TITLE IX PRESENTATION FOR EMPLOYEES
(CUNY Graduate School and University Center)

Fall 2015 – Spring 2016

Edith Rivera, M.P.A.
Chief Diversity Officer/Title IX Coordinator
CUNY’s Commitment

• CUNY’s policies prohibit sexual harassment and sexual violence of any kind.
• Sexual harassment, a form of sex discrimination, is illegal under federal, state and city laws and will not be tolerated within CUNY.
• We are committed to promoting a safe and secure academic environment for all members of our community.
• All students, faculty, staff and visitors are expected to maintain a working and learning environment free from harassment and discrimination.
You Are Not Alone

• If you experience, observe or learn of any form of sexual harassment and/or sexual violence, please contact:
  – Title IX Coordinator [Edith Rivera, 212-817-7410, ComplianceDiversity@gc.cuny.edu, 365 Fifth Avenue, Rm 7301]
  – Director of Human Resources [Ella Kiselyuk, 212-817-7700, ekiselyuk@gc.cuny.edu, 365 Fifth Avenue, Rm 8403]
  – Office of Public Safety [John Flaherty, 212-817-7761, jflaherty@gc.cuny.edu, 365 Fifth Avenue, Rm 9117]
  – We also encourage you to report all cases involving any form of sexual violence and/or stalking to the NYPD. Call 911

• For incidents involving a student you can also contact:
  – Office of the Vice President for Student Affairs and/or Dean of Students [Matthew Schoengood, 212-817-7400, mschoengood@gc.cuny.edu, 365 Fifth Avenue, Rm 7301]
  – Residence Life staff in CUNY owned or operated housing [John Flaherty, 212-817-7761, jflaherty@gc.cuny.edu, 365 Fifth Avenue, Rm 9117]
What Is Retaliation?

• Retaliation is illegal.
• Retaliation is adverse treatment of an individual because he/she made a sexual harassment/sexual violence complaint, opposed sexual harassment/sexual violence, or cooperated with an investigation.
• The accused is not permitted, directly, or through a third-party, to intimidate, threaten or coerce the complainant or any other participant in the investigation/disciplinary process including witnesses, panel members, and investigators.
• The College will seek to discipline anyone found to have engaged in retaliation.
What Is Sexual Harassment?

Sexual harassment is *unwelcome* conduct of a sexual nature that is sufficiently serious to adversely affect your ability to participate in or benefit from an educational program. It includes *unwelcome* sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature on or off campus.
Sexual Harassment Is Prohibited
On Our Campus

• Title IX of the Education Amendments of 1972 is a federal law that prohibits sex discrimination on college campuses. It states:
  – “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal Financial Assistance.”
• Sexual harassment, in all the forms just discussed, is a kind of sex discrimination.
• CUNY’s policies and procedures relating to sexual misconduct also cover the requirements of the Reauthorization of the Violence Against Women Act (VAWA) and New York State’s Campus Safety Act and Enough Is Enough legislation.
Forms of Sexual Harassment

At CUNY, sexual harassment includes:

• Recording images (e.g. video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness without that person’s consent;

• Disseminating images (e.g. video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure; and

• Viewing another person’s sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent.
What Is Gender-Based Harassment?

- Gender-based harassment is unwelcome conduct of a nonsexual nature based on actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is sufficiently serious to adversely affect your ability to participate in or benefit from an educational program.
Forms of Gender-Based Harassment

• Gender-Based Harassment includes:
  – Intentionally using the wrong pronoun to identify a transgender individual can be a form of harassment.
  – Mocking a person’s appearance or clothing as more suited to a person of the opposite sex is a form of harassment.
What Is Sexual Violence/Assault?

• Sexual violence is an umbrella term that includes sexual assault as well as dating, domestic and intimate partner violence and certain forms of stalking.
• Sexual assault is a crime.
• Sexual assault is any form of sexual contact that occurs **without consent** and/or through the use of force, threat of force, intimidation, or coercion.
• Sexual assault can be committed when someone **has not given or is unable to give consent**, for example, because of intoxication.
• Sexual assault can be a form of sexual harassment.
Forms Of Sexual Violence

• Any *unconsented or unwanted* sexual touching or other physical contact may constitute sexual violence
  – Any form of sexual activity
  – Touching
  – Grabbing/Groping
  – Kissing
  – Caressing
  – Brushing against another’s body
  – Patting
  – Pinching
What Is Sexual Violence: Stalking

Stalking is a crime. It is intentionally engaging in a course of conduct directed at a specific person that:

• is likely to cause reasonable fear of material harm to the health, safety or property of that person, a member of that person’s immediate family or a third party with whom that person is acquainted; or

• causes material harm to the mental or emotional state of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of the person’s family or a third party with whom the person is acquainted; or

• is likely to cause such person to reasonably fear that her/his employment, business or career is threatened, when such conduct consists of appearing, telephoning or initiating communication or contact at such person’s place of employment or business, and the actor was previously clearly instructed to stop.
Forms Of Sexual Violence: Stalking

• Specific actions, such as sending a birthday card or standing across the street from someone’s house may be legal, but if they are part of a series of actions that cause fear or distress, they may be illegal.

• Stalking includes cyber-stalking – using electronic forms of communication, including social media, to engage in the conduct described above.
Forms of Sexual Violence: Dating/Intimate Partner/Domestic Violence

- Dating/IP/Domestic violence is a pattern of coercive behavior that can include physical, psychological, sexual, economic and emotional abuse.
- It can consist of actions or threats of actions that intimidate, humiliate, isolate, frighten, coerce, threaten, blame or hurt someone.
- It can also consist of a single incident of sexual assault.
- Rape or any sexual offense, whether on a date or not, or by someone you know or do not know, is the same criminal offense.
- Between 80 and 90 percent of all people who have been raped know their perpetrator(s).
- On college campuses, alcohol is often involved in date rape.
Preventing Sexual Harassment and Sexual Violence
What Is Affirmative Consent?

• Affirmative Consent is a knowing, voluntary and mutual decision among all participants to engage in sexual activity.
• Consent can be withdrawn at any time.
• Consent can be given by words or actions, as long as those words or action create clear permission regarding willingness to engage in the sexual activity.
Stop!

You do not have consent if:

• You are using physical force or size to have sex.

• You have coerced your partner in any way (asking repeatedly, putting pressure on your partner, physically intimidating him/her, etc.).

• You intend to have sex by any means necessary.
Stop!

You do not have consent if:

• Your partner is too intoxicated or high to give consent.
• You are too intoxicated or high to gauge consent.
• Your partner is asleep.
• Your partner is unconscious or for any other reason is physically or mentally unable to communicate consent.
• You don’t think your partner would agree to have sex if he/she were sober.
Good Samaritan Policy

• If you are the victim of or observe sexual harassment or violence while under the influence of drugs or alcohol, **you should report the incident and seek medical help.**

• You will not be disciplined for your drug or alcohol use.
  – You may be required to participate in drug/alcohol education, assessment and/or treatment.
  – If you are involved in repeated incidents of drug and alcohol use, medical amnesty may not apply.

• This policy does not protect you from discipline for other misconduct such as sexual assault, drug sales, causing or threatening physical harm, damaging property or hazing.

• Similarly, NY’s Good Samaritan Law protects from arrest and prosecution individuals who call 911 when they witness or suffer from a medical emergency involving drugs or alcohol.
Policy on Sexual Misconduct

Every member of the CUNY community, including students, employees and visitors deserves the opportunity to live, learn and work free from sexual harassment, gender-based harassment and sexual violence.
Policy on Sexual Misconduct

The University has professionals and law enforcement officers who are trained in the field to assist student victims in obtaining help, including immediate medical care, counseling and other essential services.
Student-Employee Relationships

Faculty members and other employees are prohibited from engaging in consensual intimate relationships with students for whom they have a professional responsibility. For example:

• an athletic coach cannot engage in an intimate relationship with a student on his/her team.

• A professor cannot engage in an intimate relationship with a student in his/her course.
Supervisor –Employee Relationships

• Supervisors are strongly discouraged from engaging in consensual intimate relationships with non-student employees they supervise.

• Supervisors are required to report any such relationships to their supervisors.
How Are Penalties Imposed?

• CUNY has disciplinary processes that must be followed before penalties can be imposed.
• There are different processes for students, staff and faculty members.
Employee Discipline

• When it is determined that an employee engaged in sexual harassment and/or sexual violence, the College will take all necessary steps to pursue discipline in accordance with the procedures in the applicable contract.

• The procedures for imposing discipline on many CUNY employees are governed by legal contracts. In many instances, discipline cannot be imposed without a hearing before a neutral fact finder who is not employed by the College.

• The complainant will be informed in writing of the outcome when the disciplinary procedure is complete.

• While these proceedings are pending, the College will take all reasonable measures to separate the complainant from the accused.
Sexual Harassment Is Prohibited On Our Campus

Title IX applies regardless of where the incident occurred if a CUNY student or employee is involved.
Microaggressions: Sometimes the Little Things Hurt the Most

• What Are Microaggressions?
People often complain about comments or actions from supervisors or peers that do not rise to the level of illegal discrimination, but nonetheless make the receiver feel devalued, unappreciated and seem to communicate unconscious biases.

• What’s the Harm?
A growing body of research shows that internalized hurt and humiliation impacts morale and self-worth and may cause anxiety, shame, depression and health issues. Cumulatively the impact may result in absenteeism, lost productivity, and turnover in the workplace.
Microaggressions: Sometimes the Little Things Hurt the Most (Continued)

Examples of Microaggressions

<table>
<thead>
<tr>
<th>Statement</th>
<th>Message</th>
</tr>
</thead>
<tbody>
<tr>
<td>We all know she got hired because she is a woman! (Often said in a male-dominated field)</td>
<td>Women are not as qualified as male candidates; gender was used as a way to get ahead.</td>
</tr>
<tr>
<td>A Hispanic or Latino professor is mistaken for a service worker.</td>
<td>People of color are not as successful as whites; it’s unlikely they would occupy a high status position.</td>
</tr>
<tr>
<td>Should we hire a blind person for this job – there is no way she could do as well as a normal person.</td>
<td>People with disabilities are unable to perform job duties at the same level as able-bodied individuals. No accommodations, such as adaptive technology, could mitigate any performance concerns.</td>
</tr>
</tbody>
</table>
Microaggressions: Sometimes the Little Things Hurt the Most (Continued)

• How to Foster an Inclusive Environment That Supports Engagement

1. Set the tone. Our words do have consequences. It pays to be vigilant and sensitive to be sure that we are not making statements that may be viewed as microaggressions.

2. Make clear that gender, racial, religious or LGBTQ slurs are not tolerated. If you hear someone making an offensive comment, speak up. Explain why the language used is not acceptable. Attempt to peel away the “I was just joking” response.

3. Include people with different experiences, backgrounds and perspectives on your work teams, including search committees.

4. Avoid assumptions based on race, gender, nationality, socio-economic status, sexual orientation and other “labels.”

5. Share information. Be as transparent with the policies and procedures in your unit.
6. Don’t assume that if a person from a targeted group is silent, this means the negative remark is okay.
7. Do not be judgmental, and always challenge your own assumptions.
8. Be an active listener.
9. Educate yourself about the culture/customs/lifestyle of others by attending events, programs or discussion groups. As our world becomes more global, increase your cultural competency (i.e. GC events).

• Teachable Moments
Acknowledging that microaggressions exist and learning how to confront them can help us become active diversity and inclusion allies on behalf of our colleagues. It is our responsibility to help create a workplace that values the contributions, supports the ideas, congratulates the successes, and offers opportunity for professional development and growth for all employees.

Source: Microaggressions: Sometimes the Little Things Hurt the Most
By Jennifer S. Rubain and Maryann McKenzie (CUNY Office of Human Resources Management)
Policy On Domestic Violence and the Workplace

• CUNY does not discriminate against victims of domestic violence.

• CUNY permits time off for victims or witnesses of domestic violence to consult with a prosecutor, appear as a witness in a legal proceeding or otherwise exercise their rights as provided by New York law.

• Employees who are victims of domestic violence and separate from their spouses/partners may make reasonable changes in benefits during the calendar year where possible and in accordance with applicable law.
Policy On Domestic Violence and the Workplace

• Victims of domestic violence who are subject to disciplinary proceedings due to work performance should notify their supervisor and/or human resources of their situation, which will be considered in the College’s efforts to resolve the performance issues.

• Victims of domestic violence who are terminated or voluntarily separate from employment due to domestic violence-related performance issues should notify human resources who will investigate eligibility for unemployment benefits.
Policy On Domestic Violence and the Workplace: Order of Protection (OPP)

- An **Order of Protection** (OOP) is a court order, authorized by a Judge, informing an individual to stay away from a complainant.
- The College does not have the ability to grant an OOP but Public Safety will help enforce an order.
- OOP can either be “full” orders, informing the individual to stay away entirely, or “partial” orders where communication or inappropriate behavior is prohibited.
Policy On Domestic Violence and the Workplace

• If the order bans the respondent from campus, the College will comply.

• Bring all orders of protection to the attention of Campus Public Safety. The Campus will comply with and assist in the enforcement of all known court orders of protection to ensure the safest possible work environment.
What Happens with a Complaint of Sexual Harassment/Sexual Assault?

*Where appropriate, the College will implement security measures to keep employees, students and the campus community safe. Assistance is often provided during an investigation, such as:*

**For employees**

- Security escort
- Office relocation
- Free confidential support services through CUNY’s Work/Life Program
- No Contact Order between Complainant and Respondent

**For students**

- Security escort
- Class rescheduling or reassignment
- On campus counseling
- Academic assistance
- No Contact Order between Complainant and Respondent
Responsible Employees

• Certain employees have a duty to report any incident of sexual harassment to the Title IX Coordinator and/or Director of Public Safety and/or Chief Student Affairs Officer.

• However, they will limit their report to only those individuals with a need to know.

• If you request that your identity remain confidential, the Title IX Coordinator will try to honor that request if possible. Remember that this will limit the effectiveness of the investigation.
Responsible Employees

Staff who must report to Title IX Coordinators:

• Title IX Coordinator and staff
• Office of Public Safety Employees
• VP For Student Affairs and Dean of Students and all staff houses in those offices
• Residence Life staff, including Resident Assistances in CUNY owned or operated housing
• College President, Vice Presidents and Deans
• Athletic Staff
• Department Chairs
• Human Resources staff
• University Office of the General Counsel employees
• College/unit attorney and staff
• Faculty member when leading off-campus trips
• Faculty or staff advisors to student groups
• Employees who are managers
• SEEK/College Discovery staff
Confidentiality

• Federal law requires college campuses to track and report certain crime statistics.
• Therefore, all reported incidents of sexual assault/violence, including unwanted touching, domestic/dating/intimate partner violence and stalking are reported to the Public Safety Dept. pursuant to this law.
• Although the incident must be reported, your identity will not be reported.
• Only certified or licensed mental health professionals acting in that capacity are exempt from this reporting requirement.
Bystander Intervention

• CUNY expects that all other community members, including faculty, students and visitors will take reasonable and prudent actions to prevent or stop an act of sexual harassment or sexual violence that they may witness, including calling 911 or campus public safety.

• Taking action may include direct intervention, calling law enforcement, or seeking assistance from a person in authority.

• Community members who take action will be supported by the college and protected from retaliation.
Bystander Intervention

• Know how to get in touch with your friends.
• Try the Circle of 6 App. It’s Free. 
  http://www.circleof6app.com/downloads/
• Need help getting home? Need an interruption? Two touches lets your circle know where you are and how they can help. Icons represent actions so that no one can tell what you’re up to.
Some Off Campus Resources

**NYPD Sex Crimes Hotline**  212-267-RAPE (24 hours)

**Rape Crisis and Domestic/Intimate Partner Violence Services**


Online Hotline provides live, secure, anonymous crisis support for victims of sexual assault, their friends, and families.
The Online Hotline is free of charge and is available (24 hours)

NYC Rape Crisis Hotline  212-673-3000*

Safe Horizon: Rape and Sexual Assault Hotline  800-621-4673*

www.safehorizon.org

Safe Horizon: Domestic Violence Hotline  212-577-7777*

NYC Gay and Lesbian Anti-Violence Project  212-714-1141*

New York Women Against Rape  212-777-4000

New York Asian Women’s Center  888-888-7702*

NYC Alliance Against Sexual Assault  212-229-0345

NYS Victim Information and Notification Everyday  888-VINE-4NY

NYS Crime Victim’s Board  718-923-4325


Women’s Survival Space (Brooklyn)  718-439-4612

**Programs For Abusers**

Safe Horizon Alternatives to Violence Program:
Provides educational groups in English and Spanish for perpetrators of domestic violence.  718-834-7471

STEPS: Alternatives to Incarceration provides programs for adolescent male batterers  212-662-7914

Sexual Abuser Treatment Referral Line: 1-802-247-3132, Mon.-Fri. 9am-4:30pm.

**Rape Crisis Centers (affiliated with hospitals)**

**Bronx**

North Central Bronx Hospital: Sexual Assault Treatment Program 718-519-5722

**Brooklyn**

Coney Island Hospital: Rape Crisis Program

Long Island College Hospital: Rape Crisis Intervention/Victims of Violence Program 718-616-4209, or 800.tel.rape  718-780-1459

**Manhattan**

Beth Israel Medical Center: Rape Crisis & DV Intervention Program

Bellevue Hospital Center: Rape Crisis Program

Columbia Presbyterian Hospital: Domestic and Other Violence Emergencies

Harlem Hospital: Center for Victim Support

Mt. Sinai Medical Center: Sexual Assault Violence Intervention (SAVI)

St. Luke’s Roosevelt Hospital: Crime Victims Treatment Center

St. Vincent’s Hospital: Rape Crisis Program 212-420-4516

**Queens**

Elmhurst Hospital: Borough Crisis Center

Queens Hospital Center  718-736-1288, 718-883-3090

**Staten Island**

St. Vincent’s Medical Center  718-876-3044

**District Attorney’s Offices**

Bronx: Crime Victims Assistant Unit:  718-590-2115

Brooklyn: Victim Services Unit  718-250-3820

Manhattan: Victim Assistance Center  212-335-8900

Queens: Crime Victims Advocate Program  718-286-6818

Staten Island  718-876-6300