other
22 people come. The students set up a program and
23 some schools really run with it. It's up to a lot
24 of the leadership in the school to reinforce all
25 of these efforts.

1
2 COUNCIL MEMBER CABRERA: Let me
3 tell you, I think that's a fantastic idea. Having
4 been part of the first team in 1991 that when
5 conflict mediation first went officially into the
6 schools, I could tell you firsthand and there's
7 research and data to show that indeed conflict
8 mediation do work, especially peer conflict
9 mediation, when it's run by the students. And I
10 just one school in my district was asking me for
11 funding for \$10,000, and I said, "For what?"
12 "Because we need training in conflict mediation."
13 And I was surprised that they were asking that
14 much first of all to come in and to do that kind
15 of training, so I'm very, very excited and happy
16 that you're providing that service. My last
17 question just at a point of curiosity—can you
18 share with us what are the highest cases of bias,
19 bullying taking place? What category?

20 LEE HUDSON: I do not have that
21 kind of data—you mean which group of individuals
22 is the most... When I talk with the trainers, most
23 of the situations that leads to bullying are
24 relationships and they're misunderstandings. It's
25 the escalation that gets us into the really

1
2 difficult areas, but it can start--and that's
3 where we can to stop it, it can start with
4 boyfriend/girlfriend cutting in line in the
5 cafeteria--it can start so small, and then it can
6 escalate and misunderstandings and anger take
7 over. And we have serious situations.

8 COUNCIL MEMBER CABRERA: Thank you
9 so much.

10 LEE HUDSON: Uh-huh.

11 CHAIRPERSON FIDLER: I think you
12 did testify that gender orientation/sexual
13 preferences is one of the most significant
14 categories though. Am I correct?

15 LEE HUDSON: Yes, students really
16 want to talk about that.

17 CHAIRPERSON FIDLER: And before I
18 go to Council Member Chin, just apropos of some of
19 the questions that Council Member Cabrera asked,
20 are you familiar or are you aware of any of our
21 many colleges/universities that are looking to do
22 research into this cyberbullying and whether or
23 not they could do an analysis for your of whether
24 the program that you're currently running has any
25 efficacy and if not, if we were able to find

1
2 someone, would the Human Rights Commission be
3 willing to participate in such a study?

4 LEE HUDSON: We'd be very
5 interested. We have had conversations with some
6 evaluation people—in program evaluation at
7 Columbia and getting some of the graduate students
8 there to develop programs and so forth, but
9 certainly, Council Member. Anyone you would
10 forward, we would be very interested.

11 CHAIRPERSON FIDLER: That would be
12 great, and whatever we can do to encourage that,
13 you can count on us for.

14 CHAIRPERSON ROSE: In reference to
15 Council Member Cabrera's question about the
16 numbers, are these figures captured in the
17 mandated reporting that we're now requesting of
18 the Human Rights Commission?

19 LEE HUDSON: I'm sorry, which
20 numbers?

21 CHAIRPERSON ROSE: The numbers for
22 the cyberbullying. Are they captured in our
23 mandated reporting?

24 LEE HUDSON: Asking—I'm not sure—

25 CHAIRPERSON ROSE: [Interposing]

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2 Are the numbers of incidents or groups that you've
3 worked with, are they part of the mandated report
4 that we're doing now?

5 [crosstalk]

6 LEE HUDSON: Yes. Yes.

7 CHAIRPERSON ROSE: They are.

8 LEE HUDSON: Yes, I thought—

9 CHAIRPERSON ROSE: [Interposing]

10 The numbers could be gotten for Council Member
11 Cabrera?

12 LEE HUDSON: Certainly.

13 CHAIRPERSON ROSE: Okay. Would you
14 make that available to—

15 LEE HUDSON: [Interposing] Sure.

16 CHAIRPERSON ROSE: Thank you.

17 CHAIRPERSON FIDLER: Council Member
18 Chin followed by Council Members Koo and Williams.

19 COUNCIL MEMBER CHIN: Thank you,
20 Chair. Ms. Hudson, it's great to see you again.
21 The Commission doesn't have enough resources—
22 something we've said many times, so we have high
23 hopes and aspirations for you guys to do all this
24 training and all the good work that you do. You
25 don't have the resource. Unless we get the

1
2 resource from the Administration, there's no way
3 to really expand on it and that's something that
4 we have to continue to struggle for. When you
5 were talking about that--all the workshops and
6 conferences and the number of people you reach--
7 it's not enough, right? It sounds big, but in a
8 city of over 8 million people, 70,000, right? The
9 school system--we're only reaching 9,000 young
10 people--

11 LEE HUDSON: [Interposing] Mm-hmm.

12 COUNCIL MEMBER CHIN: --with over a
13 million students in the system. So we just got to
14 figure a way of doing more, and I agree with my
15 colleague that we have to get the Department of
16 Education to really take this up as a regular
17 curriculum in the school, so that the kids hear it
18 every day, and it's so important to have the
19 prevention. It's great that you're there to
20 intervene when something happens, but I think by
21 doing the training and the curriculum, hopefully
22 we can prevent more of these types of incidents
23 happening in our school. One of the questions
24 that I wanted to ask you about cyberbullying is
25 that has the Commission thought about working with

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2 some of the Internet providers for them to help
3 publicize the civil rights law, in terms of it's
4 against the law to discriminate, to harass—I mean
5 just like some of the—and the housing area with
6 the fair housing law that we have learned how to
7 do that. I mean even with housing you see the
8 fair housing logo that you know that they cannot
9 discriminate against you. So have you thought
10 about working with some of the Internet providers?

11 LEE HUDSON: We have not worked
12 with the Internet providers. I think that's a
13 very promising idea.

14 COUNCIL MEMBER CHIN: Yeah, with
15 Facebook—for them to at least have something on
16 the website itself, when people click in and log
17 on.

18 LEE HUDSON: Yes, I think that's
19 very interesting.

20 COUNCIL MEMBER CHIN: Is that
21 something that we could work with you on to get
22 them to help publicize? The other thing is that I
23 guess working together with the schools I mean,
24 the Respect for All week, the part of the
25 curriculum—at least that's gaining some traction

1
2 in the school and when you go in there, do you--
3 when you do the training, do you get commitment
4 from the administration, from the principal to
5 have regular teachers or student body assigned to
6 sort of like continue the work, the training that
7 you have done in the school?

8 LEE HUDSON: Well, we certainly, as
9 I said, reference the Respect for All policy that
10 the school embraces and we reiterate and
11 underscore that, but we don't say to the teachers--
12 we assume that the commitment of the school and
13 the principles to that policy is present. We
14 underscore it.

15 COUNCIL MEMBER CHIN: Uh-huh, but
16 you don't get a direct commitment from the
17 principal that they've set up like a liaison to
18 the Human Rights Commission in terms of helping
19 with reporting or incidents to sort of like--

20 LEE HUDSON: [Interposing] That
21 structure does not exist.

22 COUNCIL MEMBER CHIN: But can you
23 think about setting that up 'cause once you are
24 called in or you go in to do trainings and
25 presentations, that you get some commitment--you

1
2 get the commitment from the principal that they
3 have a teacher or a student body or a group that
4 can work with you on a continuous basis?

5 LEE HUDSON: Mm-hmm. We do
6 establish those relationships in a less formal
7 capacity, but I certainly understand your
8 suggestion.

9 COUNCIL MEMBER CHIN: Mm-hmm.
10 Okay. Thank you.

11 CHAIRPERSON FIDLER: It certainly
12 is anyone that turns on a football game will see
13 an occasional ad from an alcoholic beverage
14 manufacturer cautioning people not to drink and
15 drive and things like that. I think the Googles
16 or the Facebooks or the Twitters and whatnot might
17 look to see their social obligation here, and I
18 would strongly urge you to look into those
19 partnerships. I know the Bloomberg Administration
20 is very big on the public/private partnership kind
21 of thing. This would seem to scream out for that,
22 so... Council Member Koo, followed by Council Member
23 Williams.

24 COUNCIL MEMBER KOO: Thank you, Mr.
25 Chair and Chairwoman and Ms. Lee from the

1
2 Commission. My question to you is after you do
3 the seminars in the schools, how do you measure
4 the results are better? Because we all know New
5 York City is an immigrant city and students from
6 overseas because of their language, culture and
7 custom barriers, they always suffer from bullying
8 in the schools. And supposedly the students
9 report the incident to the principal. Do you go
10 into the school to give a seminar or?

11 LEE HUDSON: If the students report
12 an incident to the principal, if the principal
13 contacts us, we would definitely—we would be right
14 there, but we're not—I mean they may or may not
15 contact us for that purpose. They may have some
16 alternative structures themselves that they would—
17 it's a great deal of independence among them.

18 COUNCIL MEMBER KOO: So there's no
19 - - in your Commission. You can give seminars,
20 but you can't provide the disciplinary actions to
21 the students?

22 LEE HUDSON: No, we do not provide
23 disciplinary actions to the students in the
24 schools. There are structures within the schools
25 and there's a very extensive disciplinary code and

1
2 a series of steps that each school uses for
3 disciplinary purposes, and we are not a part of
4 that.

5 COUNCIL MEMBER KOO: Okay, so how
6 do we prevent further happening in schools?
7 Suppose in my area, Flushing High School, that a
8 few months some immigrants suffered some bullying
9 from the students, even physically, and then how
10 do we prevent this from happening again? Through
11 the police? Who is the one in charge of giving
12 disciplinary actions?

13 LEE HUDSON: If it occurs in the
14 school, the school takes the primary lead.

15 COUNCIL MEMBER KOO: So the
16 principal.

17 LEE HUDSON: The principal, the
18 guidance counselors, sessions with the parents—
19 there's a step process that they log it, they
20 enter information—

21 COUNCIL MEMBER KOO: [Interposing]
22 So the Commission has no—

23 LEE HUDSON: We are not a part of
24 that disciplinary process. No.

25 COUNCIL MEMBER KOO: Well, then we

1 should build in some disciplinary actions within
2 the Commission to... because otherwise, - - . So I
3 was suggesting when we make this Introduction 363,
4 we have some built in mechanism for some
5 disciplinary actions, if the students or the
6 school do not do remedying actions after students
7 report the incidents. Thank you.

8
9 CHAIRPERSON FIDLER: Thank you,
10 Council Member Koo. Council Member Williams?

11 COUNCIL MEMBER WILLIAMS: Thank
12 you, Mr. Chair and thank you, Ms. Hudson and Mr.
13 Mulqueen. I'm sorry I came late, so I missed
14 testimony and actually some of my questions have
15 been asked, but I guess my first question was—you
16 may have said it in testimony; I tried to read
17 through it—but do you get cases just through
18 students or parents call your office, so
19 everything comes through the school?

20 LEE HUDSON: It's an assortment of
21 processes. We hear about—we get invitations to
22 come into the schools from principals, from school
23 administrators, other types of—parent
24 coordinators, who will often say, "Would you do a
25 presentation at our next parent meeting?" I mean

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it is a wide range of—

COUNCIL MEMBER WILLIAMS:

[Interposing] If I had a child, would I call you?
If my child was being bullied, would I call the
Commission to say my child is being bullied; I
need some help?

LEE HUDSON: You certainly could,
but I mean it would depend on the nature of the
bullying as to exactly what might be the best
direction for you to take.

COUNCIL MEMBER WILLIAMS: So they
shouldn't call you. They should call the school.
Is that what it is?

LEE HUDSON: I guess I'm saying it
depends on what the bullying is. If it's an
interpersonal situation and the young person goes
to their parent, the parent may contact the other
parents or the parents may contact the school and
the Commission would really be unlikely to play a
role in that situation, but—

COUNCIL MEMBER WILLIAMS:

[Interposing] I guess I was trying to see is that
any way a function of the Commission 'cause I
don't think people think of calling the Commission

1
2 when this stuff is happening. So should they be
3 thinking of it or no, they should not be thinking
4 of it?

5 CLIFFORD MULQUEEN: Council Member,
6 I guess if a parent was to contact us—

7 CHAIRPERSON FIDLER: [Interposing]
8 You have to identify yourself for the tape
9 recorder.

10 CLIFFORD MULQUEEN: Cliff Mulqueen,
11 Deputy Commissioner of the Human Rights
12 Commission. If a parent was to contact us in that
13 situation—for instance if I got an e-mail, I would
14 give that e-mail to Deputy Commissioner Hudson and
15 inquiries would be made of the school, whether
16 they were—we would contact them, and see if they
17 were interested in us coming. If it rose to the
18 level of a violation of the Human Rights Law, then
19 the law enforcement bureau could take some action
20 in that instance, but most of the time, it doesn't
21 rise to that level.

22 COUNCIL MEMBER WILLIAMS: So
23 initial contact should be primarily through
24 another agency, not the Commission, - - school at.

25 LEE HUDSON: I would tend to think

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it would transpire in the school.

COUNCIL MEMBER WILLIAMS: So the Commission's role primarily here is in educating and providing information?

LEE HUDSON: That's correct.

COUNCIL MEMBER WILLIAMS: So what two things do you think the Commission could be doing more of, absent of not having funding or anything?

LEE HUDSON: What we're moving toward now is putting more educational resources online ourselves. And I think whether that's in the form of curriculums, in the form of video presentations, which we're working on right now. I think that has probably the most promise for stretching some of our staff and some of our reach. That's probably our primary area of expansion right now--

COUNCIL MEMBER WILLIAMS:
[Interposing] I'm saying funding aside, let's pretend you had all the money you need, what two things--

LEE HUDSON: I think that would be a very profitable direction to go, Council Member

1 Williams. If we were to—and is the direction we
2 are going. We are completely revamping our
3 website so that we are able to provide a lot more
4 of these educational messages and link through
5 community organizations and other organizations to
6 our site in order to deliver them because staff
7 will increasingly be unable to be where they need
8 to be when they need to be there.

10 COUNCIL MEMBER WILLIAMS: So if you
11 had all the money you needed, that would be the
12 one place that you think we would be able to put
13 the resources to best use?

14 LEE HUDSON: I think that would
15 have the best reach.

16 COUNCIL MEMBER WILLIAMS: Okay.
17 Also, I think from what I heard, we weren't doing
18 much in the way of assessing the program to see if
19 they were successful.

20 LEE HUDSON: We were talking about
21 some of the complexity of doing that when our
22 interaction with some of the students is as
23 limited as it is, and assessing what the impact of
24 that is beyond perhaps a simple memory of some of
25 the things that were said.

1
2 COUNCIL MEMBER WILLIAMS: Yeah, I
3 see a lot of the programs actually have—mediation
4 programs, you have trainings for instructors,
5 taskforce—there has to be some way to gauge or
6 something you're looking at to see move up or down
7 to manage to see if these are successful or not.
8 Do you even know what it is you would look at or
9 what you would track?

10 LEE HUDSON: I analyze the
11 responses of my trainers and they are getting as
12 much information from that experience, both before
13 in their conversations with the teachers, why were
14 are there and afterwards, the follow-up that we
15 do. I look at that whole picture—

16 COUNCIL MEMBER WILLIAMS:
17 [Interposing] What's the follow up?

18 LEE HUDSON: Well, it would depend
19 on the situation, whether we go back to the
20 school—sometimes—

21 COUNCIL MEMBER WILLIAMS:
22 [Interposing] No, no, sorry. What's the follow up
23 that you look at after the training?

24 LEE HUDSON: How are we going to be
25 back in touch with this particular school or this

1
2 particular class depending on why we were there in
3 the first place.

4 COUNCIL MEMBER WILLIAMS: Are there
5 evaluation forms after the training?

6 LEE HUDSON: Yes. There are logs,
7 which the staff keep.

8 COUNCIL MEMBER WILLIAMS: Are any
9 of those questions gauging attitude shifts before
10 and after?

11 LEE HUDSON: We do not go in and
12 give the students an attitude assessment at the
13 beginning and at the end of the sessions. We do
14 not.

15 COUNCIL MEMBER WILLIAMS: Is that
16 through lack of resources or just something..

17 LEE HUDSON: I'm not sure that
18 particular measurement based on a half an hour
19 presentation would necessarily be statistically
20 sound to begin with.

21 COUNCIL MEMBER WILLIAMS: So I'm
22 going to try to end up and I'm glad that you're
23 doing all of these things. I would suggest—I'm a
24 little saddened by the answer to my question, if
25 you had all the money in the world, what would you

1 do. Maybe you could think about it a little
2 further, what exactly you could do had you had
3 resources. So maybe that's something that we can
4 help fight for, but without a concrete lists of
5 things, it's probably kind of difficult. And I
6 hope one of those things would be gauged around
7 actually assessing what other work was getting
8 done. Thank you.

10 CHAIRPERSON ROSE: Thank you. I'd
11 like to acknowledge that we've been joined by
12 Council Member Mark-Viverito, Van Bramer, Palma
13 and Ferreras.

14 I'd just like to ask you, do you
15 provide these workshops and seminars to private
16 and parochial schools, colleges and not only
17 public colleges, but private colleges?

18 LEE HUDSON: I don't believe I can
19 think of a private college that we've been to, but
20 all of the others that you mentioned, I would say
21 yes.

22 CHAIRPERSON ROSE: You do. Okay.
23 Thank you.

24 CHAIRPERSON FIDLER: I want to
25 thank you for your testimony this morning,

1 disappointing as the conclusion may have been. I
2 have a long-standing relationship with
3 Commissioner Gatling. Please send her my best,
4 but please as well, send her the message that we
5 would hope that the Human Rights Commission can
6 get on board with Intro 363. 27 Council Members,
7 that's a majority of Council Members, have co-
8 sponsored this legislation. I think that's an
9 indication that the Council believes that this is
10 a problem that needs to be addressed. I think the
11 point that's being made by Intro 363 is that it
12 needs to be mandated. I wish we could go much
13 further. As I pointed out before, I think the
14 real appropriate place for this legislation would
15 be the Department of Education, given their
16 resources and given the fact that they're actually
17 on the front line in classes with students, but
18 lacking that tool, I think the most significant
19 message we can send that cyberbullying is a
20 growing problem, an epidemic problem, something
21 that is not going to go away and get better,
22 unless we address it. The Human Rights Commission
23 is that venue, so please communicate that to
24 Commissioner Gatling. I look forward to your
25

1 supporting this legislation. I believe we're
2 going to pass it. I hope we're going to pass it.
3 I hope the Mayor is going to sign it and that we
4 might be able to make some progress. Just bear in
5 mind that we may never hear from individual
6 children who have been saved from this type of
7 bullying, but you can rest assure that there will
8 be many thousands of them out there. I think that
9 alone justifies Intro 363, so thank you for your
10 testimony.
11

12 LEE HUDSON: Thank you.

13 CHAIRPERSON FIDLER: We have three
14 panels—one of them has a student on it, and we
15 promise to try and get that student back out of
16 here and into their classroom as early as
17 possible, so I'm going to call that panel first.
18 That would be Alexandra Harbor and Alyssa and
19 Parry Aftab from the Wired Society—Wired Safety,
20 I'm sorry. Wired Society. I guess we are a wired
21 society. Thank you and please join us.

22 PARRY AFTAB: Steven, would you
23 pass out some of the testimony? Unfortunately, my
24 photocopier ate my testimony, so we have some for
25 you and we will e-mail the rest. I have one copy

1 of this [off mic]. My name is Parry Aftab. I a
2 New York lawyer, as well as one in New Jersey and
3 I run the world's oldest and largest Internet
4 safety charity. It's called WiredSafety. You may
5 recognize us. We're the experts for Dr. Phil on
6 the Today Show and Good Morning, America and CNN
7 and MSNBC and Fox, but we also run
8 stopcyberbullying.org, which is the oldest and the
9 most popular cyberbullying website and program in
10 the world. We have been doing this since 1995,
11 since a year and a half after the Internet
12 started, and our work began—and we are all unpaid
13 volunteers in our charity and that includes me.
14 Our work began in protecting adults from
15 cyberstalking and harassment, but as kids started
16 getting online, we realized that they were far
17 more creative and had far more time to burn than
18 their adult counterparts. We have been working on
19 cyberbullying for 16 years, longer than anyone
20 else. We are one of five members of Facebook's
21 International Safety Advisory Board. I'm happy to
22 make any introductions to the New York City
23 Council, your commissions or the Human Rights
24 Commission to them. I'm also a member of the
25

1
2 Advisory Board of MTV's A Thin Line campaign,
3 which is their multi-year campaign to deal with
4 digital drama and cyberbullying. I'm happy to
5 make the introductions there. We advise Google.
6 We advise Webkinz [phonetic]. We advise Disney.
7 We advise Microsoft. We advise everyone in the
8 industry who has a role, but more importantly, we
9 talk to 10,000 kids a month, and have been doing
10 so for many years. I'm going to introduce you to
11 two of my Teen Angels. Teen Angels are 13 to 18
12 year old teen Internet safety experts. It takes
13 them two years to earn their training, and their
14 wings. We have girls and boys. I was only able
15 to wrench one of my college students; she started
16 nine years ago and one of my high school students,
17 out of school today. They come in all shapes,
18 sizes, colors and accents, and they've testified
19 before the United Nations on cyberhate a few
20 minutes after the head of the United Nations
21 spoke. So I'm going—Alyssa, I'm going to let you
22 get started first, and...

23 ALYSSA AFTAB: Great. Good
24 morning. Thank you so much for this opportunity.
25 It's such an honor to be speaking to you guys this

1
2 morning. I recently just finished my junior year
3 in college. It's surreal to me that I've been
4 working for nine years—

5 CHAIRPERSON FIDLER: [Interposing]
6 You're going to have to start with your name,
7 Alyssa.

8 ALYSSA AFTAB: Sorry. I'm Alyssa
9 Aftab. I'm Parry's second cousin, so distant
10 relative, but...

11 PARRY AFTAB: [off mic] wrench her
12 out last minute.

13 ALYSSA AFTAB: Right. She has that
14 on me, but it's actually been such a pleasure.
15 When I was about 11 years old, I had an experience
16 with cyberbullying myself, so luckily, I had an in
17 in the industry I guess, where I had the
18 opportunity to actually get involved and get
19 proactive in the process of sort of protecting
20 myself and that's when I first got involved with
21 Teen Angels. I earned my wings before I even
22 became a teen--working with the FBI, speaking to
23 the Senate and working with schools and speaking
24 to kids themselves. What's so interesting about
25 Teen Angels is that while we are experts in the

1 field, we are also still teens. I'm no longer a
2 teen now, but throughout my work—my nine years—it
3 was really interesting speaking from the
4 perspective of a teen and speaking to the teens
5 themselves because we could identify on such a
6 personal level sort of experiencing so similar
7 experiences. What is so great about what we're
8 doing here today about laws that do help to
9 protect kids and teens online is that the more
10 laws we have the better we can protect kids, pre-
11 teens and teens. And the fact that we are here
12 today, we can take action. And when we are
13 approached with instances of cyberbullying or
14 harassment, we need to be able to take action.
15 Parry and I had been speaking about bias-based
16 attacks and what really struck me and throughout
17 my experience working with Teen Angels was how
18 amazing the community online is—that it is so
19 different from a playground—where online behind
20 your computer screen, you can assume whatever
21 identity you please, and in some ways, that's a
22 very awesome opportunity. That's great, but the
23 dangers behind it are far greater. And for teens
24 especially when they are still trying to figure
25

1
2 out what their identity is, it is abused. What we
3 can do as Teen Angels is really get in there—get
4 into schools, get into the kids' minds and really
5 address the issues that they're dealing with and
6 inform them how powerful their words really are
7 and their attacks are online. What's interesting
8 about biased attacks is that addresses the
9 identity issue itself—that our entire society,
10 we're used to assuming stereotypes. That's how we
11 identify people. That's how we identify ourselves
12 and make decisions based on those differences, for
13 good or for worse. But what is so problematic
14 about biased attacks is that they're abused simply
15 because we dehumanize the people we're attacking.
16 They no longer have an identity. The only
17 identity they have is the stereotype we've assumed
18 that they possess. So for cyberbullying, it makes
19 you feel uncomfortable, but it also gets under
20 your skin. When it attacks your identity, the
21 things that you identify yourself as online—your
22 religious beliefs, your sexual identity, your
23 gender, your race—those things are how you
24 identify yourself, so it is a personal attack.

25 I had an experience myself. I go

1
2 to a Christian college and on my Facebook, I
3 identify myself as a Christian, but what you're
4 automatically putting yourself out there by
5 exposing something so personal to you, and for me,
6 my religious beliefs are my identity, and I think
7 a lot of us, if we are religious people, then that
8 is something that is really important to us. So
9 whether a Muslim girl on a playground under-a
10 shawl on her head, that's a very personal
11 experience if a bully comes up to her and bullies
12 her, she can see her face. She understands that
13 she is a human. Although she is shawled by her
14 religious cloak, she is still a human and in that
15 way, you can identify with her and still have some
16 sense of remorse. But what really struck me about
17 the concept of biased attacks online specifically
18 is that that identity, her religious affiliation
19 online, she doesn't have a face because all the
20 bully sees is a computer screen and therefore,
21 that bully can hide behind their computer screen
22 and not identify personally with the person
23 they're attacking. So in that way, I think what
24 we're doing today is so important and so vital for
25 each of us as we identify ourselves so personally

1
2 with these biases that we have assumed in our
3 society, but for whatever reason, this is why
4 we're here today and I thank you guys.

5 PARRY AFTAB: We'll take questions
6 at one time if that's okay, and I'll answer a lot
7 of questions that you had asked before that other
8 people didn't know the answers to that we do.
9 Alex, would you introduce yourself please?

10 ALEXANDRA HARBOR: Okay so, my name
11 is Alexandra Harbor and I'm a junior in high
12 school. And as a high school student in such
13 close proximity to Rutgers, the Tyler Clementi
14 tragedy really resonated with me in a big way.
15 I've been with Teen Angels for over six years now
16 and I'm also a member of the Youth Leadership
17 Council in my school. I have an active role in
18 raising awareness for these issues. I visit the
19 elementary schools, the middle schools. I talk to
20 kids about bullying online and on the playground
21 even. As a Teen Angel, I've been on Good Morning,
22 America and BET's Stop Cyberbullying Week, as well
23 as WiredSafety's yearly summit at the Senate. I
24 really think that this is just a really big issue
25 for everyone and as a high school student and an

1
2 older sister, especially with my younger sister,
3 it's just really scary to see her going into this
4 new environment and not being equipped with the
5 right things and I try to help her as I can as an
6 older sister. As a Teen Angel, I really want to
7 stress how prevalent this issue is in my life and
8 support the passing on the belief that the best
9 way to fight cyberbullying is through awareness
10 and also stress that I think the most important
11 thing is that the message is coming from the
12 student's peers because you really are effected by
13 the people around you. If your friends are
14 against it, if everyone you know is against it,
15 then you're going to be a lot less likely to do
16 it. That's it.

17 CHAIRPERSON FIDLER: Before you
18 continue I just--first, I want to thank both of our
19 Teen Angels here for their testimony. I just want
20 to say that to the last point, I think that's very
21 appropriate. I wish I could legislate the kind of
22 volunteerism that the two of you are showing, but
23 obviously, we can't do that. It is in fact that
24 very peer dynamic that makes cyberbullying so
25 dangerous and fighting fire with fire is probably

1
2 the best possibly approach, if we could find a way
3 to make sure that it reached everywhere and every
4 how. The other thing I just wanted to comment on
5 is--no one that is sitting up here needs to
6 understand--have it explained to them what happens
7 with the anonymity of the Internet. I'll speak
8 for myself. I'm sure my colleagues all understand
9 it as well. The things that are said about people
10 in our profession on blogs, on the Internet are
11 incredibly vicious--

12 PARRY AFTAB: [Interposing] Which
13 is why we protect adults as well, especially when
14 they're involved in government.

15 CHAIRPERSON FIDLER: The point is
16 that it comes unfortunately along with the job.
17 I'm an adult. I can defend myself and even if the
18 person that is spreading untruth about me or one
19 of my colleagues hides behind the cowardice of
20 anonymity, we have a way of doing something about
21 it. The real problem I think is when it's a ten
22 year old, a 12 year old, a fifteen year old,
23 someone who is still struggling with who they are
24 in the world and the insecurities that come along
25 with the tenderness of age. That is why I think

1 this is such a critical issue for us to address.
2 It's not going to go away. I appreciate the fact
3 that you've been on this since the '90s. I'm sure
4 that - - tell us that the problem has gotten worse
5 and not better, as the Internet and technology is
6 expanded, and as communication becomes even more
7 instantaneous and even broader-based. It's only
8 going to continue to be that way, so I just wanted
9 to say thank you for the efforts that all three of
10 you are making upfront.
11

12 PARRY AFTAB: I have to tell you
13 that that type of insight is unusual at any level
14 and certainly, particularly unusual when you're
15 dealing with politicians who often don't get the
16 nitty gritty on really what's happening and your
17 insight is spot-on. We appreciate it, which is
18 why we are involved and spilling water everywhere.
19 So, let me tell you a few things. A) Teen Angels
20 is free. It's online--any school, any faith based
21 organization, any law enforcement official,
22 anybody that's--City Council Members, anybody who
23 wants to, where I have two adults that are willing
24 to sign up and volunteer for the charity, also
25 free, but we do background checks to find out who

1
2 they are, can deliver our programs that are
3 available for free online. We took our programs
4 and we scaled them back and we created the program
5 for the Girl Scouts of the USA, called Let Me
6 Know, lmc.girlscouts.org, which is Teen Angels
7 Light. We have a million-dollar toolkit that gets
8 released in two weeks, totally free, for schools.
9 Now we found that it's very difficult working with
10 political and sometimes regulatory authorities in
11 the school systems, Department of Educations can
12 sometimes be a little insular and talk to
13 educators but not to lawyers and non-profits, so
14 we created a toolkit that is free for schools,
15 making the schools the distributor/facilitator for
16 everything. It's K through 12. It comes out in
17 two weeks. I tried to type over the weekend as
18 fast as I could to fix typos, so I will release to
19 you one filled with typos this week—the secret
20 until we put it out on the Today Show next week.
21 It has a \$350,000 computer game that teaches
22 children, middle schools and older elementary
23 school students, everything they need to know
24 about cyberbullying as they qualify for a member
25 of Alex Wonder's Kids Cyber Detective Agency.

1
2 It's part Scooby Doo and part Encyclopedia Brown,
3 where he works from the janitor's closet, solving
4 cyberbullying cases. We had enough funding for
5 the game. We didn't have enough funding to add
6 all of the cases to it, so we will sending those
7 out by e-mail. The toolkit—we got enough funding
8 to build the toolkit, didn't have enough money to
9 put them on DVDs. If the City Council wants to
10 put them onto DVDs, we will give them to you;
11 otherwise, we will make an e-mail link available
12 to any school in the city obviously. 85% of the
13 kids we have polled around the country, 45,000 of
14 them in middle school, have told us they were
15 cyberbullied at least once. We vehemently support
16 your bill--WiredSafety, Parry Aftab and all of the
17 various capacities in which I speak, the Teen
18 Angels individually and as a group. I will tell
19 you what I would suggest we change.

20 Cyberbullying ranges from, "You're
21 fat and ugly" sent repeatedly in one day to "I'm
22 going to kill you. I'm going to kill your mother.
23 I'm going to rape you if you don't do whatever."
24 We need to define it. I think we need to define
25 it better in the bill. You're going to have some

1
2 problems defining cyberbullying. Among the
3 experts in the world, none of us can agree. My
4 simple definition is the use of digital technology
5 by one young person as a weapon against another.
6 So I would instead of just using cyberbullying,
7 you may want to indicate any of the foregoing, the
8 intimidation, the harassment, the extortion, all
9 of the other things, including the use of digital
10 technology to do any of those things, might get
11 you a little further. I suggest that we should at
12 least think about the definition or provide
13 guidance on how that word should be used. I will
14 give you everything we've got. You want to as the
15 New York City Council, any of you individually for
16 your own jurisdictions, if you want to give me a
17 video, I'll give you a customized version of the
18 toolkit. You can put it in your own e-mail and
19 put it out to all of your schools. What we need
20 to do is get kids involved more. The good thing
21 about WiredSafety is we have 16,000 volunteers and
22 none of us is paid a dime—the bad thing is none of
23 us is paid a dime, but we have been very good and
24 better than most in getting people who care out
25 there to make a difference. I will donate our

1
2 time and my expertise and that of Teen Angels from
3 the New York metropolitan area, so whoever is in
4 school that day will be able to get another one to
5 create a program that will train the trainers here
6 in New York. I will teach teachers. I will teach
7 kids. I will teach college students. We can
8 reach out. I'm a graduate of Hunter. We could
9 reach out to Hunter. We could reach out to NYU.
10 I went there too. Pace University partners with
11 us. They have doctoral programs where they train.
12 They're right down the street. I suggest that we
13 train a lot of people who care and I'm willing to
14 come out to each of the schools—not every school
15 in each of your districts. I'll come to every
16 single one of your areas and I will talk to at
17 least one school. When you talk to them, you get
18 the kids involved. And once they're involved and
19 the parents are involved, they will change things.
20 None of us need to be told how to look both ways
21 before we cross the street. That we get. Somehow
22 though—although parents understand we can get hit
23 by cars, we don't understand how kids are using
24 digital technology to torment each other.

25 There are 75 different ways kids

1
2 have identified to me that you can use a cellphone
3 to cyberbully someone. They're even now swapping
4 off SIM cards when the phone is unattended, so
5 that they can make a phone call from their own
6 phone pretending to be their victim. 70% of
7 cyberbullying occurs anonymously, either through
8 stolen identities, fake identities or full
9 anonymity. Kids do anything they want to do when
10 no one knows who they are and they are often
11 unaccountable because people don't know how to
12 investigate them. Only 5% of the kids in middle
13 school and high school ever report cyberbullying
14 to anyone other than perhaps a friend and because
15 of the anonymity factor, they don't know if that
16 is their friend or their worst enemy hiding behind
17 that ID. They share their passwords—70% of high
18 school students do. 85% of elementary school
19 students do. They're friends today. They're
20 enemies tomorrow. Knowing their secrets and their
21 passwords, kids can destroy their lives.

22 Facebook has just recently launched
23 something that hasn't gotten a level of press it
24 should. I was in Italy at the time we launched
25 it. It is a full program to address

1
2 cyberbullying. It allows the targets of
3 cyberbullying to forward the cyberbullying message
4 to people in authority, to their parents, to their
5 schools. It allows things to be captured. It
6 gives them training and now that you can identify
7 your devices to your profile, so that even if
8 somebody has your logon and password, if they're
9 not logging in through your device that you've
10 registered, they can't get in. They collect IP
11 addresses anytime you touch the site in any
12 meaningful way. They will turn that over to law
13 enforcement when they need to under exigent
14 circumstances or pursuant to a subpoena or court
15 order.

16 We need to recognize that this
17 can't be solved without all of the stakeholders at
18 the table. The industry has to be here. We need
19 to make sure that educators are here. We need to
20 make sure that governmental representatives,
21 policymakers, lawyers, judiciary are here. We
22 need to make sure that law enforcement and
23 investigators are at the table. We have to have
24 parents here and mental health professionals and
25 wellness professionals and technology experts and

1
2 we need to make sure it works, and you can't do
3 that without the kids.

4 Cyberbullying starts in second
5 grade. I was doing a presentation to a number of
6 parents one night. Somebody brought a second
7 grader. They didn't have a babysitter. I said,
8 "What is cyberbullying?" Parents raised their
9 hands and this little girl did, so I figured, what
10 the heck and I said, "What's cyberbullying?" And
11 she said, "Cyberbullying is when if you like a
12 boy, but he is already going out with somebody,
13 you go online, pretend to be his girlfriend, break
14 up with him, and then he can ask you to the
15 dance." Now, I wasn't sure what she was going to
16 do when she got to third grade..

17 [laughter]

18 So on Webkinz, kids steal each
19 other's passwords. My third grade niece called me
20 in tears. My sister is a kid doc for AOL, so she
21 is an online pediatrician. Apparently, my mother
22 was out the day they taught professional daughters
23 how to earn a living with their degrees. She
24 called me and she said, "I know I'm not supposed
25 to give out my password, but my best friend said

1
2 that if I didn't, I wasn't her best friend and I
3 said no and she said yes and I said no and she
4 said yes, so I said okay, and I gave her my
5 password, but it's okay 'cause I got her password
6 too. And the next day when I logged into my
7 Webkinz account, all of my stuff was gone. All of
8 my gold and all of my points and all of my really
9 cool things, they were all gone, so I asked my
10 brother and he said she probably stole them. So I
11 used her password and went into her account, and I
12 stole them back. I didn't take anything except
13 the stuff she took from me," she said. "So what
14 do you think?" I said, "Change your password.
15 Don't tell your mother." And I called Webkinz and
16 the other girl's account was cancelled. There is
17 a perk sometimes. So we have to make free
18 resources—we need to work together.

19 My husband, who is running the
20 camera, is from Canada and he runs a child safety
21 research and innovation center. Allan is the only
22 one who knows how to measure changes in attitude.
23 He uses serious games to do that. His first game
24 will be out in another couple weeks. It cost \$3.5
25 million, so I had to marry him for rights to the

1 game. We can do something like that
2 cyberbullying. I can measure what they know at
3 the end of sessions and we do all the time. And
4 we do our research through our teens because we
5 find teens and pre-teens don't lie to each other.
6 They'll lie to us. If we ask them if they've been
7 bullied, if their parents are around, they're not
8 going to tell us. But if kids ask them, we get
9 real answers. I'm happy to share those. On June
10 8th, for the twelfth year, the first one was
11 actually given here in New York at the Police
12 Plaza, but since then we give them in Washington.
13 We're holding the WiredKids Summit, given entirely
14 by teens and pre-teens, where they share their
15 research and talk about these issues to elected
16 representatives, everybody from the industry, the
17 professionals who sit in the audience and listen
18 to kids. We passed out comics--did we pass out
19 some of the things we had? Yes. So we have comics
20 Marvel donated a license to us to do these comics.
21 We only got them funded once to have them printed,
22 so what you have is a collector's item. We do
23 programs for kids. We do competitions that the
24 kids can do--posters. We have drop the mouse and
25

1 walk away from the computer and no one gets hurt"
2 skits Law and Order style. We have the kids get
3 up and do the dramas. We have kids go out and
4 counsel. We are creating a teen help line, where
5 teens will be able through texting, online and
6 phone eventually to help other kids who have been
7 cyberbullied. We do this together. None of us
8 have any money, and I'm happy to lend what we
9 have, but we have more resources than anyone on
10 Earth. For every stakeholder, we've been doing
11 this for a long time. We're really good at it.
12 We get the kids involved. Anything I have is
13 yours. Anything I can do to help--and I have one
14 thing to ask. Someone before asked if anyone had
15 unlimited funding. I don't need unlimited
16 funding. When I pay people, they don't do what
17 they're supposed to do. When they volunteer their
18 time, I get amazing people.

19
20 I want a teen summit here in New
21 York. We do them all the time. I think it's time
22 to do one right here. We get students from each
23 of the schools from all of the five boroughs. We
24 pull them together. I'll help facilitate it. My
25 Teen Angels will as well. I'm sure we can get

1 Pace to donate their space downtown if we want to.
2 We pull together student leaders and students who
3 care about these issues. They will tell you what
4 you need to do. They will give you the answers
5 and we will empower them at the same time. At the
6 end of that day, I will teach them what to do to
7 take it home--what they need to do when kids ask
8 them what to do, what they need to do to make
9 themselves safer. We'll teach digital hygiene.
10 We'll teach that cyberbullying is not about
11 conflict resolution. It's about contempt. We
12 will teach them what to do when they are
13 cyberbullied, what to do when they see it. We'll
14 teach them where to report it, what to say and how
15 to change the world. You give me a location. You
16 give me some of the kids. I'll donate everything
17 else. We'll make this happen--and here in New
18 York. I'm a New Yorker. Thank you.

20 CHAIRPERSON FIDLER: Well, let me
21 just say to you that you may get your wish more
22 quickly than you think. I believe that Speaker
23 Quinn is currently working on an event for June
24 around cyberbullying.

25 PARRY AFTAB: She is and I've been

1 asked—and I MC-ed her last event.

2 CHAIRPERSON FIDLER: Well, there
3 you go, so I certainly will make sure that you're
4 hooked up for that. What I can ask you in return
5 is that I believe we had been hoping that one of
6 the major Internet technology companies would be
7 helping us with that and I believe that we had a
8 sponsor and they backed out, so—
9

10 PARRY AFTAB: [Interposing] I will
11 be meeting with that particular sponsor in their
12 corporate headquarters in about a week and I will
13 make your pitch for you.

14 CHAIRPERSON FIDLER: Okay, so I'm
15 going to make sure that the appropriate members of
16 the Speaker's staff follows up with you directly.

17 PARRY AFTAB: Thank you. They're
18 already in good touch and they're amazing people.

19 CHAIRPERSON FIDLER: Okay. Great.
20 I'm very glad to hear that. The other thing I
21 would say is as soon as you have the link up to
22 your debugged program—I know I have 40 schools in
23 my district. I've provided computers to every
24 single one of them. I'm going to send a letter to
25 them with your link, and saying if you're using

1
2 the computers that I provided for you, I want you
3 to use them for this as well. I'll make sure that
4 the word gets out to the schools in my district
5 and do my part.

6 PARRY AFTAB: The
7 stopcyberbullying.org, which is our main
8 cyberbullying site, has a link today to the game.
9 The game is finished and debugged. You can
10 download it. It's stand alone. It's free. And
11 the kids at the end of all of this with lots of
12 different multimedia, learning styles, all of the
13 things that educators tell me we need to do, the
14 kids will earn a certificate the become a member.
15 So today if you send them the
16 stopcyberbullying.org, they can download the game.
17 The toolkit I will get you a draft. Find any
18 spelling errors you can. Let me know if you want
19 to customize it and we'll launch that within the
20 next two weeks.

21 CHAIRPERSON FIDLER: Great.
22 Anybody else?

23 CHAIRPERSON ROSE: I want to thank
24 you. This is the kind of innovative, interactive
25 initiative that I've been looking for and I will

1
2 be in touch. I just wanted to know, have you ever
3 worked with the Human Rights Commission in any
4 instance in terms of an event or workshops—

5 PARRY AFTAB: [Interposing] No.

6 When I was in law school, I think I interned for a
7 brief period of time with the New York City
8 Division of Human Rights. We have not worked with
9 them, and it's interesting because Secretary of
10 Education Duncan, the Federal Secretary of
11 Education, brought 100 of us to Washington in
12 August and actually paid our way, which tells you
13 how serious they were, to bring us all together
14 and look at this issue. And it was the first time
15 I started thinking about cyberbullying and the
16 civil rights matter and they issued a letter
17 indicating under existing laws, the schools have
18 authority under civil rights authority to deal
19 with cyberbullying, even if it sometimes occurs
20 outside of school. They may be able to bring that
21 in. I would love to do something and if we do a
22 youth event, I think they need to be a part of
23 this. There's so much they need to do. We tend
24 to operate in siloes and that has to stop. Nobody
25 has any money. Each of us has our own unique

1
2 perspective. This has got to be the potluck
3 dinner that the person who makes the best biscuits
4 in the world brings those and somebody else brings
5 the cake and somebody else makes the salad and
6 ambrosia. If we do that, we'll have a program and
7 we'll have it tomorrow. These things are out
8 there, but nobody knows about it.

9 CHAIRPERSON ROSE: You're
10 absolutely right. I'm sure you have some data and
11 statistics about cyberbullying and-

12 PARRY AFTAB: [Interposing] I do.

13 CHAIRPERSON ROSE: Do you have
14 things that are germane to New York City?

15 PARRY AFTAB: Yes, and there was a
16 young woman who was going to be joining us today.
17 Unfortunately, something came up this morning.
18 She couldn't. So I will very quickly summarize
19 what she was going to tell us. She is a resident
20 of Newark, New Jersey. And Newark has a lot in
21 common with New York. It's a large urban town.
22 She's black. There's a lot of poverty - -
23 pockets. Nefisa [phonetic] was a student-she's an
24 honors student. She already has a scholarship to
25 go to college. She hasn't figured out where she

1 is going yet. Her mom's a teacher. When she was
2 13, there was another girl in her school—same
3 color, same skin tone, roughly the same body shape
4 and size—that becomes relevant because the other
5 girl went online, taking naked pictures of herself
6 from the neck down and posting them, saying they
7 were Nefisa. And she sent them to creep groups
8 and senior boys in high school, saying I'm really
9 interested in having sex with you. When they
10 approached her, she couldn't understand why this
11 was happening. They thought they were being led
12 on. There was a great deal of anger. When that
13 wasn't enough, this girl went online and she
14 started harassing the thugs and bullies and gangs.
15 "I'm going to get you. You guys are losers. I'm
16 going to beat you up." And then when people would
17 jump her on the street, she didn't know where it
18 was coming from 'cause this girl had now worked on
19 an identity that existed for two years, so nobody
20 would believe that this wasn't Nefisa. She had a
21 fake Facebook page for that long. And all of
22 Nefisa's friends had friended her, thinking it was
23 typo or something.

25 What we're now seeing and something

1
2 I truly want to do more research on--and no one
3 has better gang experts than New York City and
4 perhaps, this is something that we can do
5 together--is look at cyberbullying as violence
6 because what's now happening--there's cyberbullying
7 that starts online and ends online. And often
8 those are the girls and the geeks--the kids who
9 were beaten up in real life can pretend to be the
10 big thugs online, and they often had better text
11 skills and more time. They're very creative at
12 this, so they could be as big and strong and tough
13 as they want to be, if nobody knows who they are.
14 Offline you've got the thugs and the mean girls,
15 reputation, exclusion, physical attacks, threats,
16 extortion and extortion is what's used by fourth
17 graders. That's their favorite method of
18 cyberbullying. If you don't do this, I'm going to
19 tell everyone you wet the bed or whatever.

20 So as you look at these issues, the
21 offline bullies are now using online tools, but
22 you have this group that's unique online. And now
23 we have something brand new and I saw it this
24 spring. Senator Lautenberg had asked me to speak
25 to a number of schools, more intercity/urban

1 schools, and I went out and I was starting to see
2 shocking behavior. Fourth, fifth graders who were
3 doing the "drop a mouse and nobody will get hurt"
4 skits, all had a physical violence component to
5 it. Very new. When you talk to 10,000 kids a
6 month in person, you notice quickly that something
7 is going wrong. I talked to kids in Paterson and
8 Roselle and I talked to kids in Newark and every
9 single one of the inner-city environments, there
10 was a physical element to it. I spoke in Philly
11 and I had the same thing in Philly. So I went
12 back to my researchers. I went back to the kids.
13 When Nefisa's story hit, I realized that
14 cyberbullying has now become life-threatening and
15 more than jest-kids taking their own lives. We've
16 seen pockets of violence. We've seen attacks with
17 knives, attacks with deadly weapons and the rest
18 of it, but this is now organized where the kids
19 who want to hurt someone badly will use gangs and
20 other violent radical groups to do it for them.
21 And these groups have no idea that they're being
22 manipulated by a 12 year old. So what we intend
23 to do is create a new program for the gang
24 educators to reach out and let them know that when
25

1
2 they see something that doesn't make sense 'cause
3 this person is not on their bandwidth. The person
4 hasn't been attacked. The person is not a member
5 of another gang or radical group and when you see
6 a threat that comes from that person, it's
7 probably from some kid who's just trying to mess
8 with their heads. If we can get that to them,
9 maybe we'll save lives. Otherwise, we're going to
10 start seeing gang attacks that are provoked by
11 kids who are bored.

12 CHAIRPERSON ROSE: Thank you so
13 much. I just want to thank you for your
14 suggestion about extending out the definition of
15 cyberbullying. It does include a lot of other
16 things—

17 PARRY AFTAB: [Interposing] We'll
18 send you our latest list, but if you make it broad
19 enough so that it's—or any use of digital
20 technology in any of the foregoing, you'll
21 probably be okay. I'm happy to help. There's
22 also a federal cyberstalking law that no one knows
23 about. It should have been used in the Megan
24 Meier case. It was signed into law by Bush in
25 January of 2006 and it says that if you use

1
2 digital technology to contact somebody with an
3 intent to annoy, it's a felony—two years in prison
4 and serious fines. No one is using it, but there
5 is a federal law. There are lots of other things
6 they're trying, but nothing really going there.

7 CHAIRPERSON ROSE: So I want to
8 thank you and I just want to acknowledge that
9 Council Member Mealy has joined us.

10 PARRY AFTAB: Wonderful.

11 CHAIRPERSON FIDLER: As well as
12 Council Member Rodriguez. So thank you for your
13 testimony. Just apropos of the comment about
14 physical violence, certainly that's an escalation
15 that we need to be mindful of, but there's an old
16 kid's line "sticks and stones may break my bones,
17 but words will never harm me" and quite frankly,
18 that is completely untrue. As we get into the
19 Internet age, it becomes even more so. The damage
20 that's done by cyberbullying can be lifelong and
21 devastating, so I really appreciate the work the
22 three of you are doing. You can be sure that
23 we're going to be reaching out to you.

24 PARRY AFTAB: Thank you. NIH did
25 studies comparing cyberbullying and offline

1
2 bullying per rates of depression and found that
3 cyberbullying had a much higher rate of
4 depression. You go back and revisit the scene of
5 the crime every time you re-read the text or see
6 the picture or see the nasty things. You tend to
7 believe what you see in writing. It follows you
8 to grandma's house in Florida and to camp and to
9 the mall and back again, and you have no safe
10 place to hide. I applaud the New York City
11 Council for doing this. Two years ago when the
12 first conference was held on cyberrisks, it's the
13 first time a city anywhere in the world to my
14 knowledge has held a conference on those issues,
15 and I'm excited to help and I will reach out to
16 those particular sponsor and maybe some others and
17 see if we can get you some help.

18 CHAIRPERSON FIDLER: Thank you.

19 CHAIRPERSON ROSE: Thank you very
20 much.

21 CHAIRPERSON FIDLER: Our next panel
22 is Nicole Avallone from the Lesbian, Gay,
23 Bisexual, Transgender Community Center and Dr.
24 Robert McGarry from GLSEN, Gay Lesbian and
25 Straight Educational Network. Just jump in there.

1
2 NICOLE AVALLONE: Hello, good
3 morning. Good afternoon. My name is Nicole
4 Avallone and I'm going to just read a statement
5 for you, regarding the Center's position on the
6 issue. As I said, my name is Nicole Avallone.
7 For over a decade, I've provided support services
8 to LGBT youth and adults in the New York City area
9 as well as on the West Coast. I'm currently the
10 director of youth services at the Lesbian, Gay,
11 Bisexual and Transgender Community Center's
12 Community Services Department.

13 I'm here today to testify in strong
14 support of the City Council's proposal to require
15 the Commission on Human Rights to educate the
16 public on bias-related harassment and in working
17 to the same end with city, state and federal
18 agencies to educate public employee's strong
19 support. Working with LGBT youth, there is not a
20 day that goes by that I do not hear a story of the
21 damaging effect of bias in the lives of our young
22 people. Just last week, a young man came to our
23 program to share that he was afraid to walk down
24 the halls of his school because rumor had gone
25 around that he might be gay. He tried to laugh

1
2 off the hateful comments thrown his way, but he no
3 longer felt motivated to go to school and didn't
4 know where to turn. When he finally had the
5 courage to speak with the school counselor, he was
6 told that maybe he should change the way he
7 dressed, so that he didn't draw so much attention.
8 But no change of clothes could have stopped him
9 from being slammed into a locker, repeatedly
10 harassed and humiliated until he eventually
11 stopped going to school altogether. That was the
12 condition he was in when he finally came to our
13 program. This young person when he found his way
14 to our program felt completely alone because his
15 community had failed to provide what every young
16 person deserves—a safe supportive space to learn.

17 At the center, we support young
18 people to be agents of change in their families,
19 social circles and communities. We offer
20 supportive individual and group interventions to
21 help LGBT youth deal with the traumas of bullying,
22 including cyberbullying through counseling and
23 support groups. We facilitate the Safe Schools
24 Network, a project that gives young people the
25 skills and support they need to develop and

1
2 maintain gay, straight alliances and other youth
3 groups in their schools and communities. The
4 young man who came to our program found a
5 community that accepted and supported his right to
6 be himself, but we cannot do this work alone. We
7 need your help. The need for bias-free spaces for
8 LGBT youth is paramount. Nationally, we know that
9 LGBT youth are far more likely than their non-LGBT
10 peers to skip schools, have far greater dropout
11 rates, are more likely to run away from home,
12 struggle with substance use, low self-esteem and
13 depression and are four times as likely as their
14 non-LGBT peers to attempt suicide.

15 This is unsurprising when key
16 findings of a 2009 survey, which I believe my peer
17 here will be speaking to, have found that in New
18 York City, three in four young people experience
19 verbal harassment because of sexual orientation,
20 three in five because of gender expression, one in
21 four experience physical harassment because of
22 their gender, one in ten because of their sexual
23 orientation. Nearly half reported experiencing
24 electronic harassment or cyberbullying and about
25 40% had property damaged or stolen--40% of those

1 surveyed in New York City schools. Furthermore,
2 the majority of New York City students who were
3 harassed or assaulted in school never reported it
4 to their school or to family members. Among those
5 who did, nearly half didn't feel that they got the
6 help that they needed.
7

8 We need to do better and we can.
9 Significant research and the experience of
10 providers such as myself show that school and
11 community-based interventions work. No young
12 person should fear for their safety because of
13 their sexual orientation, gender expression or any
14 other aspect of their identity. The Center is
15 thankful that this conversation is taking place
16 today. We are hopefully that the City Council's
17 imitative is something that could contribute to us
18 bringing more attention and more focus to this
19 issue. We look forward to collaborating with you
20 on developing new programming and hope to work
21 together to reduce the damaging impact of bias-
22 related harassment in our communities. Thank you.

23 ROBERT MCGARRY: Good morning. My
24 name is Robert McGarry. I'm the director of the
25 education department at GLSEN, the Gay, Lesbian

1
2 and Straight Education Network. For those
3 unfamiliar with GLSEN, GLSEN is the leading
4 national education organization focused on
5 ensuring safe schools for all students. GLSEN
6 envisions a world in which every child learns to
7 respect and accept all people, regardless of
8 sexual orientation or gender identity and
9 expression. GLSEN seeks to develop school
10 climates where difference is values for the
11 positive contribution it makes to creating a more
12 vibrant and diverse community.

13 I'm here today to speak in support
14 of the proposed law to amend the New York City
15 Charter and the Administrative Code of the City of
16 New York in such a way as to require the
17 Commission on Human Rights to educate the public
18 on various types of bias-related harassment. At
19 GLSEN, we know that education matters and we
20 believe that it is education that helps us realize
21 change. We have evidence of that right here in
22 our city. In 2007, GLSEN partnered with the New
23 York City Department of Education in a
24 collaborative effort to help create safer schools
25 for all students, including lesbian, gay,

1 bisexual, transgender and questioning youth. We
2 continue to be part of the New York City
3 Department of Education's Respect for All
4 initiative. The Respect for All training program
5 was implemented by the Department of Education to
6 ensure that every secondary school had school
7 personnel who would serve as a support to LGBTQ
8 students and combat bias-based bullying and
9 harassment. Particularly, bias based on sexual
10 orientation, gender identity or gender expression.
11 Training for staff in each school is a large part
12 of the initiative. Specifically the New York City
13 DOE developed and implemented a two-day training
14 program for secondary school educators on how to
15 address bias-related bullying and harassment with
16 a specific focus on bullying and harassment on the
17 basis of sexual orientation, gender identity and
18 gender expression. Findings from ongoing
19 evaluation of this program demonstrate that the
20 education it provides is an effective means for
21 developing the competency of secondary school
22 staff to address name calling, bullying and
23 harassment on the basis of sexual orientation,
24 gender identity and gender expression and to
25

1 create safer school environments for LGBTQ
2 students. Those who have taken the training
3 report that it was very useful and helped them
4 become more supportive of LGBTQ students. They
5 stated that it made them more aware of anti-LGBTQ
6 bias in their schools and in themselves more
7 sensitive to the needs of LGBTQ students and more
8 confident in their abilities to address these
9 issues. Furthermore, they claim that as a result
10 of the training, they intervened in anti-LGBTQ
11 remarks more often, made efforts to be inclusive
12 in their own practices and talked with students
13 and staff about these issues. Participants
14 indicated that the training encouraged them to
15 take action in their school. And here we get to
16 some real statistics that I think that the
17 Committee was looking for earlier... Findings from
18 an overtime analyses indicated that the training
19 had an effect on awareness of educators on
20 practices, beliefs and the importance of
21 intervention and intervention in LGBTQ language.
22 In fact, after the first year of training, over
23 90% of participants, 92.2%, indicated that the
24 training had led them to do things differently in
25

1
2 their classrooms and in their schools. The most
3 common change reported by participants was that
4 after the training, they were more likely to
5 intervene when hearing anti-LGBTQ language in
6 schools. Clearly, change is possible and our
7 experience in New York and around the country has
8 shown that education can be the vehicle for it.
9 While in schools, there have been some positive
10 advances and we still have a long way to go. Our
11 concern remains that students only spend so much
12 of their day, week and year within the city
13 schools. The city is their larger classroom.
14 Through the education of staff, our city school
15 students are learning important lessons about bias
16 and how bias-based behavior is unacceptable, but
17 without change and without education of the rest
18 of the city's residents, it is less likely that
19 students will apply their learning in other
20 settings. The proposed change to the Charter and
21 Administrative Code will assist in our school-
22 based educational efforts and help to create a
23 more respectful and safe city for all. Thank you.

24 CHAIRPERSON FIDLER: I want to
25 thank you both for your testimony. Certainly the

1 Council is aware from the studies that have been
2 done of runaway and homeless youth that LGBTQ
3 youth are less likely to have the support in their
4 own home environment as tragic as that is. And so
5 cyberbullying is particularly sinister as it
6 relates to LGBTQ youth. I just want to say as
7 well that to me, the truest tragedy of the Tyler
8 Clementi incident was the fact that the world was
9 told that he was gay was such a torment to him
10 that he felt he needed to take his life. That's
11 sad. It's a sad reality that he could not be
12 proud of who he was and the only thing that's
13 sadder than that is that in a college environment
14 that two people felt that they could torture him
15 by exposing that. That's the only thing that's
16 sadder than that Tyler Clementi couldn't be who he
17 was and be proud of whom he was. So I want to
18 thank you both for your testimony. I do take hope
19 from the statistical analysis, Doctor, that you've
20 provided that change is possible through
21 education. I think that's what this bill is
22 about. I think that's what we believe. Again, I
23 wish we could mandate that the DOE include this in
24 their curriculum—just stepping short of that, the
25

1 Human Rights Commission is the only vehicle that's
2 available to us in the City Council, so I think
3 that is what this bill is all about.

4
5 CHAIRPERSON ROSE: I just want to
6 ask, you said that in order for this to become
7 sort of a reality that disappears is by educating
8 everyone. Do you have any suggestion how through
9 maybe the Human Rights Commission we could extend
10 this out from school-based education programs?

11 ROBERT MCGARRY: I think certainly
12 the media is one really powerful way to have that
13 happen. At GLSEN, we've launched a program called
14 Think Before You Speak. It's a series of public
15 service announcements--actually, they'll be one
16 coming out later this week during the NBA
17 Playoffs, starring two NBA players that was
18 actually filmed at the same time that Kobe Bryant
19 was having his--

20 CHAIRPERSON ROSE: [Interposing]
21 Issues?

22 CHAIRPERSON FIDLER: Meltdown?

23 ROBERT MCGARRY: --issues,
24 regarding homophobic speech in his own world of
25 basketball, so--

2 CHAIRPERSON FIDLER: [Interposing]

3 And you'll notice that the NBA gods have taken
4 that out on Kobe Bryant.

5 [crosstalk]

6 ROBERT MCGARRY: I mean literally
7 at the same time in Phoenix, we were shooting this
8 public service announcement with other members of
9 the NBA. The media is a really powerful tool that
10 our organization has engaged with, but I think
11 that organizations like yourselves and really sort
12 of sharing your work and your hopes and dreams for
13 a safer and more inclusive city is really an
14 important message too.

15 CHAIRPERSON ROSE: I think that's a
16 good idea to maybe suggest to the Human Rights
17 Commission that they work on a media campaign.
18 Thank you.

19 NICOLE AVALLONE: I would add also
20 that I appreciate the extension of including other
21 community spaces, such as libraries, museums and
22 other settings outside of schools, where young
23 people frequent. I think often other settings
24 providers are not receiving the same education and
25 the same messages that we're working actively to

1 bring into schools. I think it would be wonderful
2 to see that extension in an intentional perhaps
3 proactive rather than reactive manner.
4

5 ROBERT MCGARRY: I think
6 organizations like us, we get access to work with
7 one million of the city's residents. That's one
8 million of eight million, right? So it sort of
9 falls to you all to sort of take up that charge
10 and work with us in that regard.

11 CHAIRPERSON FIDLER: We appreciate
12 that, so thank you both for your testimony today
13 and we look forward to working with you going
14 forward. We have one final witness. I always
15 apologize to the last witness. Someone's got to
16 be the last. Diane Jerzak [phonetic].

17 DIANE JERZAK: I have to be honest.
18 When I first came, I didn't know that you were
19 voting on a bill, but I think personally-

20 CHAIRPERSON FIDLER: [Interposing]
21 First you have to say your name for the record.

22 DIANE JERZAK: Diana Jerzek. I'm
23 here basically, I had a problem with the City
24 Human Rights Commission at one time, and I had
25 asked for help and I've never received any.

2 CHAIRPERSON FIDLER: Your testimony
3 today has got to be on the bill and only the bill-

4 DIANE JERZAK: [Interposing] It
5 will be on the school. It's about disability.
6 It's about being picked on and violation of
7 people's rights. What good is the ADA act and all
8 these acts, Human Rights Commission, if they don't
9 enforce the laws that are already there?

10 You're here trying to get this bill
11 done. What good is it if they don't enforce it? I
12 once had filed a claim with the Human Rights
13 Commission 2004. It was still going until almost
14 the beginning of 2008. I found out through the
15 Freedom of Information that they purposely
16 [phonetic] delayed their investigation for almost
17 four years with me. They made a back door deal
18 with Staten Island Hospital to delay their
19 investigation because oh, maybe we'll settle out
20 of court. They actually put a hold on my
21 investigation that I filed for almost four years,
22 leaving me without my job, without health
23 insurance, going on and on-the list goes on. I
24 went to one of the Council people here because of
25 civil rights.

1
2 When I discovered that the City
3 Human Rights Commission purposely delayed an
4 investigation, and gave my employer 3 ½ years'
5 worth of extensions, meanwhile telling me they're
6 just busy. Meanwhile, they officially gave them
7 all these extensions. I'm thinking what the heck.
8 So I wrote to Mayor Bloomberg at least four times.

9 CHAIRPERSON FIDLER: I know you've
10 sat here for a while [off mic].

11 DIANE JERZAK: I'll finish my-

12 CHAIRPERSON FIDLER: [Interposing]
13 It has to be on the bill.

14 DIANE JERZAK: Okay. It will be on
15 the bill.

16 CHAIRPERSON FIDLER: [off mic]

17 DIANE JERZAK: No, no. It would be
18 a bill maybe you can add it on that after I won my
19 case, my employer threatened me with blackmail,
20 coercion, bullying, which this is all about also,
21 threatened my nursing license, if I didn't drop
22 the City Human Rights complaint against them.
23 That night-I have epilepsy-I had two seizures. My
24 blood pressure went to 200 over 120. I signed the
25 bill under duress. I signed under duress. Okay.

1
2 I then brought it to their attention. They did
3 nothing. When I later on found out about the
4 Commission purposely delaying their investigation,
5 I brought it to the attention of the Mayor, went
6 to a rally. When I gave a list of questions I
7 wanted to ask pertaining to the American
8 Disabilities Act, I was then approached by the
9 Mayor's security and told if I didn't leave,
10 they'd call the police. They wouldn't let me wait
11 for Access A Ride and when I left the building
12 'cause they threatened me at least twice to call
13 the police, they then put me in the Mayor's car
14 and sent me home. Okay. I brought it to the
15 attention of one of these Council people and asked
16 for a meeting about civil rights.

17 I didn't want to do this, and
18 personally, I think as far as that "get them in
19 the schools, teach them when you're young"
20 kindergarten is the best time to start it. Get
21 the school involved and as they get older, you got
22 to teach the parents too because if you don't
23 teach the parents about bullying and—what good are
24 all these bills if they don't enforce it? You have
25 the Human Rights Commission, as I said, if they

1 don't enforce whatever laws you're going to make—
2 I'm going to ask you to add on to this bill maybe
3 a \$250,000 fine for any attempt of coercion or
4 blackmail for someone who has a disability and is
5 being threatened. I've been asking for other
6 types of bills. It doesn't have to be on with
7 this one, but I'm asking for someone to help me,
8 so they can right whatever was done wrong with me,
9 so it doesn't happen to someone else. I've been
10 trying to get an Assembly person to sponsor a bill
11 that if someone is in litigation to get their job
12 back, all health benefits are maintained until the
13 end of arbitration. If they do it until the end
14 of arbitration, these delay tactics that employers
15 use would not go for five years. It would be
16 ended within a year at the most. Okay. I asked
17 for a meeting with your office. I'm asking Ms.
18 Rose, will someone give me a meeting in your
19 office.
20

21 CHAIRPERSON FIDLER: [off mic]

22 DIANE JERZAK: Okay. I'm sorry.

23 CHAIRPERSON FIDLER: It doesn't
24 make it any less legitimate, just it's not—

25 DIANE JERZAK: [Interposing] Okay.

1
2 I did write and I even asked your officer if they
3 received the letter. I got nothing.

4 CHAIRPERSON FIDLER: I'm sure that
5 Council Member - - . I want to thank everybody
6 for coming here today to participate in this
7 important hearing. We do have a statement - -
8 record as well. I do want to again thank everyone
9 for coming. I do believe that this is a piece of
10 legislation that we're going to move—I hope we're
11 going to move. Certainly as we move towards our
12 summit on cyberbullying in June that would be an
13 appropriate time. It's unfortunate that we can't
14 more directly affect the Department of Education
15 because of the inhibitions of state law. Thanks.
16 And that's something that is very, very
17 frustrating to us as a Council and certainly, we
18 will be talking to our colleagues in Albany to see
19 whether or not they can help with some of that,
20 but what we can do here at the City Council and
21 that would be to mandate the Human Rights
22 Commission to step in to address a problem that is
23 only going to grow as technology increases and the
24 ability for us to communicate not only truths but
25 falsehoods on an instantaneous and massive basis

1
2 increases. We are here in the hopes of protecting
3 children, protecting them from the damage that
4 these words can bring and I look forward to
5 working with Chairwoman Rose. I want to thank our
6 staffs, both the Civil Rights and the Youth
7 Services Committee for their work on this and I
8 know that this is going to bear fruit and we're
9 going to help protect the lives of children as we
10 go forward. With that, we are adjourned.

11 [gavel]

C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

Kimberley Uhlig

Date

May 31, 2011