TITLE IX PRESENTATION FOR STUDENTS

FALL 2017 – SPRING 2018

Edith Rivera
Chief Diversity Officer/Title IX Coordinator

Sexual Harassment: Policies, Prevention And Resources

- What are sexual harassment, gender-based harassment, sexual violence, dating/intimate partner/domestic violence, and stalking?
- How can you help prevent sexual harassment and sexual violence?
- What are the College’s policies and procedures?
- How can you report an incident confidentially?
- What resources are available to you?
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.
Incident Reporting

- 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]
  - Office of Public Safety [John Flaherty, 212-817-7761, jflaherty@gc.cuny.edu, 365 Fifth Avenue, Rm 9117]
  - A College Mental Health Counselor (i.e. Wellness Center)
  - 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]
  - We also encourage you to report all cases involving any form of sexual violence and/or stalking to the NYPD. **Call 911 immediately!** We will assist you if you wish.
What Is Sexual Harassment and Sexual Violence?

Sexual Harassment
Gender-based Harassment
Sexual Violence
Domestic/Intimate Partner/Dating Violence
Stalking
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.
Examples of Verbal Sexual Harassment

• Sexual comments, teasing, or jokes
• Catcalls
• Sexual slurs, demeaning words, or other verbal abuse
• Graphic or sexually suggestive comments
• Inquiries or discussions about sexual activities
• Pressure to accept social and/or electronic invitations, to meet privately, to date, or to have sexual relations
• Sexually suggestive letters or other written or visual communication, including email, text, Snapchat, photo and other social media communications
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 assault is a crime.
• 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 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
Stalking is a crime. It is intentionally engaging in a course of conduct directed at a specific person with whom the perpetrator currently has, previously has had, or desires to have, some form of sexual or romantic relationship, 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.

• 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.
Who Are The Victims Of Sexual Harassment, Gender-Based Harassment And/Or Sexual Violence?

• Anyone – of any gender, gender identity, sexual orientation, physical or mental ability, religious affiliation, citizenship status, race, class or educational level – can be a victim of sexual harassment and/or sexual violence.

• Sexual harassment and/or sexual violence can occur between members of the same sex/gender.
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.
What Is Affirmative Consent?

Each person must clearly communicate his/her willingness and permission to engage in sexual activity.

• A person who is drunk or high may not be able to consent.
• Having sex with a person who is passed out, or slides in and out of consciousness, is rape.
• Failure to resist or say “no,” does not equal consent.
• Silence does not constitute consent.
• Past consent to sexual relations does not constitute consent to subsequent sexual activity.
• A person may consent to certain sexual acts and not others.
• A person’s appearance or dress does not communicate consent.
• A person under 17 years old cannot consent to sexual intercourse under New York law.
You Must Obtain Consent

• Before you engage in sexual activity, consider...
  – Have you expressed what you want?
  – Do you know what your partner wants?
  – Has your partner given consent?
  – Is your potential partner sober enough to decide whether or not to have sex?
  – Are you sober enough to know that you’ve correctly gauged consent?
Slow Down

Signs you may not have consent:
• You are not sure what the other person wants.
• You have had sex before but your partner has said he/she is not interested tonight.
• You feel like you are getting mixed signals.
• You hope your partner will say nothing and go with the flow.
• Your partner stops or is not responsive.
• Your partner may be intoxicated or high:
  – Slurred speech
  – Problems with balance
  – Impaired motor skills
Protect Yourself

• If you choose to drink, be responsible. Drinking alcohol greatly increases the risk of sexual assault.

• Know what is in your drink, regardless of whether it contains alcohol.
  – Open a can yourself
  – Make your own drink
  – Avoid punch bowls
    • Otherwise, drugs that incapacitate you can be added to your drink.
Protect Yourself

• Communicate clearly with your partner.

• Go to a party/bar with friends, not alone.

• Keep track of your friends and leave with them.

• Do not leave alone or with someone you do not know.
Protect Yourself

• Know how to get in touch with your friends.

• Try the Circle of 6 App. It’s Free. [https://www.circleof6app.com/](https://www.circleof6app.com/)

• 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.
CUNY Policies

- Drug and Alcohol Use Amnesty Policy
- Policy on Sexual Misconduct
- Domestic Violence and the Workplace
- Equal Opportunity and Non-Discrimination Policy
- Reasonable Accommodations and Academic Adjustments
- Article XV – Students
Protect Your Friends -
Drug and Alcohol Use Amnesty Policy

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

• Students will not be disciplined for their drug or alcohol use.
  – Students will be encouraged to participate in drug/alcohol education, assessment and/or treatment.
  – may not apply to students who are involved in repeated incidents of drug and alcohol use.

• This policy does not protect students 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.
Protect Your Friends

• If your friend is sexually assaulted, do not handle it alone.
  – Encourage your friend to call the NYPD, Campus Public Safety and/or the Title IX Coordinator.
  – Encourage your friend to seek counseling.
  – Encourage your friend to seek medical assistance.
  – Encourage your friend to preserve evidence.
Protect Your Friends

• You should not intervene in a situation that will put your safety at risk.

• However, there are things you can do to stop a potentially dangerous situation.

• If you observe a sexual assault, call 911.

• If you can do so safely, take a picture of the perpetrator.
Protect Your Friends

• Remind your friends to go to parties or bars with other friends, not alone.

• Plan to leave together and do not let anyone leave alone.

• Watch out for your friends when you are out.

• Help your friends get home safely.
Preserve Evidence

If you or a friend were the victim of sexual violence:

• Preserve any possible evidence, including clothing, electronic communications, voice mails.
  – Store clothing in a paper bag if possible.

• Do not shower or wash or brush your teeth.

• If the attack took place in a dorm room or other indoor area, do not rearrange any furniture or objects.

• Seek medical attention immediately so evidence is preserved.
  – Ask for a rape exam.
Policy on Sexual Misconduct

• CUNY’s policies and procedures relating to sexual misconduct also cover the requirements of the Reauthorization of the Violence Against Women Act and New York State’s Campus Safety Act and Enough Is Enough legislation.

• Title IX of the Education Amendments of 1972 is a federal law that prohibits sex discrimination on college campuses.

• Sexual harassment is a form of sex discrimination.
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.
Confidentiality

- What if I am not ready for an investigation that might disclose my identity?
  - The College encourages you to report the incident to one of the College’s mental health counselors.
  - These counselors can talk to you confidentially, with rare exceptions, and can help you make the best decision for you.
Confidentiality

• 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.
Confidentiality

Staff **who must report** to Title IX Coordinators:

- Title IX Coordinator and staff
- Office of Public Safety employees (all)
- VP For Student Affairs and Dean of Students and all staff houses in those offices
- Residence Life staff in CUNY owned or operated housing, including Resident Assistants (all)
- College President, Vice Presidents and Deans
- Athletic Staff (all)
- Department Chairpersons/Executive Officers
- Human Resources staff (all)
- University Office of the General Counsel employees (all)
- College/unit attorney and staff
- College/unit labor designee and staff
Confidentiality

Staff **who must report** to Title IX Coordinators (continued):

- Faculty members when leading or supervising student on off-campus trips
- Faculty or staff advisors to student groups
- Employees who are Managers (all)
- SEEK/College Discovery staff (all)
- College Childcare Center staff (all)
- Directors of “Educational Opportunity Centers” affiliated with CUNY colleges
Confidentiality

• Federal law (The Clery Act) 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.
What Happens After A Complaint of Sexual Harassment/Sexual Violence Is Made?

• **All** student complaints of sexual harassment are promptly investigated by the Title IX Coordinator, with assistance from Public Safety and Student Affairs where appropriate.

• The Public Safety Director is notified of all complaints of sexual harassment.

• All students are encouraged, though not required, to report all incidents of sexual violence to the NYPD. Public Safety will help you make the report.
What Happens After A Complaint of Sexual Harassment/Sexual Violence Is Made?

• Where appropriate, the College will implement security measures, to keep you and the campus community safe.

• Assistance is often provided pending the investigation. For example, the College may offer:
  – Security escort
  – Class rescheduling/reassignment
  – Counseling
  – Academic assistance
  – No Contact Order
  – Assistance with Order of Protection (OOP)
What Is An Order of Protection (OOP)

• 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.
Types of Orders of Protection (OOP)

There are two different types of OOPs:

- **Criminal Court Orders**: A judge will automatically grant a Criminal Court OOP on behalf of a complainant when there are criminal charges pending against a defendant.

- **Family Court Orders**: These OOP are available to individuals involved in a domestic relationship. The complainant must petition the Family Court directly for the Order.

Violations of either orders are illegal and punishable by up to a year in jail.
How Long Does the Investigation Take?

- Whenever possible, the investigation is completed in 60 calendar days. If it is not possible to complete the investigation in that time, both parties are notified of the status.
Student Discipline

In cases where a student is charged with a violation of this policy, including retaliation, the matter shall be referred to the college’s Office of Student Affairs and action shall be taken in accordance with Article XV of the CUNY Bylaws, which contains the student disciplinary process at CUNY. Under the student disciplinary process, complainants have the same right as respondents to receive notice of the charges, to attend and participate fully in a disciplinary hearing, to be represented by an attorney or advisor of their choice, to receive notice of the decision of the faculty-student disciplinary committee, and to appeal. Penalties for students instituted after a hearing before the faculty-student disciplinary committee range from a warning to suspension or expulsion from the University.
Student Discipline

- The chief student affairs officer of the college or her or his designee shall conduct a preliminary investigation in order to determine whether disciplinary charges should be preferred. The chief student affairs officer or her or his designee shall advise the respondent of the allegation against her or him, explain to the respondent and the complainant their rights, consult with other parties who may be involved or who have information regarding the incident, and review other relevant evidence. The preliminary investigation shall be concluded within thirty (30) calendar days of the filing of the complaint, unless: (i) said complaint involves two or more complainants or respondents; or (ii) said complaint involves a matter that is also under investigation by law enforcement authorities. In those cases, the preliminary investigation shall be completed within sixty (60) calendar days. Further, if the matter has been previously investigated pursuant to the CUNY Policy on Sexual Misconduct, the chief student affairs officer shall dispense with a preliminary investigation and rely on the report completed by the Title IX Coordinator. Following the completion of the preliminary investigation, the chief student affairs officer or designee shall take one of the following actions:
  - Dismiss the matter if there is no basis for the allegation(s) or the allegation(s) does not warrant disciplinary action. The individuals involved shall be notified that the complaint has been dismissed;
  - Refer the matter to mediation (except in cases involving allegations of sexual assault, stalking or other forms of sexual violence); or
  - Prefer formal disciplinary charges.
Student Discipline

• In cases involving the CUNY Policy on Sexual Misconduct, both the Complainant and Respondent may be accompanied by an advisor of their choice (including an attorney) who may assist and advise throughout the entire process, including all meetings and hearings. Advisors may represent a party and fully participate at a hearing, but may not give testimony as a witness.

• In the event that a respondent withdraws from the college after a charge, accusation or allegation against a respondent has been made, and the college prefers formal disciplinary charges, the respondent is required to participate in the disciplinary hearing or otherwise to resolve the pending charges and shall be barred from attending any other unit of the university until a decision on the charges is made or the charges are otherwise resolved. Immediately following the respondent's withdrawal, the college must place a notation on her/his transcript that she/he "withdrew with conduct charges pending." If the respondent fails to appear, the college may proceed with the disciplinary hearing in absentia, and any decision and sanction shall be binding, and the transcript notation, if any, resulting from that decision and penalty shall replace the notation referred to above.
Possible Penalties

If it is determined that sexual harassment or sexual violence has been committed by another student or by a faculty or staff member, CUNY will seek to impose disciplinary measures, in accordance with the proper procedures.

Disciplinary measures can include:

For Students

- Probation, suspension, expulsion
- Removal from dorm and/or extracurricular activities including athletics
- Campus ban
Do I Have To Testify At The Disciplinary Hearing?

• Students are not required to testify at disciplinary hearings.

• However, if witnesses do not testify at the hearing, it may be less likely to impose the penalty the College seeks.
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.

• Students who are victims of domestic violence and who 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.
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</tbody>
</table>
Off Campus Resources – Family Justice Centers

- NYC Family Justice Center, Bronx
  198 East 161st Street, 2nd Floor
  718-508-1220

- NYC Family Justice Center, Brooklyn
  350 Jay Street
  718-250-5111

- NYC Family Justice Center, Manhattan
  80 Centre Street
  212-602-2800

- NYC Family Justice Center, Queens
  126-02 82nd Avenue
  718-575-4545

- NYC Family Justice Center, Staten Island
  126 Stuyvesant Place
  718-697-4300
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)
Samaritans 24-Hour Confidential 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*
Womankind formerly 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 Office of Victim Services 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 718-616-4209
Wyckoff Heights Medical Center: Violence Intervention and Treatment Program 718-906-3846
Manhattan
Mount Sinai Beth Israel: Victim Services Program 212-420-4516
Bellevue Hospital Center: Victim Services Program 212-562-3755
New York Presbyterian Hospital: Domestic and Other Violence Emergencies 212-305-9060
Harlem Hospital: Center for Victim Support 212-939-4621
Mount Sinai Medical Center: Sexual Assault Violence Intervention (SAVI) 212-423-2140
Mount Sinai St. Luke’s: Crime Victims Treatment Center 212-523-4728
Queens
Elmhurst Hospital: Sexual Assault Violence Intervention (SAVI) 718-334-1418
Queens Hospital Center 718-883-3534
Staten Island
Richmond University Medical Center 718-818-1234

District Attorney's Offices
Bronx: Crime Victims Assistant Unit 718-590-2115 / 718-590-2195
Brooklyn: Victim Services Unit 718-250-3820
Manhattan: Sex Crimes Unit 212-335-9373
Queens: Special Victims Bureau 718-286-6505
Staten Island: Special Victims Bureau 718-876-6300