Sexual Harassment: Policies, Prevention And Resources

➤ What are sexual harassment, sexual assault, dating/intimate partner/domestic violence, and stalking?

➤ How can you help prevent sexual harassment, sexual assault and other sexual violence?

➤ What are the College’s policies and procedures?

➤ How can you report an incident confidentially?

➤ What resources are available to you?
CSI’s Commitment

• CUNY’s policies prohibit sexual harassment and sexual assault 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 or observe any form of sexual harassment and/or sexual assault you should contact your:

✓ Title IX Coordinator
  • Danielle Dimitrov, danielle.dimitrov@csi.cuny.edu; (718) 982-2250; 1A-103; OR

✓ Director of Public Safety
  • Robert Wilson; robert.wilson@csi.cuny.edu; (718) 982-2113; 2A-108; OR

✓ Chief Student Affairs Officer
  • Jennifer S. Borrero; jennifer.borrero@csi.cuny.edu; (718) 982-2335; 1A-301; OR

✓ The Counseling Center (Confidential)
  • counseling@csi.cuny.edu; (718) 982-2391; 1A-109

We also encourage you to report all cases involving any form of sexual violence and/or stalking to the NYPD. We will assist you if you wish.
What Is Sexual Harassment and Sexual Assault?

Sexual Harassment
Sexual Assault
Domestic/Intimate Partner/Dating Violence
Stalking
What Is Sexual Harassment?

Sexual harassment is *unwelcome* conduct of a sexual nature that limits 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.
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.
What Is Sexual Assault/Violence?

• 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.
Who Are The Victims Of Sexual Harassment And/Or Sexual Assault?

• 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.
Forms Of Sexual Harassment

Verbal Harassment can include unwanted
- 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 invitations, to meet privately, to date, or to have sexual relations
- Sexually suggestive letters or other written communications, including emails, texts 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.
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.
Forms Of Sexual Assault/Violence

• Any *unconsented or unwanted* sexual touching or other physical contact may constitute sexual assault.
  – Any form of sexual activity
  – Touching
  – Grabbing/Groping
  – Kissing
  – Caressing
  – Brushing against another’s body
  – Patting
  – Pinching
Forms Of Sexual Assault/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 ...
Forms Of Sexual Assault/Violence:  
Stalking continued …

• 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 Assault/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 Assault
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

• If you do not obtain consent from a sexual partner, you may be committing sexual assault.

• Remember, the decision to engage in sex or sexual activity must be **mutual**.
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?
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.
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

• 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.
• 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.
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 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.
Protect Your Friends

• Separate the two people if it appears they are too drunk or if one might take advantage of the other.

• Convince your friend to go home and help your friend get there.

• Suggest your friend take a phone number and call the next day.
Protect Your Friends

Create a diversion

Distract your friend and/or the potential perpetrator.

- Tell your friend the party is uncool and you want him/her to leave with you for a new venue.
- Tell your friend that someone else is waiting to speak to him/her.
- Tell your friend you need to get his/her advice in private.
- Tell your friend you feel sick and need assistance.
Protect Your Friends –
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.
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.
CUNY’s Policies And Procedures Against Sexual Misconduct

Report all incidents of sexual harassment to your Title IX Coordinator, Director of Public Safety, or Chief Student Affairs Officer
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 and New York State’s Campus Safety Act and Enough Is Enough legislation.
CUNY’s Policy on Sexual Misconduct

Report all incidents of sexual harassment to your Title IX Coordinator, Director of Public Safety, or Chief Student Affairs Officer
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 College 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.
Where Should I Go?

If you experience or observe any form of sexual harassment and/or sexual assault you should contact your:

✓ **Title IX Coordinator**
  • Danielle Dimitrov, [danielle.dimitrov@csi.cuny.edu](mailto:danielle.dimitrov@csi.cuny.edu); (718) 982-2250; 1A-103; OR

✓ **Director of Public Safety**
  • Robert Wilson; [robert.wilson@csi.cuny.edu](mailto:robert.wilson@csi.cuny.edu); (718) 982-2113; 2A-108; OR

✓ **Chief Student Affairs Officer**
  • Jennifer S. Borrero; [jennifer.borrero@csi.cuny.edu](mailto:jennifer.borrero@csi.cuny.edu); (718) 982-2335; 1A-301; OR

✓ **The Counseling Center (Confidential)**
  • [counseling@csi.cuny.edu](mailto:counseling@csi.cuny.edu); (718) 982-2391; 1A-109

We also encourage you to report all cases involving any form of sexual violence and/or stalking to the NYPD. We will assist you if you wish.
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
- 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.
What Happens After A Complaint of Sexual Harassment/Sexual Assault 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 Assault 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
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.
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.
Student Discipline

- The College is required to follow the procedures in Article XV of CUNY’s Bylaws before disciplining a student.
- If, after investigation, it is determined that a student engaged in sexual harassment and/or sexual violence, disciplinary charges will be brought by the College.
- If disciplinary charges are brought, a hearing will be held before the Faculty-Student Disciplinary Committee.
- In certain circumstance, an emergency suspension may be imposed.
  - In these cases, the disciplinary hearing must take place within 10 business days.
How Does The Student Disciplinary Hearing Work?

- During the hearing, a College representative presents the evidence, including witness testimony, against the accused student.
- Both the complainant and the accused have the right to be present during the hearing and to have an advocate present.
- The College must prove the alleged misconduct by a preponderance of the evidence.
  - This means the College must prove that it is more likely than not that the accused student engaged in the alleged misconduct.
- Both the complainant and the accused will be notified of the outcome of the hearing in writing.
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.
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

For Employees
• Reprimand, suspension or termination of employment
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 that fact finder(s) will find the conduct occurred or impose the penalty the College seeks.
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.
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.
Resources
STATEN ISLAND AND NATIONAL RESOURCES

Safe Horizons  | Staten Island Community Program
30 Bay Street, 5th Floor | Staten Island NY 10301 | 800.621.HOPE (4673)
212.227.3000 (24-hour advocacy assistance) | 718.720.2591

National Sexual Assault Hotline
RAINN (Rape, Abuse, Incest, National Network)
www.rainn.org | 800.656.HOPE (4673)
Please read the full Policy on Sexual Misconduct, available online.

If you experience or observe sexual harassment, sexual violence, domestic/dating/intimate partner violence, or stalking, you should contact:

Title IX Coordinator
718.982.2250 | Building 1A, Room 103

Director of Public Safety
718.982.2111 | Building 2A, Room 108

Vice President for Student Affairs
718.982.2335 | Building 1A, Room 301

For a confidential consultation, contact
The Counseling Center | counseling@csi.cuny.edu | Building 1A, Room 109
718.982.2391 (after hours: 855.582.6069)

Employees may also contact:
Director of Human Resources | Building 1A, Room 201 | 718.982.2379 or

CUNY's Employee Assistance Program (EAP)
for a confidential conversation
Deer Oaks | www.deeroaks.com | username and password: CUNY
EAP 24-hour helpline 855.492.3633

We also encourage you to report all cases involving any form of sexual violence and/or stalking to the NYPD.
Additional 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
Urban Justice Center: legal services & advocacy for survivors of
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
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, 718-888-3090
Staten Island
Richmond University Medical Center 718-818-1294
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