

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HIGHER EDUCATION  
JOINTLY WITH  
COMMITTEE ON WOMEN'S ISSUES  
COMMITTEE ON CIVIL RIGHTS AND  
COMMITTEE ON PUBLIC SAFETY

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October 27, 2014  
Start: 1:29 p.m.  
Recess: 6:16 p.m.

HELD AT: Council Chambers-City Hall

B E F O R E:

INEZ BARRON  
VANESSA L. GIBSON  
LAURIE A. CUMBO  
DARLENE MEALY  
Chairpersons

COUNCIL MEMBERS:

James Vacca  
Jumaane D. Williams  
Mathieu Eugene  
Andy King  
Steven Matteo  
Ben Kallos  
Elizabeth Crowley  
Fernando Cabrera  
Daniel Dromm  
Helen K. Rosenthal  
Rafael Espinal  
Chaim M. Deutsch

Vincent Gentile  
Ydanis A. Rodriguez  
Julissa Ferreras  
Robert Cornegy

## A P P E A R A N C E S (CONTINUED)

Letitia James  
Public Advocate  
The City of New York

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Deputy General Council  
City University of New York

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Dean  
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Special Advisor to the President on  
Sexual Assault Prevention and Response  
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Herbert and Doris Wechsler Clinical  
Professor of Law  
Director  
Center for Gender and Sexuality Law and  
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Columbia Law School

Shaila Bora  
Student/Student Organizer  
City College of New York

Kira Rakova  
Student/Student Activist  
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Alyssia Osorio  
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Director  
Guillermo Morales-Assata Shakur Student  
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Natalie Pena  
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Yexenia Vanegas Jesenia  
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Sister Circle Collective  
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Zoe Ridolfi-Starr  
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City University of New York

Lucas Almonte  
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Mary Haviland  
Executive Director  
New York City Alliance Against Sexual  
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Saswati Sarkar  
Primary Prevention Manager  
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Assault

Emily May  
Co-Founder/Executive Director  
Hollaback!

Claudia Wald  
Vice-Chair Elect  
Technology fee Affairs  
University Student Senate at CUNY  
Student  
Hunter College

Eliana Theodorou  
On Behalf of Carol Robles-Roman,  
President  
Legal Momentum

Farah Tanis  
Co-Founder/Executive Director  
Black Women's Blueprint

Lauren Manley  
Student  
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Diami Virgilio  
Communications and Development Associate  
Day One

Dr. Sophie Andar, EdD  
Health Educator/  
Violence Prevention Specialist

Lilly Melartin  
Student  
Marymount Manhattan College

2 CHAIRPERSON BARRON: [gavel] Good  
3 afternoon. I want to thank everyone for joining us  
4 for today's important hearing examining sexual  
5 assault on New York City colleges' campus. I'm  
6 Council Member Inez Barron, chair of the Higher  
7 Education Committee and I'm joined today by the  
8 Committee on Public Safety, chaired by Council Member  
9 Vanessa Gibson, the Committee on Women's Issues,  
10 chaired by Council Member Laurie Cumbo and the  
11 Committee on Civil Rights, chaired by Council Member  
12 Darlene Mealy. We are also joined by the Public  
13 Advocate, Letitia James.

14 Roughly one in five undergraduate women  
15 and one in 20 undergraduate men will be the victim of  
16 an attempted or completed sexual assault. According  
17 to a recent report by the United States Department of  
18 Education, over the last decade, the number of sexual  
19 assaults reported on college campuses increased by  
20 over 50 percent from 2,200 in 2001 to 3,330 in 2011.  
21 At the same time, other studies show that because of  
22 poor campus policies and procedures for handling  
23 sexual assault cases, less than five percent of rape  
24 and attempted rape victims at colleges report the  
25 crime to school authorities or law enforcement.

2                   Unfortunately, New York City campuses  
3 find themselves at the center of much of the  
4 attention that has come to this issue this year. In  
5 May, the Department of Justice opened an  
6 investigation into 55 schools alleged to have  
7 violated Title IX, which requires schools that  
8 receive Title IX funding to take measures to stop  
9 sexual assault on campuses. Several New York City  
10 schools, both private and part of the City  
11 University, are a part of these investigations.

12                   In a high profile case, a female student  
13 filed a complaint alleging that she was forced to  
14 report an assault against her will. According to her  
15 complaint, the school ruled that because alcohol was  
16 involved, the alleged assailant wasn't culpable. The  
17 victim, however, was ordered to take a class... the  
18 VICTIM, however, was ordered to take a class on  
19 alcohol abuse and date rape.

20                   At another local university, a student  
21 has captured national attention, when, in response to  
22 a university investigation that found her alleged  
23 rapist innocent, she began carrying her dorm mattress  
24 on her back everywhere she goes on campus, which she  
25 pledges to do until her attacker is expelled. She is



2 just one of 23 students from two local colleges to  
3 file complaints against the school for failing to  
4 comply with Title IX.

5 We do not sit here today to decide who is  
6 guilty and who is innocent. We join together to hear  
7 the testimony of students, advocates and school  
8 administrators because we, as a city, want to know  
9 what more we can do to make our young women feel  
10 safe, as well as our young men. I'm proud to sit  
11 here with my three co-chairs and the Public Advocate,  
12 all women of color, to affirm that education is a  
13 human right, that every woman has a right to control  
14 her own body and control her own future. We live in  
15 a society where racism and sexism are very apparent  
16 all around us, where historically, sexual violence  
17 has been an issue, particularly for black women and  
18 victims of rape have been made to feel fearful and  
19 ashamed so that they won't come forward and we know  
20 the current issue that's been in all the newspapers.  
21 We join together to affirm a woman's right to go to  
22 college feeling secure and safe in her person and to  
23 seek justice so that she will no longer have to  
24 endure the smug looks of an attacker as she walks  
25 through the campus or through her dorm.

2 In addition to our oversight topic, we'll  
3 be hearing testimony on two resolutions today:  
4 Resolution 427, urging congress to pass and President  
5 Obama to sign Senate 2692/H.R.5354, also known as the  
6 Campus Accountability and Safety Act and Resolution  
7 454, calling upon the United States Congress to pass  
8 and the President to sign H.R.5277 and Senate 2695,  
9 also known as the Survivor Outreach and Support  
10 Campus Act, which would amend the Higher Education  
11 Act of 1965 to require institutions of higher  
12 education to have an independent advocate for campus  
13 sexual assault prevention and response.

14 I also want to acknowledge the member of  
15 the Higher Education Committee who are present.  
16 Council Member Vacca and the other Council Members  
17 Cumbo, Gibson and they will be also making opening  
18 statements. And I extend my thanks to the  
19 legislative and community liaison, Indigo Washington;  
20 the committee's policy analyst, Tonya Cyrus and the  
21 committee's counsel, Jeffrey Campagna. We're also  
22 joined by Council Members Eugene Mathieu, Council  
23 Member King, Council Member Matteo and Council Member  
24 Kallos. Before we begin, I would like to give each  
25 of my co-chairs and sponsors of the two resolutions

2 an opportunity to offer opening remarks and I will  
3 start with Council Member Gibson.

4 CHAIRPERSON GIBSON: Thank you very much,  
5 Madam Co-Chair and good afternoon to each and every  
6 one of you. I am Council Member Vanessa Gibson,  
7 proudly representing the 16<sup>th</sup> District in the Bronx  
8 and also serving as chair of the Committee on Public  
9 Safety. It is my honor to join with my distinguished  
10 colleagues who are here, my fellow Co-Chairs, Council  
11 Member Inez Barron, Laurie Cumbo and Darlene Mealy,  
12 as we put together this very, very important meeting.  
13 I want to thank our amazing Public Advocate, Letitia  
14 James, for her leadership; her commitment; for making  
15 sure that this is an issue that we bring out of  
16 darkness and into the light. I want to recognize and  
17 thank all of our amazing advocacy groups; our  
18 community organizations that do this work every day  
19 in servicing victims and students, who are  
20 unfortunately victims of sexual assault violence.

21 I also want to recognize many of our  
22 incredible survivors, who joined with us earlier  
23 today at a press conference. They are our upstanders  
24 for change. When you look at some of the statistics  
25 and data that we always talk about, we know that

2 being a college student should not include becoming a  
3 victim of sexual assault and rape. We are shedding  
4 light on an issue that's been kept in the dark. When  
5 you talk about public safety and the fact that all  
6 students on any college campus have a right to be  
7 safe, we know that that should be a number one  
8 priority for our colleges and universities. We know  
9 that public safety should be the number one focus and  
10 not necessarily the image or the reputation of the  
11 college.

12 Today's hearing is a very important step  
13 of moving this journey forward in making sure that as  
14 council members; as advocates; as an administration,  
15 we recognize this very important issue and the fact  
16 that so many students across campuses in this city  
17 are living in silence. We want them our victors; we  
18 want them to be our upstanders; we want them to come  
19 forward, but we want to do it in such a way where we  
20 promote education, opportunity, awareness and access.  
21 Working with our rape crisis centers; working with  
22 our college administrators; our law enforcement, we  
23 want to make sure that anyone who unfortunately  
24 becomes a victim knows that there are services out  
25 there. We don't want that person to be victimized a

2 second time by attempting to tell a story, only to  
3 find a brick wall. We want them to come forward and  
4 let them know that there are many people that support  
5 and that are here to give them the guidance that is  
6 needed so they can finish their college education.

7           And so I want to thank all of my  
8 colleague who are here for their support and I thank  
9 all of you for being here, and as I close, I just  
10 want to recognize my committee staff for the  
11 Committee on Public Safety, my legislative analyst; I  
12 want to recognize Beth Golub; I want to recognize my  
13 Finance team, Ellen Eng and Aisa Wright and I also  
14 want to recognize my legislative counsel, Carmine  
15 Guiga and unfortunately, this is the very last  
16 hearing in which Carmine will be here as the analyst  
17 for the Public Safety Committee and he's moving on  
18 and so I want to publicly thank Carmine Guiga for the  
19 past 10 months of working with me; of guiding me. He  
20 is someone who's been here for a long time working on  
21 many issues around public safety; around Stop,  
22 Question, Frisk and I'm so honored to have been with  
23 him these past 10 months and I want to wish him well  
24 in his new journey and I want to thank him for his  
25 incredible service. Thank you again. [applause]

2 Thank you and I look forward to today's hearing and  
3 thank you all for being here today. Thank you again,  
4 Madam Chair.

5 CHAIRPERSON BARRON: Thank you. I want  
6 to remind all of my colleagues, we agreed we would  
7 limit our opening remarks to two minutes because we  
8 have much to hear. So with that, I'm going to ask  
9 next for Council Member Cumbo, if she would offer her  
10 opening remarks. Thank you.

11 CHAIRPERSON CUMBO: Noted. [laughter]  
12 Thank you, Chair Barron. Thank you Chair Gibson.  
13 Good afternoon, everyone. My name is Laurie Cumbo  
14 and I am chair of the Committee on Women's Issues.  
15 First, I want to thank my colleagues and co-chairs,  
16 Council Member Barron, Gibson and Mealy for working  
17 with me and my committee on the issue we will be  
18 addressing today. I'd also like to thank the staff  
19 of the Committee on Women's Issues, Aminta Kilawan,  
20 counsel and Joan Povolny, the policy analyst, in  
21 addition to the staffs on the Committees of Higher  
22 Education, Public Safety and Civil Rights.

23 School-related gender-based violence is a  
24 global human rights issue. We've all read the  
25 horrific stories about young women being attacked for

2 pursuing their basic right to an education. For  
3 example, the nearly 300 girls who were abducted from  
4 a rural secondary school in Nigeria by the extremist  
5 group Boko Haram or Malala Yousafzai, who, despite  
6 being attacked by the Taliban, continues to be a  
7 vocal advocate for the education of girls. And right  
8 here at home, where fearless young women like Emma  
9 Sulkowicz chose to shatter their silence and make the  
10 bold statement that sexual assault on campuses cannot  
11 be tolerated.

12 As my co-chair, Council Member Barron  
13 mentioned, this hearing is focused on sexual assault  
14 on college campuses in New York City. Earlier this  
15 month, colleges and universities nationwide released  
16 their annual campus crime reports. As a result, many  
17 schools who were accused of mishandling sexual  
18 assault cases announced higher number for sexual  
19 assaults on campus. This can be considered a  
20 positive sign in that it demonstrates that more  
21 victims are coming forward; however, it is disturbing  
22 that his issue is so rampant. When women aren't safe  
23 in institutions of higher learning, it is a clear  
24 sign that there needs to be a culture of change with  
25 regard to how young women are treated throughout our

2 society. Some activists refer to this as "rape  
3 culture," where society normalizes violence against  
4 women and women are blamed for being victims. As  
5 chair of the Women's Issues Committee, we cannot  
6 allow women to be treated as some sort of  
7 "initiation" or "rites of passage" for fraternities  
8 or athletic groups or some sort of on or off campus  
9 party. Our women are valuable and should be treated  
10 as such.

11 As chair of the Women's Issues Committee,  
12 I feel strongly about the safety of women and girls  
13 in all settings. Until women and girls are safe in  
14 all spheres of society, they will not have equal  
15 access and opportunities. College campuses should be  
16 places where young women are exploring ideas and  
17 ideals, expanding their minds and horizons and  
18 expanding for their futures.

19 I want to thank all of the advocates,  
20 institutions, organizations who will testify before  
21 us today. They have exhibited incredible  
22 courageousness and bravery. I look forward to  
23 hearing from each and every one of you as we address  
24 what is being done and what can be done to make sure  
25 that students are protected and justice is served for



2 victims of sexual assault. This is an important  
3 issue because the intellectual contributions of women  
4 in the world is our greatest untapped resource and I  
5 believe that we have a duty to protect that voice and  
6 to bring our intellectual capacity into the global  
7 world, because I believe that that will be the way  
8 that we will create true equality in the world.

9           And in closing, I just want to say  
10 there's been a lot of discussion in terms of how we  
11 look at victims and how we look at survivors, but I  
12 wanted to add that when we look at a victim, a victim  
13 is something that something happened to, but then  
14 when they come out of it, they become a survivor and  
15 then when you come forward today before the City  
16 Council, you become a warrior. So we want to thank  
17 all of you as warriors for coming forward and sharing  
18 your stories and bringing such courageousness before  
19 this entire body. Thank you very much. [applause]

20           CHAIRPERSON BARRON: Thank you, Council  
21 Member. We're now going to go to Council Member  
22 Mealy, asking again that it be up to two minutes. It  
23 hasn't happened yet. We're moving on. Council  
24 Member?

2 CHAIRPERSON MEALY: Yeah, I'm going to  
3 stay to the script.

4 CHAIRPERSON BARRON: Thank you.

5 CHAIRPERSON MEALY: Two minutes. Good  
6 morning. My name is Darlene Mealy and I'm the chair  
7 of Civil Rights Committee. I'm delighted to be here  
8 with all the chairs of all the committees, our Inez  
9 Barron, Vanessa Gibson, Laurie Cumbo and our co-  
10 leader of the Women's Caucus, Elizabeth Crowley and  
11 our Public Advocate, Letish James.

12 We are here today because of the sad  
13 truth that an estimated 20 to 25 percent of female  
14 undergrad students will experience or attempted  
15 sexual assault while in college, and hate crimes  
16 motivated by gender, religion, race or sexual  
17 orientation bias continue to occur at schools and  
18 universities across the country. In addition to the  
19 physical and emotional scars that are left behind,  
20 these attack victims in colleges also tend to suffer  
21 academically, experiencing bouts of depression and  
22 Post-Traumatic Stress Disorder, increased use of drug  
23 and alcoholism and may even contemplate suicide. For  
24 many, the events of an attack are made worse by the  
25

2 relentless stress caused by knowing that their  
3 predator might still be walking around on campus.

4           Thankfully, the federal government has  
5 made efforts to contain and eliminate sexual  
6 harassment and sexual violence on college campus.  
7 Title IX, the Clery Act, Jeanne Clery Disclosure of  
8 Campus Security Policies and Campus Crime Statistics  
9 Act and the FERPA, Family Educational Rights and  
10 Privacy Act are three federal laws that apply to  
11 nearly all colleges and universities in the United  
12 States.

13           Today we look forward to hearing what  
14 local institutions of higher education are doing to  
15 comply with the federal requirements, in particular  
16 in relation to prevention and reporting. We also  
17 look forward to finding out what more can be done to  
18 protect our students and to ensure that [chime] they  
19 are in safe learning environments, particularly at  
20 the local level. I'd like to thank everyone for  
21 attending today's hearing, providing testimony. I  
22 look forward to hearing from all of you and  
23 considering what you have to say and thank you. And  
24 I wish you wouldn't have done that.

2 CHAIRPERSON BARRON: Thank you, Council  
3 Member. We're now going to ask Council Member  
4 Crowley if she would like to make opening remarks.

5 COUNCIL MEMBER CROWLEY: Yes, thank you,  
6 Council Member Barron and Council Member Gibson,  
7 Cumbo and my co-chair and chair of the Civil Rights  
8 Committee, Council Member Mealy. Thank you for  
9 having this hearing today.

10 It is clear that there are inadequate  
11 policies and procedures regarding on campus sexual in  
12 New York City and across the nation. Each year,  
13 millions of students, particularly young women, are  
14 at risk. It is estimated that one in five women are  
15 sexually assaulted at some point in college and in  
16 most cases, she knows her attacker, but so often  
17 these crime go unreported and in cases where a report  
18 is filed, these crimes so often go without a proper  
19 investigation. In fact, in the last five years, 40  
20 percent of schools surveyed said they have not  
21 conducted one single investigation for sexual  
22 assaults. Nearly 75 percent of colleges have no  
23 protocols on how to work with law enforcement to  
24 respond to sexual assault and roughly one-third of  
25 institutions provide no sexual assault training to

2 neither their students nor to on campus law  
3 enforcement. We find out that all schools are not  
4 created equal when it comes to addressing sexual  
5 assault; that many schools our students face a  
6 higher... in many schools our students face a higher  
7 risk of sexual assault and these schools don't even  
8 have a proper policy in place to report the violence.

9           These trends cannot be allowed to  
10 continue. That is why I've introduced Resolution  
11 427, which supports the Campus Accountability and  
12 Safety Act, which would establish new campus  
13 resources and support services for student survivors;  
14 would ensure a minimum training standard for on  
15 campus personnel; would require the United States  
16 Department of Education to publish the names of all  
17 schools with pending investigations and to fine  
18 schools and institutions that do not participate in  
19 this reporting. We have a plan to ensure that all  
20 students have the protection [chime] they need to  
21 report sexual assaults and have the access to  
22 supportive services and for the hearing today, I  
23 brought a pillow and I will leave it here for the  
24 rest of the hearing. I invite my colleagues to  
25 enjoy... join organizations such as Hollaback!, which

2 is a local organization that fights sexual assault  
3 and students and leaders across the country to carry  
4 a mattress or a pillow to support survivors with them  
5 on Wednesday. We are building awareness. We're  
6 going to have the pillow remain here for the hearing.  
7 Hope you don't mind, Chair.

8 CHAIRPERSON BARRON: [off mic] As long as  
9 it's in your seat.

10 COUNCIL MEMBER CROWLEY: Yes and thank  
11 you. I conclude my opening remarks.

12 CHAIRPERSON BARRON: Thank you, Council  
13 Member. We'll next hear from Council Member  
14 Williams.

15 COUNCIL MEMBER WILLIAMS: Thank you,  
16 Madam Chair. I am here as a male to play a  
17 supportive role and whatever role I can play in this  
18 issue with the dynamic leadership that has already  
19 taken the lead on this issue, particularly as was  
20 mentioned, a society that seems to reward hyper-  
21 masculinity of violence and violence towards womens  
22 [sic] in a way that it shouldn't, whether it's  
23 through sports or through hip hop and music; hip hop,  
24 one of the genre I love very much, but there's still  
25 some challenges that need to be worked out. And even

2 if this was just a women's issue, it shouldn't be  
3 something that's shunted aside. The fact of the  
4 matter is, as I mentioned, my mother happens to be a  
5 woman and my sister happens to be a woman. It is  
6 more than a women's issue. It is a family issue; it  
7 is a children's issue; it is a community issue; it is  
8 a family issue; it is a neighborhood issue. And so  
9 for that reason, I want to thank Council Members and  
10 Chairs Laurie Cumbo, Vanessa Gibson and Darlene Mealy  
11 and even more importantly, Inez Barron for having a  
12 hearing on Resolution 454, calling upon the United  
13 States Congress to pass and the President to sign  
14 H.R.5277 and S.2695, also known as Survivor Outreach  
15 and Support Campus Act that would require  
16 institutions of higher education to have an  
17 independent advocate for campus sexual prevention and  
18 response.

19           According to 2007 Campus Sexual Assault  
20 Study, one in five women and also one in 16 men are  
21 targets of attempted or completed sexual assault  
22 while they are college students. And according to  
23 another study from the National College Women's  
24 Sexual Victimization, less than five percent of  
25 completed and/or attempted rapes are reported to law

2 enforcement officials. Further, the study reveals  
3 that victims identified barriers to reporting sexual  
4 assault, including feared hostile treatment by  
5 authorities and not knowing how to report the  
6 incident. The way these things have been handled I  
7 believe from what I've heard have been obscene and  
8 it's time for it to change.

9 Many U.S. colleges and universities have  
10 recently come under scrutiny for the handling of  
11 reports of sexual assault. [chime] In 2014,  
12 Congresswoman Susan David; U.S. Senator Barbara Boxer  
13 introduced these bills, also known as Survivor  
14 Outreach or SOS Act. As part of the Domestic  
15 Violence Awareness Month, I'm proud to sponsor them.  
16 The bill will let college students who've fallen  
17 victim of sexual assault meet someone they can talk  
18 to outside of their personal network, especially  
19 since many victims don't speak out at all and  
20 especially because the person that they're often  
21 speaking to on the campus's intentions in mind and  
22 not the victim's.

23 So I'm going try to close it to be  
24 respectful of the dynamic woman who is chairing the  
25 hearing. If I can just wrap up, the SOS Act is



2 supported by notable groups and organizations,  
3 including the University of California, the National  
4 Alliance to End Sexual Violence and the National  
5 Women's Law Center. More must be done to combat  
6 these violent acts throughout college campuses. It's  
7 my hope that the college will pass this resolution.  
8 I know it doesn't have the force of law, but I'm  
9 hoping it will send a clear message to the federal  
10 elected officials and Congress, who have the power to  
11 act and do so quickly, and I'd like to give a shout  
12 out again to the victims, who became survivors, as  
13 was mentioned, and now warriors who are giving their  
14 testimony today, including Zoe, who gave a powerful  
15 testimony outside. Thank you.

16 CHAIRPERSON BARRON: Thank you, Council  
17 Member. We have been joined by Council Member  
18 Cabrera, Council Member Dromm, Council Member  
19 Rosenthal and Council Member Espinal. And at this  
20 time we'll hear opening remarks from our Public  
21 Advocate, Letitia James.

22 PUBLIC ADVOCATE JAMES: Thank you, Madam  
23 Chair and to all of my colleagues in government.  
24 This is not a women's issue. This is a human rights  
25 civil issue for all citizens in the City of New York.

2 I particularly want to give a shout out to Zoe  
3 Ridolfi-Starr, who is certainly a star in her own  
4 right and who was a survivor. I also want to give a  
5 shout out to all the wonderful and incredible student  
6 that I've met over the months: Pace students, New  
7 School students, Columbia University, NYU and CUNY  
8 students, who are all represented here today. Here  
9 in the chamber, we don't clap; we say this when you  
10 agree or [snapping fingers] if you agree.

11 Before I begin, I want to talk a little  
12 bit about the problem. One in five college women are  
13 victims of rape or attempted rape. 42 percent of  
14 college women who are raped tell no one. Colleges  
15 with 6,000 students or more on average at least there  
16 is one rape per day during the school year. Without  
17 a doubt, these statistics are alarming. I've heard  
18 and spoken with survivors, students; incredibly brave  
19 students who basically told me their experiences.  
20 I've heard about responses by colleges and  
21 authorities to claims of sexual assault, and therein  
22 lies the problem. What they have said is a sexually  
23 assaulted student who sought justice through a local  
24 college was told that her claim would be dropped and  
25 disregarded if she chose to go home rather than stay

2 at school during the summer. Police officers called  
3 to address claims of sexual assault have been  
4 described as unprofessional and clearly not trained  
5 to handle these incidents. I think we all agree that  
6 these types of responses are highly problematic and  
7 need to change, and therefore we must use the  
8 government resources that we control for change.  
9 With that in mind, I want to accomplish two things at  
10 today's hearing: 1. A better understanding of the  
11 deficiencies in prevention and response at schools.  
12 2. To hear your ideas on how we can improve  
13 prevention and response at colleges throughout our  
14 city. As I said before, we, as local officials, can  
15 make a difference. With that, I once again would  
16 like to thank the Speaker and Chairs for convening  
17 today's hearing and welcome all of our guests and I  
18 look forward to hearing from them.

19 CHAIRPERSON BARRON: Less than two  
20 minutes. We want to thank the Public Advocate for  
21 setting the model for how we're going to move forward  
22 and that's my response. Thank you, Madam Public  
23 Advocate. If I've overlooked council members, I do  
24 want to acknowledge them. Council Member Deutsch,  
25 Council Member Gentile, we want to thank you. At

2 this time, we're going to call our first panel and  
3 that panel will be asked... is told that they are under  
4 oath and please wait to be sworn in before testifying  
5 and when you do speak, please be sure to identify  
6 yourself by name and affiliation. First panel is  
7 Deputy General Counsel Jane Sovern from CUNY; Dean  
8 Jennifer Rubain from CUNY; Deputy to the Vice  
9 Chancellor of Student Affairs, Paulette Dalpes and  
10 Michael Lederhandler, Director of Operations and  
11 Public Safety at CUNY.

12 [Pause]

13 CHAIRPERSON BARRON: Thank you. I'm  
14 going to ask if you would please raise your right  
15 hand. Do you affirm to tell the truth, the whole  
16 truth and nothing but the testimony before this  
17 committee and to respond honestly to council member  
18 questions? Thank you, you may begin.

19 JANE SOVERN: [off mic] My name is Jane  
20 Sovern. Good afternoon. I'm Jane Sovern. I'm  
21 Deputy General Counsel for the City University of New  
22 York. Thank you, Chairpersons Barron, Gibson, Cumbo  
23 and Mealy, members of the Council, Public Advocate  
24 James for this opportunity to discuss with you the  
25 important topic of how CUNY and other colleges and

2 universities are addressing sexual assault and other  
3 sexual violence on our campuses. I'm joined here by  
4 my colleagues, Jennifer Rubain, Paulette Dalpes and  
5 Michael Lederhandler.

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

16 To reach that goal of a safe and  
17 supportive environment, we have focused on  
18 prevention, policies and response, specifically  
19 preventing sexual violence on our campuses, providing  
20 updated, clear and comprehensive policies and  
21 information so that students know where and how to  
22 bring complaints and staff and faculty understand  
23 their obligations, responding to students with  
24 complaints of sexual misconduct with coordinated and  
25 sustained support, including assisting with reporting

2 to law enforcement and investigating and adjudicating  
3 complaints promptly and fairly to all parties.  
4 During the past year, through teamwork, we have  
5 accomplished a great deal towards our goals.

6 As you're aware, there are numerous, and  
7 as have been discussed here, there are many federal  
8 and state laws that govern campus response to sexual  
9 assault and sexual violence, which include stalking,  
10 domestic and intimate partner violence and you've  
11 mentioned many of those. In light of the many recent  
12 changes to those laws, we have been in the process of  
13 updating CUNY's existing Sexual Assault policy and  
14 policy on Equal Opportunity Non-Discrimination and  
15 Against Sexual Harassment. We've been working to  
16 create a single policy that covers students, staff  
17 and visitors. We have learned from our own  
18 experiences, as well as from hearing from our  
19 students and staff, that these policies were somewhat  
20 overlapping and confusing, so we immediately  
21 implemented a CUNY-wide protocol to ensure campus  
22 teamwork and consistency in handling complaints. The  
23 protocol requires that at every campus the Title IX  
24 coordinator, the Public Safety director and the Chief  
25 Student Affairs officer all are immediately informed

2 about and work together to respond to all allegations  
3 of sexual violence, with additional campus officials  
4 brought in as appropriate. Similarly, the central  
5 CUNY offices that you see represented here today:  
6 Public Safety, Student Affairs, Recruitment and  
7 Diversity and General Counsel immediately inform each  
8 other about and work jointly with the campuses on  
9 issues that are brought to us.

10 In addition to preparing our revised  
11 policy on sex-based harassment and sexual assault, we  
12 are also revising our student disciplinary procedures  
13 to reflect updated law and guidance, as well as  
14 extensive input that we solicited and received from a  
15 wide variety of stakeholders in this process. In  
16 late September and early October, we sent email  
17 messages with the proposed policy and the proposed  
18 disciplinary process to all CUNY faculty, staff and  
19 students seeking their comments and we understand  
20 that the emails were opened by over 180,000 viewers,  
21 and we received many, many thoughtful comments in  
22 response. We further conducted focus groups  
23 involving about 70 CUNY students, who reviewed and  
24 provided detailed input about the draft policy with  
25 groups that included student veterans; student

2 athletes; students with disabilities; student  
3 leaders; resident assistants in campus residential  
4 facilities; student campus housing residents;  
5 students who are both male and female and students in  
6 our Black Male initiative programs. We also  
7 consulted with the entire University Student Senate,  
8 the leadership of the University Faculty Senate, the  
9 leadership of our Faculty Union and staff in a wide  
10 variety of areas, including Campus Student Affairs;  
11 Title IX coordinators; Women's Center directors,  
12 Campus Public Safety directors; athletic staff; CUNY  
13 Board of Trustees and our outside pro bono counsel,  
14 Dennis Cariello, from the DLA Piper Law Firm, who has  
15 served in senior positions at the Office for Civil  
16 Rights of the U.S. Department of Education and CUNY  
17 Law School Dean Michelle Anderson, who is an  
18 acclaimed scholar and a nationally recognized expert  
19 on rape law, among numerous other folks.

20           The revised policy and the changes to the  
21 student discipline procedures are scheduled to be  
22 considered and acted upon by the CUNY Board of  
23 Trustees at their regular meeting on December 1<sup>st</sup>,  
24 2014, and if adopted, will take effect in January of  
25 2015. There have been and will be also further



2 public hearings, which will provide further  
3 opportunity for comments on those documents.

4           Among the important changes to the policy  
5 and the student disciplinary procedures are first  
6 providing a clear definition of consent using an  
7 affirmative consent standard, meaning that consent  
8 must be given in words or actions that silence or  
9 failure to resist do not, in and of themselves,  
10 demonstrate consent and that past consent to sexual  
11 activity does not constitute consent to subsequent  
12 sexual activity. Another important change provides  
13 the complainant and the accused students with the  
14 same rights to receive notice of disciplinary charges  
15 and to attend and participate fully in a student  
16 disciplinary hearing to appear through a  
17 representative of their choice and to receive notice  
18 of the decision of the committee and to appeal.

19           In addition to the protocol and the  
20 ongoing policy and disciplinary procedures revisions,  
21 CUNY has implemented additional relevant policies and  
22 guidance, including a medical amnesty Good Samaritan  
23 policy our students to reports incidents of sexual  
24 harassment or sexual violence that they experience or  
25 witness while under the influence of alcohol or drugs

2 without receiving discipline for their alcohol or  
3 drug use if they agree to complete appropriate  
4 education or treatment as the circumstances warrant.  
5 We are also reviewing other existing policies to make  
6 necessary updates to ensure consistency with legal  
7 requirements, revised policies and current best  
8 practices.

9           During this past summer 2014, in time for  
10 the fall 2014 term, our group also provided our  
11 campuses with clear guidance and up-to-date  
12 educational materials for CUNY students on sexual  
13 harassment and sexual assault, including domestic and  
14 intimate partner violence and stalking that reflect  
15 current New York State and federal law and guidance,  
16 as well as CUNY policy. You will hear more from  
17 Paulette Dalpes about our ongoing educational  
18 programming for students. We have also focused  
19 intensively on training chairpersons and the members  
20 of the campus disciplinary committees, who hear and  
21 adjudicate complaints against students, as well as  
22 the campus staff, who handle these proceedings. That  
23 training will remain a major priority as we  
24 transition to new disciplinary procedures and the new  
25 policy.

2           Additionally, an in-house group is in the  
3 process of developing an anonymous online Campus  
4 Climate Survey geared to CUNY's largely non-  
5 residential population, which will be sent to all  
6 CUNY students in the spring term of 2015 to get  
7 feedback from students on the atmosphere at our  
8 campuses and what issues students feel we should  
9 better address.

10           We and our three Bronx campuses have  
11 begun discussions to foster closer collaborations  
12 between CUNY campus Public Safety officers and other  
13 campus staff with the Bronx District Attorney's  
14 Office, particularly the Special Victims Sex Crimes  
15 and Domestic Violence Units, as well as specially  
16 trained NYPD liaisons. We anticipate similar  
17 collaborations with the District Attorney's Offices  
18 in all five boroughs.

19           All of what I have described to you so  
20 far is in support of the extraordinary staff and  
21 students at our 24 campuses. Our staff at our CUNY  
22 campuses are doing significant work every day on  
23 education and prevention of sexual assault, providing  
24 support and offering resources to affected students,  
25 encouraging students to report allegations to the

2 NYPD and working closely with law enforcement,  
3 investigating and responding to student allegations  
4 of sexual violence and maintaining and disseminating  
5 information on sexual assault allegations. On each  
6 campus, the key responders work as a team to address  
7 allegations and to respond to student needs.

8 We agree with you and we know there is  
9 much more to do on this issue. One sexual assault of  
10 a student on any of our campuses is one too many. We  
11 are continuing to review our efforts, to solicit  
12 feedback and to make adjustments and improvements.  
13 Our north star is to do the right thing for our  
14 students. My colleagues and I thank you for your  
15 concern, your passion and your attention to this  
16 important and timely issue and we look forward to  
17 working with you and with all of the folks who are  
18 here today to address this important problem. Thank  
19 you.

20 DEAN RUBAIN: Good afternoon. My name is  
21 Jennifer Rubain and I'm University Dean for  
22 Recruitment and Diversity at CUNY. I appreciate the  
23 opportunity to address the Public Advocate and the  
24 Committees on Higher Education, Women's Issues, Civil  
25 Rights and Public Safety on what the university does

2 to promote compliance with Title IX. I will share  
3 how the campus Title IX coordinators implement CUNY's  
4 commitment to provide a safe, learning, teaching and  
5 working environment and review training we offer to  
6 faculty and staff.

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

19           The university's approach has been to  
20 have key central office personnel operate as a Title  
21 IX working group and function as a team to help our  
22 campuses reach students in ways that matter. Our  
23 goals are to prevent students from being sexually  
24 assaulted on our campuses; to make sure that we have  
25 clear and forceful policies on sexual misconduct;

2 especially sexual assault; to ensure that the campus  
3 community is educated and aware of the university's  
4 obligations to students who bring complaints of  
5 sexual misconduct and to respond to students with  
6 complaints of sexual misconduct promptly and with  
7 sensitivity and fairness.

8           The university's Title IX working group  
9 is led by me, Jane Sovern, who you just heard from  
10 and Paulette Dalpes, who will speak next. This team  
11 includes representatives from the offices of the  
12 General Counsel, Recruitment and Diversity, Student  
13 Affairs and Public Safety. Our cross-functional team  
14 was established nearly 18 months ago and meets bi-  
15 weekly. In order to best advise the campuses, the  
16 members of this group keep current on Title IX trends  
17 and effective implementation strategies by reviewing  
18 decisions from enforcement agencies and participating  
19 in trainings offered by groups such as the National  
20 Association of College and University Attorneys,  
21 NACUA and Student Affairs Administrators in Higher  
22 Education, NASPA.

23           Since its inception, the Title IX working  
24 group has provided high quality training, resources  
25 and guidelines to help the campuses comply with Title

2 IX. This coordinated approach ensures that all  
3 campus responders receive accurate, CUNY specific and  
4 timely information and are equipped with the  
5 requisite knowledge and tools to carry out their  
6 responsibilities. Providing Title IX trainings for  
7 the campus Title IX coordinators, Public Safety  
8 directors and Chief Student Affairs officers has been  
9 a priority for the working group and there have been  
10 numerous sessions over the past 18 months. These  
11 joint trainings sessions ensure that all parties  
12 understand their specific roles and responsibilities  
13 and also provide opportunities for the campus  
14 partners to share effective implementation  
15 strategies.

16 The next scheduled training session is  
17 being conducted by the Mayor's Office to Combat  
18 Domestic Violence and the Manhattan Family Justice  
19 Center on November 17<sup>th</sup>. This training will  
20 sensitize participants to the complex issues and  
21 emotions associated with sexual misconduct, domestic  
22 violence, intimate partner violence and stalking;  
23 provide a refresher on the elements of crimes  
24 associated with sexual assault and domestic violence;  
25 describe the resources available to victims at the

2 Family Justice Centers and provide an overview of how  
3 Family Court operates. This trauma informed training  
4 highlights our belief that effective training should  
5 include community and legal resources so that  
6 complainants are appropriately advised, counseled and  
7 supported.

8 Another key accomplishment is the  
9 development of a CUNY Title IX website, with Title IX  
10 web pages for each campus that provides the names and  
11 contact information for the key campus team members:  
12 the Title IX coordinator, Chief Student Affair  
13 officer and Public Safety director. The web pages  
14 also include CUNY policies, materials on sexual  
15 violence, bystander intervention, consent and other  
16 topics, as well as communities' resources such as  
17 rape crisis centers and enforcement agencies such as  
18 the U.S. Department of Education Office for Civil  
19 Rights, OCR. It is significant to note that there is  
20 a link to the CUNY Title IX website right on CUNY's  
21 homepage. Just last month, there were 2.5 million  
22 unique visitors to the CUNY homepage and almost 1,000  
23 unique visitors viewed the Title IX page. We want  
24 members of our community and the community at large  
25 to be able to locate Title IX information easily.



2                   Some additional highlights of the working  
3 group activities include establishing a Title IX  
4 SharePoint to serve as a repository for CUNY  
5 policies, training materials and other helpful  
6 resources for the campus Title IX coordinators;  
7 developing a comprehensive complaint log to document  
8 and track each phase of the complaint process;  
9 developing and disseminating a comprehensive  
10 investigations manual to ensure consistent complaint  
11 handling across the university; conducting Q&A  
12 conference calls for Title IX coordinators, Chief  
13 Student Affairs officers and Legal Affairs designees  
14 to answer questions concerning the education program  
15 requirements and share best practices among the  
16 campuses; advising college presidents and other  
17 senior administrators about the university's  
18 responsibility for educating the campus community  
19 about sexual misconduct; meeting with key New York  
20 regional officials of the U.S. Department of  
21 Education Office of Civil Rights, OCR, to discuss  
22 best practices with particular focus on our diverse  
23 and mostly non-residential student population and  
24 inviting OCR staff to CUNY to train campus Title IX  
25

2 coordinators, Chief Student Affair officers and  
3 Public Safety directors.

4           Each CUNY institution has a Title IX  
5 coordinator who is usually the college's Chief  
6 Diversity officer. As such, that individual has the  
7 requisite level of responsibility, training and  
8 competencies to successfully perform the duties of  
9 the Title IX coordinator. The Title IX coordinator's  
10 responsible for ensuring their contact information is  
11 readily available, educating the college community  
12 about Title IX and promptly conducting a fair,  
13 thorough and impartial investigation should a  
14 complaint be lodged. Direct access to the college  
15 president is regarded as a best practice for Title IX  
16 coordinators and our coordinators have such access.  
17 Additionally, my office periodically organizes a  
18 meeting of all the Title IX coordinators, which gives  
19 them an opportunity to share their strategies for  
20 implementing Title IX and to learn from each other.

21           As I mentioned earlier, the Title IX  
22 coordinators have received extensive training so they  
23 are equipped with an in-depth knowledge of the law  
24 and the university's policies and procedures on non-  
25 discrimination and sexual harassment. Additionally,

2 they have available to them the resources of my  
3 office and the Office of the General Counsel to  
4 answer questions and provide professional and legal  
5 support. This is equally true for the campus Chief  
6 Student Affairs officers, Public Safety directors and  
7 other campus administrators.

8           The University Office of Professional  
9 Development and Learning Management, better known as  
10 PDLM, supplements campus training efforts. PDLM  
11 provides a number of trainings as part of its Sexual  
12 Harassment Prevention program, including sessions  
13 designed specifically for supervisors and managers.  
14 Recognizing that classroom training may not meet the  
15 needs of many members of the CUNY community, PDLM  
16 also offers an online course for faculty, staff,  
17 students and campus guests. This online Sexual  
18 Harassment Prevention course includes a mastery test  
19 and a certificate of completion. It may be accessed  
20 24/7 from work or home and this feature makes it a  
21 great option for part-time employees such as  
22 adjuncts. Last year, nearly 2,500 individuals  
23 completed this training.

24           In terms of training for faculty and  
25 staff, CUNY has provided in-person Title IX related

2 training to staff and faculty at its central office  
3 and campuses. The sessions have been conducted by  
4 well-trained and knowledgeable individuals, including  
5 lawyers in CUNY's Office of the General Counsel and  
6 outside counsel from DLA Piper, who has high-level  
7 experience at the U.S. Department of Education. In  
8 addition, CUNY invited representatives of the U.S.  
9 Department of Education's Office for Civil Rights,  
10 OCR, to make a presentation to a large group of  
11 campus administrators with responsibility for Title  
12 IX.

13 Further, we recently offered our campuses  
14 an online Title IX training module for employees  
15 developed by Everfi. This comprehensive training  
16 called "Haven" can usually be completed in 35 minutes  
17 and covers our policy, definitions and examples of  
18 prohibited conduct. Later this week, the campuses  
19 will be given a Title IX training curriculum  
20 specifically for faculty and staff. This curriculum  
21 may be used for in-person training.

22 The City University of New York is deeply  
23 committed to ensuring a safe learning, teaching and  
24 working environment. We take the issue of sexual  
25 misconduct seriously and are dedicating the necessary

2 time and resources to ensuring that members of our  
3 community feel safe and secure so they may fully  
4 participate in the university community. Thank you  
5 for the opportunity to testify.

6 PAULETTE DALPES: Good afternoon. My  
7 name is Paulette Dalpes. I'm the Deputy to the Vice  
8 Chancellor for Student Affairs at the City University  
9 of New York. I appreciate and welcome this  
10 opportunity to address the Committees on Higher  
11 Education, Women's Issues, Public Safety and Civil  
12 Rights and to share with you specific efforts we have  
13 made to extend awareness to students regarding new  
14 policies and protocols of addressing campus sexual  
15 harassment and sexual assault.

16 This conversation is of particular  
17 importance to me, as I have spent my over 25 year  
18 career in higher education designing and implementing  
19 successful collegiate experiences for diverse college  
20 student populations and working to develop safe and  
21 inclusive campus environments to support the success  
22 of all of our students. This has included  
23 facilitating support groups for survivors of rape,  
24 training staff to provide alcohol awareness programs  
25 in campus residence halls to reduce incidents of

2 sexual violence related to the abuse of alcohol and  
3 adjudicating campus sexual harassment and sexual  
4 assault cases.

5           As my colleagues here today have shared,  
6 approximately 18 months ago, we began at CUNY to  
7 meet, discuss and plan an enhanced approach to  
8 combatting campus sexual harassment and sexual  
9 assault. This included reviewing and revising  
10 critical university-wide policies and protocols, as  
11 well as implementing targeted training to students  
12 and to staff and faculty serving in pivotal positions  
13 on the 24 campuses of CUNY. Our work is by no means  
14 complete and we anticipate that we will continue  
15 meeting every two weeks well into the future, as we  
16 endeavor to refine our efforts, identify best  
17 practices and expand our resources for addressing  
18 this important topic. For the purposes of this  
19 hearing, please allow me to build upon what my  
20 colleagues have shared and detail some of the  
21 specific actions we have undertaken to expand  
22 education and awareness among students to more  
23 effectively address sexual harassment and sexual  
24 assault within the CUNY community.

2 In our educational efforts with students,  
3 our primary goals are as follows: first, to ensure  
4 compliance with state and federal regulations, which  
5 require that campuses provide education and awareness  
6 to all incoming students about CUNY policy on sexual  
7 harassment and sexual assault incorporating  
8 explanations on what constitutes sexual harassment  
9 and sexual violence, including sexual assault,  
10 stalking, domestic violence and intimate partner  
11 violence and dating violence, as well as informing  
12 students about how to make a report of an incident,  
13 where to find confidential resources and the  
14 resulting penalties of a student who's found  
15 responsible for violating the policy.

16 Secondly, we seek also to educate  
17 students about bystander intervention. Best  
18 practices tell us if students understand that it is  
19 everyone's responsibility to address sexual  
20 misconduct and to intervene when they witness  
21 behavior of concern, the campus climate will be more  
22 responsive to addressing the incidence of sexual  
23 violence and there will be an active intolerance of  
24 such behaviors.

2 Thirdly, we also seek to provide  
3 education about the definition of consent. Most  
4 importantly, for example, if someone is under the  
5 influence of alcohol and/or drugs and is unable to  
6 give consent, then any sexual behavior with this  
7 individual is considered a violation of the CUNY  
8 Sexual Harassment and Sexual Assault policy, as well  
9 as a violation of the law.

10 We have provided this education in a  
11 variety of formats and forms in an attempt to reach  
12 as many students as possible. Specifically, this  
13 Fall, CUNY campuses have been providing education and  
14 resources to their students, including transfer  
15 students, to increase awareness and understanding of  
16 sexual violence and sexual harassment and domestic  
17 and intimate partner violence and stalking, the  
18 meaning of consent, CUNY's policies and procedures  
19 and the importance of bystander intervention. The  
20 trainings are in various forms, including in-person  
21 and online and occur during student orientations,  
22 events on campus, leadership retreats and in the  
23 residence halls. The online training uses "Haven,"  
24 as Jennifer Rubain has described, which is a sexual  
25 assault education and training module that is



2 featured on the White House notalone.gov website.  
3 The campuses also provide all students with  
4 pamphlets, flyers, posters and brochures summarizing  
5 CUNY's policies and resources and directing students  
6 as to where to file complaints.

7 We have also included this information on  
8 a CUNY Title IX website with separate pages for each  
9 campus, easily reached at the main CUNY homepage  
10 under quick links. The CUNY homepage receives  
11 approximately two and half million unique visitors  
12 every month.

13 More specifically, many campuses are  
14 providing bystander intervention training such as the  
15 "Step UP! Be a Leader, Make a Difference!" program,  
16 designed by the University of Arizona, as well as  
17 programs for the National Collegiate Athletic  
18 Association and other national experts. Others have  
19 offered such training in an interactive experiential  
20 theater format and adopted the "It's On Us" campaign  
21 initiated by the White House. Moving forward, CUNY  
22 campuses will also be supporting the "Upstander"  
23 campaign to combat domestic violence, a new program  
24 from the Mayor's Office to Combat Domestic Violence  
25 and promote the tagline "Don't Be A Bystander, Be An

2 Upstander." This will be combined with our  
3 developing partnerships with Family Justice Centers  
4 across of the boroughs.

5 Ongoing education about sexual harassment  
6 and sexual violence issues also occurs on some  
7 campuses for first year students in the role of a  
8 credit bearing course, including First Year  
9 Experience, Introduction to College Life courses or  
10 the Summer Freshmen Bridge programs. Additionally,  
11 throughout the year, campus women's centers, health  
12 services programs and offices of student activities  
13 provide educational workshops and programs to  
14 increase student awareness and education about these  
15 issues. Last year, CUNY campuses provided over 50  
16 programs related to domestic violence, intimate  
17 partner violence, sexual harassment and sexual  
18 assault. We anticipate this number will double  
19 during the current academic year.

20 Although the great majority of CUNY  
21 students are commuters, approximately 3,000 students  
22 live on campus residential facilities. Those 3,000  
23 students are a relatively small percentage of our  
24 overall 270,000 student enrollment; yet, as we know,  
25 student housing can be a high-risk area for sexual

2 misconduct. We have accordingly developed the CUNY  
3 protocol guidelines for residence life and student  
4 housing staff addressing allegations of sexual  
5 harassment and sexual violence. The protocol speaks  
6 to three major areas. 1. Clear requirements for  
7 providing information to students living in and also  
8 visitors who are in the residence halls. 2.  
9 Specific protocol for residence like staff to respond  
10 to allegations of sexual harassment and sexual  
11 violence and 3. Significant collaborations between  
12 departments to address allegations of sexual  
13 harassment and sexual violence in the residence hall.

14 All of the campuses with residence halls  
15 are providing their residents with the "Haven" online  
16 module described above and additionally, the  
17 residence hall staff is required to facilitate  
18 educational programs on this topic with residents,  
19 talk about it at floor meetings, as well as post  
20 information and resources in the residence hall.  
21 Recognizing the correlations between alcohol and drug  
22 use and sexual violence on campus, we have also  
23 implemented an amnesty policy related to the use of  
24 drugs and alcohol, as have many colleges and  
25 universities across the country.

2 CUNY strongly encourages students to  
3 report incidents of sexual harassment and sexual  
4 violence as soon as possible, even if those reporting  
5 or the alleged victim may have engaged in the  
6 inappropriate or unlawful use of alcohol or drugs.  
7 Therefore, subject to certain conditions, a student  
8 who reports or experiences sexual harassment or  
9 sexual violence will not be disciplined by the  
10 college for any violation of CUNY policy against  
11 drugs and alcohol in connection with the reported  
12 incident. We have also required all student athletes  
13 to complete the Haven online education module prior  
14 to being eligible to compete in CUNY athletic events  
15 and we have provided targeted training to student  
16 leaders, specifically requiring this training prior  
17 to overnight travel for university events.

18 And finally, I'd like to offer just one  
19 concluding note. While our commitment to educating  
20 our students is essential to raising awareness and  
21 preventing sexual violence on campus, our first  
22 priority is assisting the individuals who experience  
23 sexual harassment or sexual assault with the  
24 consequences of this trauma. To this end, we  
25 immediately provide information and available

2 counseling and referral resources to students who  
3 allege sexual violence. If a student can talk with a  
4 counselor first, then they can become more informed,  
5 empowered and ready to take the next step towards  
6 pursuing a complaint or filing charges if they so  
7 choose. And contrary to some messages in the media,  
8 I speak for my colleagues when I say that we want  
9 students to file complaints or pursue charges and we  
10 do everything possible to ensure a system that allows  
11 them to do so.

12 While we have worked diligently to  
13 address sexual violence within our university  
14 community, we recognize that this is by no means  
15 enough. We know there remains much more work to be  
16 done and we endeavor to build upon the strong  
17 foundation we have developed over the past 18 months  
18 to create campus environments that support, nurture  
19 and guarantee a safe and supportive learning  
20 environment for all of our students and to hold  
21 accountable those who violate CUNY's policies. Thank  
22 you very much for the opportunity to speak today.

23 MICHAEL LEDERHANDLER: Good afternoon.  
24 My name is Michael Lederhandler and I'm the Director  
25 of Operations for the Department of Public Safety of

2 the City University of New York. I have previously  
3 served as the Director of Public Safety at  
4 Kingsborough Community College and as the interim  
5 Director of Public Safety at John Jay College of  
6 Criminal Justice.

7 I welcome the opportunity to address the  
8 Committees on Higher Education, Women's Issues, Civil  
9 Rights and Public Safety on how the CUNY Department  
10 of Public Safety is striving to eliminate sexual  
11 violence on our campuses. At the same time, we are  
12 keeping our university community better informed as  
13 to what to do if they become witness to or a victim  
14 of sexual violence. In CUNY, as my colleagues have  
15 testified, we have made great strides in prevention,  
16 education, response and facilitation of reporting  
17 acts of sexual violence on our campuses.

18 The Jeanne Clery Disclosure of Campus  
19 Security Policy and Campus Crime Statistics Act  
20 requires colleges and universities to publish an  
21 annual safety report. This report contains  
22 information regarding campus security; including such  
23 topics as emergency procedures; crime prevention;  
24 university law enforcement authority; crime reporting  
25 policies; sexual assault prevention; disciplinary

2 procedures and other matters of importance to  
3 security on campus. It also contains crime  
4 statistics for the previous three calendar years.  
5 These statistics are compiled from incident reports,  
6 reports from designated campus security authorities  
7 and from our local police precincts. The report also  
8 includes institutional policies concerning campus  
9 security, such as policies concerning alcohol and  
10 drug use, crime prevention, the reporting of crimes,  
11 sexual assault and emergency and evacuation  
12 procedures.

13 Faculty, staff, students and others who  
14 may be on our campuses or on the contiguous  
15 geographic perimeter of our campuses are encouraged  
16 to promptly report any past crime, attempted crime or  
17 actual criminal activity to the Department of Public  
18 Safety. The department will expeditiously respond to  
19 the condition reported and make necessary  
20 notifications to the local police precinct when  
21 appropriate. Victims of and witnesses to acts of  
22 sexual assault, stalking or intimate partner violence  
23 are encouraged to report such acts to college  
24 authorities. When the college becomes aware of a  
25 reported incident of this nature, an investigation

2 will be promptly carried out under the joint  
3 supervision of the Title IX coordinator, the Chief  
4 Student Affairs officer and the Director of Public  
5 Safety. These individuals will work together with  
6 different areas of responsibility, coordinating their  
7 response so as to best serve the needs of the victim  
8 while ensuring a thorough inquiry into the facts that  
9 may end in disciplinary action to the offender, as  
10 well as a referral to the civil authorities. The  
11 Director of Public Safety will coordinate with  
12 outside law enforcement as necessary.

13 CUNY campuses and our geographic  
14 perimeters are patrolled under 24 hour a day basis by  
15 either Public Safety officers, Campus Security  
16 assistants and/or contract Security Guards. Public  
17 Safety officers are sworn law enforcement officers  
18 holding New York State Peace Officer status and have  
19 the power to make arrests. Contract Security  
20 officers and Campus Security assistants hold New York  
21 State Security Guard licenses. The City University  
22 of New York Department of Public Safety maintains a  
23 cooperative relationship with local, state and  
24 federal law enforcement agencies and our campuses  
25 have strong relationships with their local precincts.



2 Should the need arise for emergency notification to  
3 our university community due to an imminent threat  
4 from a sexual predator or other type of crime or  
5 criminal, we have the ability to use multi-tiered  
6 forms of mass communication. These systems include  
7 messaging by text, phone and email through our CUNY  
8 alert system; CUNY wide email blasts; electronic  
9 signage; immediate updates to our college websites  
10 and verbal announcements through the college's  
11 Emergency Communication Systems.

12 Sexual assault is a crime of power,  
13 aggression and violence. Terms such as "date rape"  
14 and "acquaintance rape" tend to minimize the fact  
15 that the act of rape or any sexual assault is a very  
16 serious crime. There is never an excuse or a reason  
17 for a person to rape, assault or even touch another's  
18 person's private parts without consent. The impact  
19 on those who experience such an attack can include  
20 severe and lasting physical, mental and emotional  
21 damage.

22 University and Campus Public Safety  
23 assists any student requesting to contact outside  
24 agencies, including local police, regarding charges  
25 and complaints of sexual assault. We make sure that

2 our students are aware of this option and encourage  
3 them to do so. The Public Safety Department can  
4 assist the victim in getting to and from campus  
5 classes, filing a police report and obtaining an  
6 order of protection against the perpetrator.

7 Attached please see our crime statistics  
8 for sex offenses for Calendar Years 2011, 2012 and  
9 2013. These include the reported crimes of statutory  
10 rape and incest, which fall under the columns of non-  
11 forcible sex offenses. The forcible sex offenses  
12 include crimes of rape; criminal sexual act; sexual  
13 abuse; forcible touching; aggravated sexual abuse and  
14 facilitating a sex offense with a controlled  
15 substance.

16 While our number of recorded sexual  
17 offenses are low for a university of our size, we are  
18 committed to the fact that one sexual assault is one  
19 too many and working as a team, we will continue to  
20 aggressively combat this plight through our programs  
21 of prevention, response, awareness, education and  
22 training. Thank you.

23 CHAIRPERSON BARRON: I want to thank our  
24 first panel. Your testimony's been very lengthy, but  
25 I think important if we want to know how we're going

2 to respond and what I'm going to do is I'm going to  
3 model for my colleagues what I would like for them to  
4 do, and that is to ask your question within one  
5 minute so that the panel can respond within two  
6 minutes. We have 24 other persons who want to come  
7 forth and give testimony, so if we would please, I'm  
8 going to try to model that for you. One minute for  
9 your question, my colleagues, and two minutes for the  
10 panel, so you can put me on the clock. Thank you for  
11 your testimony. As a part... and I'm going to frame  
12 all my questions at one time... you talked about an  
13 online course that you offer. I want to know... and I  
14 read that it's mandated for athletes. I want to know  
15 how you expand that so that there's a huge response;  
16 that's the first thing. Second thing is we know that  
17 Women's Centers are an important opportunity to  
18 support female students on campus. I want to know  
19 does every student... does every college have a Women's  
20 Center? And I'm particularly concerned about the  
21 Women's Center that was housed at City University and  
22 do students understand that... for me, the term "No  
23 means no" is very clear, so is that a part of the  
24 training that goes on and how is that... engage the  
25 students; how are they allowed to do that and what

2 kind of training goes for the persons that are  
3 adjudicating these instances of sexual misconduct?

4 JANE SOVERN: [off mic] Okay, great. I  
5 will take the...

6 PAULETTE DALPES: Great. So in terms of  
7 the Haven online module, essentially that is offered  
8 by a company called Everfi and we've made...

9 CHAIRPERSON BARRON: [interposing] I'm  
10 sorry, would you say that again?

11 PAULETTE DALPES: Sure, the Haven online  
12 module is offered by a company called Everfi and it's  
13 a nationally recognized module and it was actually  
14 recommended by the White House notalone.gov. It's  
15 currently being offered for free to all of our  
16 campuses and so the campuses have undertaken it in a  
17 variety of different ways. Some have required it in  
18 order for students to register for campus courses for  
19 the next semester. Others have offered it as an  
20 option to students and somewhere in between. Some  
21 have offered it through their first year experience  
22 courses and things like that. It's a module that  
23 takes about 45 to 55 minutes to complete; offers a  
24 series of scenarios for students to weigh in and kind  
25 of talk about what they think should have happened; a

2 lot of bystander intervention scenarios were put  
3 forth...

4 [crosstalk]

5 CHAIRPERSON BARRON: Okay, I have a good...  
6 now, about...

7 [crosstalk]

8 PAULETTE DALPES: Okay.

9 [crosstalk]

10 CHAIRPERSON BARRON: The training for the  
11 personnel to adjudicate these issues?

12 PAULETTE DALPES: I'll let Jane take care  
13 of that one.

14 JANE SOVERN: Yes, we have a number of  
15 attorneys and Student Affairs professionals who are  
16 currently have been since... on a regular basis, but  
17 are now training those individuals on the committees  
18 specifically with a focus on these issues and they  
19 have been doing that since... on the...

20 [crosstalk]

21 CHAIRPERSON BARRON: Okay and the  
22 Women's...

23 [crosstalk]

24 JANE SOVERN: Current of the new...

25 [crosstalk]

2 CHAIRPERSON BARRON: Centers?

3 [crosstalk]

4 JANE SOVERN: Policy...

5 PAULETTE DALPES: So we have eight  
6 Women's Centers throughout CUNY and... was there  
7 another question about Women's Centers?

8 CHAIRPERSON BARRON: Yes, particularly  
9 I'm concerned about City College.

10 PAULETTE DALPES: What is your concern?

11 CHAIRPERSON BARRON: About the focus of  
12 the Women's Center there and I believe it was a part  
13 of the Morales-Shakur Center. Oh, City College is in  
14 the house and the Morales-Shakur Center, which also  
15 offered support to women.

16 PAULETTE DALPES: So I don't know how to  
17 respond specifically to what you're asking, but I can  
18 provide you...

19 [crosstalk]

20 CHAIRPERSON BARRON: Okay.

21 [crosstalk]

22 PAULETTE DALPES: With some follow-up  
23 information if that would be useful.

24 CHAIRPERSON BARRON: Yes, it would be.

25 PAULETTE DALPES: 'Kay, great.

2 CHAIRPERON BARRON: Thank you. Was that  
3 a good model for my colleagues? Great, okay. First  
4 up, we're going to have... who's the first one to have  
5 questions? Okay, we'll go to my colleague, Vanessa  
6 Gibson.

7 CHAIRPERSON GIBSON: 'Kay.

8 CHAIRPERSON BARRON: She'll ask a  
9 question.

10 CHAIRPERSON GIBSON: Thank you very much,  
11 Madam Chair and thank you all for your testimony  
12 today. I just have three very quick questions,  
13 mainly for the Director of Operations in regards to  
14 public safety. I'd like to know with the state law  
15 that requires all institutions of higher ed to have  
16 an MOU, does CUNY have a Memorandum of Understanding  
17 with the New York Police Department and number two,  
18 I'd like to know the frequency of the crime reports  
19 that are given to the Police Department and in your  
20 testimony you talked about a lot of the efforts made  
21 to bring many students to come forth with complaints  
22 of sexual assault. You talked about responding to  
23 the condition reported and make necessary  
24 notifications to the local precinct when appropriate.  
25 I'd like to know what necessary notifications means

2 and how do you define when appropriate action should  
3 be taken and then also on the back of your testimony,  
4 you provided crime statistics from 2011 through 2013.  
5 I guess I'd like to know [chime] how you defined this  
6 because there are a lot of zeros here, so if you  
7 could just explain this a little bit more. Thank  
8 you.

9 MICHAEL LEDERHANDLER: Okay, the first  
10 question was regarding the MOU. We do have an MOU  
11 with the NYPD and it gets renewed every year, so it's  
12 an active MOU with the NYPD regarding a number of  
13 things, including investigation of crimes on  
14 campuses. Now, refresh me with the next question.

15 CHAIRPERSON GIBSON: Frequency of crime  
16 reports to PD.

17 MICHAEL LEDERHANDLER: Okay, we... that's...  
18 I'm not sure exactly what you're asking. So we  
19 report our crimes within CUNY. We keep our own crime  
20 statistics and on a monthly basis when we generate  
21 our criminal statistics for the university, we  
22 actually reach out to the precinct and ask them if  
23 there were any crimes reported within our geographic  
24 area of reporting because there are times where a  
25 person may report a crime that is clearly reportable



2 to us, but they don't report it to us. So that we  
3 have more accurate reporting, we'll go to the  
4 precincts on a monthly basis and get that  
5 information.

6 CHAIRPERSON GIBSON: So what happens when  
7 you have a student that comes to your department,  
8 Public Safety and then how does it get to the Police  
9 Department? How do you make those determinations  
10 based on what is necessary and what is appropriate?

11 MICHAEL LEDERHANDLER: Okay, a lot of  
12 that really is dependent upon the victim. We  
13 encourage the victim to make a police report. We  
14 strongly encourage that, but if it's a crime that had  
15 just occurred; you know, just in progress or just  
16 immediately did occur, we're going to call 911 for  
17 the immediate response no matter what, but if it's a  
18 crime in the past, then a lot of that has to do with  
19 the victim's willingness to make a police report.  
20 And as I said a couple of times, we strongly  
21 encourage them to do so and we'll go as far as to  
22 take them to the precinct; you know, provide escorts  
23 and do anything we have to do to facilitate that.

24  
25

2 CHAIRPERSON GIBSON: Okay, so every  
3 college in the CUNY system has an MOU with the Police  
4 Department.

5 MICHAEL LEDERHANDLER: It's a university-  
6 wide MOU.

7 CHAIRPERSON GIBSON: Okay, thank you.

8 MICHAEL LEDERHANDLER: You're welcome.

9 CHAIRPERSON BARRON: Thank you, Council  
10 Member and we would like for you to provide that MOU  
11 to the committee so that we can review that. I don't  
12 believe we have it here, so if you could provide us  
13 with a copy of that.

14 MICHAEL LEDERHANDLER: We can produce  
15 that, yeah.

16 PAULETTE DALPES: Yes, of course.

17 CHAIRPERSON BARRON: Thank you. Next,  
18 we'll call on Council Member Cumbo. Thank you.

19 CHAIRPERSON CUMBO: Thank you, Madam  
20 Chair. Wanted to ask you if I were a student in the  
21 CUNY system, would you feel confident that the  
22 students that attend this massive system... do you feel  
23 confident if a sexual assault happened on campus that  
24 they would know at this point exactly where to go and  
25 exactly what to do and how to handle it? Would they

2 know what number to call? Would they call the police  
3 immediately? Would they call Public Safety? Would  
4 the vast majority of CUNY students know what to do in  
5 the event of a situation like that? And my second  
6 question is how do you handle the difference between  
7 sexual assault that happens on and off CUNY's campus?  
8 So many of the students are commuters. They're  
9 coming in. They're living at home. Maybe they're  
10 having parties or events or functions that are  
11 happening off of the CUNY campus. Do you feel  
12 confident that what's happening at these outside off  
13 campus events are being reported adequately? [chime]

14 JANE SOVERN: [off mic] Good question. I  
15 think either of us could...

16 PAULETTE DALPES: Okay, great. I feel  
17 more confident now that students know about this than  
18 they did six months ago, but I don't feel confident  
19 that as many students as I would like know about what  
20 to do and where to go and we're working on that and I  
21 think we're making good efforts, but I think there's  
22 more to be done. And one of the ways that we need to  
23 improve that is by creating more avenues and getting  
24 the information out to students and we're trying to  
25 look at social media and advancing there, as well as

2 working amongst their peer groups with student  
3 leaders.

4 CHAIRPERSON CUMBO: Is there some sort of  
5 mandatory orientation process when all students come  
6 before CUNY that this is information that is shared  
7 with them year after year?

8 PAULETTE DALPES: Right. I can assure  
9 you that our orientation programs this information is  
10 shared. Our orientation programs are not always all  
11 mandatory and there's some catches and balances  
12 around requiring a mandatory orientation for students  
13 because if you require that, sometimes if they're not  
14 able to attend it can put their status in school in  
15 jeopardy and so we try to weigh the balance of  
16 mandating the orientation programs. We have usually  
17 a very good and high turnout with orientation  
18 programs and in that I can guarantee you that this  
19 Fall our orientation programs included information  
20 about the sexual assault and sexual harassment issues  
21 and how to go forward to report if they needed to.

22 CHAIRPERSON CUMBO: Was it spoken about  
23 or was it just a brochure that was handed out?

24 PAULETTE DALPES: No, it was spoken  
25 about. There was concrete information provided to

2 them in the form of presentations, a PowerPoint  
3 slide. Some people handed out USB ports that were  
4 wristbands that they could download the information  
5 as needed. Some people handed out like palm cards  
6 and things like that. Some people required the  
7 online Haven module to be completed. There were a  
8 variety of different ways. People did theater  
9 presentations about information around these issues.  
10 There was a variety of different modes of providing  
11 this information at orientations and that will  
12 continue ongoing, you bet. [chime]

13 CHAIRPERSON BARRON: Thank you, Council  
14 Member.

15 CHAIRPERSON CUMBO: Thank you.

16 CHAIRPERSON BARRON: Boy, we're starting  
17 something new going here. Okay, we'll next hear from  
18 Council Member Crowley, followed by Council Member  
19 Williams, followed by the Public Advocate, followed  
20 by Council Member Gentile, who's been very patient.

21 COUNCIL MEMBER CROWLEY: How often does  
22 CUNY involve or how soon do you involve law  
23 enforcement when a sexual assault happens?

24 PAULETTE DALPES: Immediately.  
25

2 COUNCIL MEMBER CROWLEY: Immediately in  
3 all cases?

4 PAULETTE DALPES: Absolutely.

5 COUNCIL MEMBER CROWLEY: Now, there are  
6 some colleges that have online training that talks  
7 about what's unacceptable sexual behavior.

8 PAULETTE DALPES: Mm-hm. Mm-hm.

9 COUNCIL MEMBER CROWLEY: I strongly urge  
10 CUNY to do the same. From what I understand from  
11 your testimony, you don't have any specific training  
12 program that is mandated for CUNY students on sexual  
13 assault.

14 PAULETTE DALPES: Right.

15 COUNCIL MEMBER CROWLEY: You know, it's  
16 difficult to really get at the heart of the problems  
17 happening today on campuses when we analyze your  
18 overall campuses throughout the city because the  
19 majority of your students are not staying the night.

20 PAULETTE DALPES: Right.

21 COUNCIL MEMBER CROWLEY: And much likely  
22 to be victim, although there... [chime] there's still  
23 an alarming rate of sexual assaults...

24 PAULETTE DALPES: [interposing] Mm-hm.  
25 Mm-hm.

2 COUNCIL MEMBER CROWLEY: And I just want  
3 to... I thank you for being here today to testify and I  
4 hope that we could work together to enhance your  
5 training and education programs and building  
6 awareness through posters and public service ads  
7 throughout the campuses on what's available for  
8 victims of assault and how important it is to report  
9 sexual assault if you're a bystander or a victim.

10 PAULETTE DALPES: Thank you, thank you.

11 CHAIRPERSON BARRON: Thank you, Council  
12 Member Crowley. We'll next move to Council Member  
13 Williams, followed by the Public Advocate.

14 COUNCIL MEMBER WILLIAMS: Thank you,  
15 Madam Chair. Thank you for your testimony. Sorry if  
16 my questions... I didn't hear all of it, so it may be  
17 repetitive, but I wanted to know... I saw the list of  
18 cases that have been... CUNY has had from 2011. I  
19 wanted to know what happened to those cases; how many  
20 were substantiated; did any lead to arrests or  
21 expulsion and what was the highest level of  
22 discipline that was given for any of those cases? I  
23 also wanted to know just outright if you supported  
24 the resolutions that were put forth today. Lastly, I  
25 know that the Department of Justice opened

2 investigations to possible violations of Title IX.  
3 Hunter College is one of those colleges and I wanted  
4 to know what was the predicate act that resulted in  
5 that investigation?

6 JANE SOVERN: Well, to... I think on the  
7 topic of the Clery numbers and the question of what  
8 disposition happened with those, I don't believe we  
9 have the information here about what happened in  
10 terms of discipline with those. We can take a look  
11 and see what information we have and follow up with  
12 you on that.

13 COUNCIL MEMBER WILLIAMS: Okay, I would  
14 just add if you were coming to a hearing on sexual  
15 assault, you probably should've brought what happened  
16 to the cases of sexual assault that happened at CUNY.  
17 So I think it would've been important if you had that  
18 today.

19 JANE SOVERN: Understood. With respect  
20 to the issue of Hunter College with the Department of  
21 Justice with OCR, there's a limit to what I can say  
22 about the matter because of federal privacy law, as  
23 you're aware, that protects student information.  
24 What I can tell you, however, is that the OCR... the  
25 complaint was withdrawn. OCR finished that



2 investigation and began an audit and what was ongoing  
3 at the time that the list came out was an audit, not  
4 an investigation of a sexual assault.

5 COUNCIL MEMBER WILLIAMS: So you're  
6 unable to say what the predicate act was.

7 JANE SOVERN: I think under FERPA that...

8 COUNCIL MEMBER WILLIAMS: [interposing]  
9 Okay.

10 JANE SOVERN: That that would not...

11 [crosstalk]

12 COUNCIL MEMBER WILLIAMS: And...

13 [crosstalk]

14 JANE SOVERN: Be proper.

15 COUNCIL MEMBER WILLIAMS: You...

16 [crosstalk]

17 JANE SOVERN: But I'm sorry.

18 COUNCIL MEMBER WILLIAMS: Do you support  
19 the resolutions that are before the...

20 JANE SOVERN: The university supports the  
21 campus... the CASA in principal. We, like the American  
22 Council on Education, have some concerns about some  
23 of the details. With respect to the SOS proposal,  
24 with all due respect to this body, which has  
25 supported that, although we share the goal, we're

2 concerned about the methodology of having a required  
3 advocate [chime] for the complainant, among other  
4 reasons, because in terms of the principle of  
5 equality that OCR has mandated for the treatment of  
6 accused and accusers that that would give the... that  
7 would mean the college is essentially providing  
8 resources to the accuser that they're not providing  
9 to the accused. And then to be very quick, we also  
10 believe that our revised policy includes advocates  
11 for both sides and that the campus would assist  
12 either the accuser or the accused in finding  
13 advocates if they were unable to get them, and also  
14 that the advocacy that with regard to providing  
15 services and academic accommodations for accusers and  
16 connecting people with law enforcement and other  
17 resources, we believe that that is a role best played  
18 by the professional Student Affairs and Public Safety  
19 administrators on our campuses and that we believe  
20 that we are continuing to strengthen that role.

21 COUNCIL MEMBER WILLIAMS: Madam Chair, I  
22 didn't get to ask, but I would ask you to... I wanted  
23 to know how the lay advocate program worked in CUNY.  
24 There used to be one at Brooklyn College. I don't  
25 know if it's still there. Maybe that's information...

2 JANE SOVERN: [interposing] Okay.

3 COUNCIL MEMBER WILLIAMS: That you can  
4 ask for and again, I'm just very disappointed that it  
5 seems that you came today unprepared to answer I  
6 think basic questions on sexual assault happening in  
7 CUNY today.

8 CHAIRPERSON BARRON: When can we get the  
9 information that the Council Member has referenced  
10 and you said you didn't have available? When can we  
11 expect to have that?

12 JANE SOVERN: We should be able to have  
13 that within a week.

14 CHAIRPERSON BARRON: Okay, if you could  
15 send that to us within a week?

16 JANE SOVERN: Yes.

17 CHAIRPERSON BARRON: Thank you. And is  
18 there any reason why you didn't have it? This was a  
19 hearing that was postponed from an earlier date, so  
20 it's not...

21 [crosstalk]

22 JANE SOVERN: Uhm...

23 [crosstalk]

24 CHAIRPERSON BARRON: A hearing that just  
25 popped up.

2 JANE SOVERN: Absolutely and my  
3 apologies; no excuses, but we... the information we  
4 have is Clery crime reporting and that's not  
5 something that we generally connect with discipline,  
6 which is different; a different process, so our  
7 apologies. Our information was incomplete. We were  
8 not anticipating what you were looking to know in  
9 that regard and we will get to you and do better.

10 CHAIRPERSON BARRON: Thank you. We'll  
11 next hear from the Public Advocate, followed by  
12 Council Member Gentile, followed by Council Member  
13 Rosenthal.

14 PUBLIC ADVOCATE JAMES: Thank you. The  
15 White House Task Force on Sexual Assault issued a  
16 report which illustrated how widespread the problem  
17 of sexual assaults are in this country. One college  
18 from CUNY that was reflected on the report was  
19 Hunter, as was just mentioned. In your testimony,  
20 Miss Dalpes... I hope I pronounced that correctly... you  
21 indicated that CUNY is addressing some policies and  
22 protocols and so my request to you is when those  
23 policies and protocols are put in paper, if you could  
24 provide a copy of that report to the Chair, as well  
25 as to my office, that would be greatly appreciated.

2 I want to talk a little bit about restorative  
3 justice, which allows survivors to confront their  
4 assailants. It has been proved to be helpful not  
5 only in several jurisdictions. I would like to know  
6 your thoughts on that and then lastly, is CUNY going  
7 to provide some resources to rape crisis center, not  
8 only at City College, but at your other colleges so  
9 that individuals have a place to go to heal and to  
10 seek the justice [chime] that they deserve?

11 JANE SOVERN: With respect to restorative  
12 justice, I, too, have read some very, very  
13 interesting and thought provoking information about  
14 that. We are concerned with balancing what might be  
15 helpful with that with the OCR mandate that requires  
16 that we never put an accuser in face-to-face with the  
17 accused and OCR, that's a requirement from OCR, which  
18 we are governed by, so...

19 PUBLIC ADVOCATE: [interposing] If the  
20 accuser or the survivor waives that right.

21 JANE SOVERN: I believe that there might  
22 be opportunities when that would be appropriate. It  
23 would certainly have to be explicitly waived by an  
24 accuser...

25 [crosstalk]

2 PUBLIC ADVOCATE JAMES: Because...

3 [crosstalk]

4 JANE SOVERN: As you can understand.

5 [crosstalk]

6 PUBLIC ADVOCATE JAMES: A number of the  
7 survivors that I have spoken to are not interested in  
8 going to the police for... and that's certainly their  
9 right. They prefer more restorative justice. They  
10 prefer an adjudicated policy that respects their  
11 rights and they want the assailant obviously to be  
12 disciplined in some form or fashion. This is really  
13 all about giving survivors power and not colleges  
14 and/or elected officials, but this change should come  
15 from survivors and for those who have experienced it.  
16 Thank you.

17 JANE SOVERN: Thank you for that point  
18 and we hope to hear more from students about that  
19 issue. That sounds like a very, very important point  
20 to include when we do a climate survey and as we talk  
21 to students to follow up on that, we do understand  
22 that there's no one path that everyone wishes to  
23 follow and thank you for that addition.

24 CHAIRPERSON BARRON: Thank you, Madam  
25 Public Advocate. We're now going to hear from

2 Council Member Gentile, followed by Council Member  
3 Rosenthal, followed by Council Member King.

4 COUNCIL MEMBER GENTILE: Thank you, Madam  
5 Public Advocate. Oh, I'm sorry, Chairlady, I'm  
6 sorry. Maybe one day. Who knows? Let's clarify  
7 this. You're saying that if time is of the essence,  
8 i.e. you have someone who reported it right after an  
9 incident happened and there is a possibility of  
10 collecting evidence; an evidence kit, you will make  
11 the report to the police no matter what.

12 JANE SOVERN: [off mic] Thanks, Michael.

13 MICHAEL LEDERHANDLER: If a crime has  
14 just been committed, we will call 911 for a response.

15 COUNCIL MEMBER GENTILE: Right and if  
16 time is not of the essence and something happened a  
17 month ago; two months ago, then you will not report  
18 it to the police unless the victim wants it to be  
19 reported.

20 MICHAEL LEDERHANDLER: We would strongly  
21 encourage the victim to make a police report. We  
22 will assist in any way, but ultimately, that's the  
23 victim's decision to make a police report on that or  
24 not. It would still be included in our crime  
25 statistics through Clery and our statistics, but it

2 would be the victim's choice to make a police report  
3 at that point.

4 COUNCIL MEMBER GENTILE: Even though  
5 you're hearing evidence; at least some evidence of a  
6 crime taking place, you will not report it.

7 MICHAEL LEDERHANDLER: The victim would  
8 have to give consent to cooperate and make such a  
9 report.

10 COUNCIL MEMBER GENTILE: Okay, so you  
11 don't report it at first. You do a whole  
12 investigation. You interview people; you do  
13 investigation. Whatever it needs to do and you find  
14 that the victim is truthful and something happened  
15 and you take action against the aggressor or one or  
16 more. At that point, do you report it to the police?

17 MICHAEL LEDERHANDLER: Again, it largely  
18 depends on the...

19 [crosstalk]

20 COUNCIL MEMBER GENTILE: You've decided;  
21 you've determined that something has happened here;  
22 some sexual assault has happened. What do you do at  
23 that point? You have made that determination as  
24 CUNY; as a college or university. You've made that  
25 determination and I assume you're taking some action



2 against the aggressor and at that point do you report  
3 it to the police?

4 MICHAEL LEDERHANDLER: Again, it depends  
5 on the...

6 [crosstalk]

7 COUNCIL MEMBER GENTILE: You will not  
8 report it to the police at that point?

9 MICHAEL LEDERHANDLER: We would strongly  
10 encourage the victim to make such a report, but you  
11 need the victim to be cooperative to make that  
12 report.

13 COUNCIL MEMBER GENTILE: If, in fact, you  
14 have that determination, you will not do anything  
15 after that. You will take action on campus, but you  
16 will not do anything beyond that.

17 MICHAEL LEDERHANDLER: Without a  
18 cooperating victim to help make that report, we don't  
19 have a report without a victim.

20 COUNCIL MEMBER GENTILE: But you've made  
21 that... you... somehow she cooperated... the victim  
22 cooperated in some way because you've made a  
23 determination yourself through your own  
24 investigation. [chime]

2 PAULETTE DALPES: I think if I could  
3 respond, I've been in these situations and I've  
4 absolutely concluded that the individual experienced  
5 sexual assault, but sometimes the individual is not  
6 prepared to say that that's been her experience and  
7 sometimes even more so she's not ready to go to the  
8 police and it would be inappropriate at that point  
9 for me to disempower her and go to the police on my  
10 own, not to mention the fact that if I don't have a  
11 witness and someone to file the report, then I  
12 wouldn't have anything to go on.

13 COUNCIL MEMBER GENTILE: Right, but and  
14 apparently you did have something to go on in order  
15 to come to that conclusion as a university.

16 PAULETTE DALPES: And therefore I can  
17 take some action within my university within the  
18 college, but I can't force somebody to go to the  
19 police and file a report if they're not in a place  
20 yet ready to do so. One of the things that is very  
21 important that we do, and I mentioned it earlier in  
22 my testimony, is that we provide confidential  
23 resources, counseling and support to people who come  
24 forward so that they have a place [chime] to explore  
25 all of the feelings and everything that's coming up

2 for them and they can sort out what the best choice  
3 for them is at that time. There are so many factors  
4 involved that I just think it would be inappropriate  
5 for me to determine when and how an individual should  
6 report something to the police on such a difficult  
7 situation.

8 JANE SOVERN: And if I might add very  
9 quickly that the Office for Civil Rights very clearly  
10 directs us not to take these reports to the police  
11 unless the victim says yes and wants to go. So we  
12 are being told that by the Office for Civil Rights of  
13 the U.S. Department of Education.

14 COUNCIL MEMBER GENTILE: Unless time is  
15 of the essence.

16 JANE SOVERN: Unless time is of the  
17 essence and there's a crime in process, yes.

18 COUNCIL MEMBER GENTILE: Or it just  
19 occurred.

20 JANE SOVERN: Or... yes, or unless there is  
21 an extreme situation of campus safety such as a  
22 serial predator where we may need to make anonymous  
23 reporting to the police in some circumstances, but  
24 they are very clear that we may not make that  
25

2 decision for the victims and take that to police  
3 without their...

4 [crosstalk]

5 CHAIRPERSON BARRON: Thank you.

6 [crosstalk]

7 JANE SOVERN: Authorization.

8 COUNCIL MEMBER GENTILE: I know my time's  
9 up.

10 CHAIRPERSON BARRON: [interposing] Thank  
11 you. Yes...

12 [crosstalk]

13 COUNCIL MEMBER GENTILE: Yeah, Chair.

14 [crosstalk]

15 CHAIRPERSON BARRON: It is.

16 COUNCIL MEMBER GENTILE: I know. I'll...  
17 I'll...

18 CHAIRPERSON BARRON: Okay, thank you and  
19 again, it's a matter of confidentiality and there is  
20 an instance where a Pace student is suing the school  
21 because they, in fact, took it to the Police  
22 Department and it's not what she had wanted, so we do  
23 have to be mindful of that. This time we're going  
24 to... I know we had said Council Member Rosenthal, but  
25 the other co-Chair from this hearing, Council Member

2 Mealy does have a question, so I'd ask that you would  
3 defer to her and Council Member Mealy, what we're  
4 doing is we're giving a minute for a question and two  
5 minutes for responses. Thank you.

6 CHAIRPERSON MEALY: Thank you. I have...  
7 Department of Public Safety, you have your sample  
8 sheet here say crime statistics from 2011, 2012 and  
9 2013 for all non-campus property, non-campus  
10 property... all on campus property, non-campus  
11 property, public property, on campus residential only  
12 and it says sex offense non-forcible all zero for the  
13 last three years. Could you explain to me what do  
14 you mean non-forcible? Is that... I mean like it's an  
15 organization in Brooklyn called Hollaback! Is that  
16 like catcalling or could you explain that to me or  
17 what are you doing to change that? And maybe is the  
18 college just underreporting it or putting the  
19 statistics in other categories that is non-forcible?  
20 Could you explain it? And that's my only question.

21 MICHAEL LEDERHANDLER: Non... [coughs]  
22 excuse me, I'm fighting a cold. Non-forcible sex  
23 offenses are only two crimes and that's incest and  
24 statutory rape and we've had no incidents of those  
25 during those three calendar reporting years.

2 CHAIRPERSON MEALY: Just those two  
3 things?

4 MICHAEL LEDERHANDLER: That's right, yes.

5 CHAIRPERSON MEALY: Okay, then. Thank  
6 you so much.

7 CHAIRPERSON BARRON: Thank you, Council  
8 Member Mealy. We'll move now to Council Member  
9 Rosenthal, followed by Council Member... oh, he's gone.  
10 Council Member Rosenthal.

11 COUNCIL MEMBER ROSENTHAL: Could you  
12 just... thank you, Chairs for holding this hearing.  
13 Could you answer the second part of Council Member  
14 Mealy's question, which was whether or not you  
15 thought in the... or at least as I heard it, in the  
16 forceful category whether or not you thought there  
17 was underreporting?

18 MICHAEL LEDERHANDLER: Okay, in the  
19 forcible... [coughs] excuse me, in the forcible  
20 category, our numbers are garnered from reports from  
21 the Department... I'm sorry, reports directly to... well,  
22 it says DPS; that's Department of Public Safety.  
23 Then we go to NYPD on a monthly basis and get reports  
24 that may have gone to NYPD that maybe didn't come to  
25 us and we include those and then the next is non-DPS,

2 which is considered every college identifies campus  
3 security authorities on campus who might take such  
4 reports. They could be counselors; they could be  
5 coaches and...

6 COUNCIL MEMBER ROSENTHAL: [interposing]  
7 Do you think there's underreporting in these numbers?

8 MICHAEL LEDERHANDLER: I do not.

9 COUNCIL MEMBER ROSENTHAL: Wow.

10 PAULETTE DALPES: We think...

11 COUNCIL MEMBER ROSENTHAL: [interposing]  
12 So you think this is the extent of sexual assaults on  
13 your...

14 [crosstalk]

15 MICHAEL LEDERHANDLER: Oh...

16 [crosstalk]

17 COUNCIL MEMBER ROSENTHAL: Campus.

18 MICHAEL LEDERHANDLER: I'm sorry, no. I  
19 misread your question. I thought when you... I thought  
20 are we getting higher numbers and writing lower. I  
21 thought that's what you meant.

22 COUNCIL MEMBER ROSENTHAL: Right.

23 MICHAEL LEDERHANDLER: These are the  
24 numbers that we are getting, but no, I would... I'm  
25

2 sure, unfortunately, there are greater incidents on  
3 campus than what we know about.

4 COUNCIL MEMBER ROSENTHAL: And so for  
5 those who... I also want to follow up on Council Member  
6 Jumaane Williams' question. Has there ever been a  
7 student who's been disciplined because of sexual  
8 assault?

9 JANE SOVERN: Yes.

10 COUNCIL MEMBER ROSENTHAL: How many?

11 JANE SOVERN: I don't know all of the...

12 COUNCIL MEMBER ROSENTHAL: [interposing]  
13 Has there been more than...

14 [crosstalk]

15 JANE SOVERN: University...

16 [crosstalk]

17 COUNCIL MEMBER ROSENTHAL: Five?

18 JANE SOVERN: I do not know. We...

19 [crosstalk]

20 COUNCIL MEMBER ROSENTHAL: Has there been  
21 more than 10?

22 JANE SOVERN: I don't know.

23 COUNCIL MEMBER ROSENTHAL: Has there been  
24 two?

25 JANE SOVERN: Uhm...



2 COUNCIL MEMBER ROSENTHAL: Can you give  
3 me a range?

4 JANE SOVERN: I don't...

5 [crosstalk]

6 COUNCIL MEMBER ROSENTHAL: Under 10; over  
7 10?

8 JANE SOVERN: I'm afraid that I don't  
9 have available... I have not looked at the entire  
10 specifics.

11 [crosstalk]

12 COUNCIL MEMBER ROSENTHAL: Has... so you  
13 know that one person has.

14 JANE SOVERN: I am familiar with one  
15 case, yes.

16 COUNCIL MEMBER ROSENTHAL: Are you  
17 familiar with two where a student has been  
18 disciplined?

19 JANE SOVERN: I am not, but that just...

20 [crosstalk]

21 COUNCIL MEMBER ROSENTHAL: 'Kay.

22 JANE SOVERN: Yes, actually I am familiar  
23 with two.

24 COUNCIL MEMBER ROSENTHAL: So you're  
25 familiar...

2 [crosstalk]

3 JANE SOVERN: But I would...

4 [crosstalk]

5 COUNCIL MEMBER ROSENTHAL: With two. Are  
6 you...

7 [crosstalk]

8 JANE SOVERN: But I would...

9 [crosstalk]

10 COUNCIL MEMBER ROSENTHAL: Familiar with  
11 three?

12 JANE SOVERN: I am not and I would add  
13 that I am not familiar with the majority...

14 [crosstalk]

15 COUNCIL MEMBER ROSENTHAL: Okay.

16 [crosstalk]

17 JANE SOVERN: Of the cases.

18 COUNCIL MEMBER ROSENTHAL: Thank you.

19 JANE SOVERN: So.

20 COUNCIL MEMBER ROSENTHAL: With all of  
21 the new efforts that... some were enlisted this year,  
22 there seem to be new efforts going on with educating  
23 students. What do you expect the impact [chime] of  
24 that would be? Do you expect that the numbers on  
25 your chart will go up or go down?

2 JANE SOVERN: We expect...

3 [crosstalk]

4 COUNCIL MEMBER ROSENTHAL: And yes,  
5 that's a little bit of a trick question.

6 JANE SOVERN: We think that it is likely  
7 that the numbers will go up, but we will have to see.  
8 We think... we anticipate that if we are reaching more  
9 individuals, that more will come forward and will  
10 report because we believe that there are incidents  
11 out there that are not being reported. I think we  
12 can all agree on that.

13 COUNCIL MEMBER ROSENTHAL: A quick  
14 question for Dean Rubain. You mentioned that 2,500  
15 individuals completed training. Do you know anything  
16 about the impact of that training, when did it happen  
17 and do you expect anyone else to be trained? What's  
18 your timetable for that?

19 DEAN RUBAIN: The 2,500 represents those  
20 who took the online module. We expect that more  
21 people will take the online module. I think as  
22 you've noted, we have made a very big push to get the  
23 campuses to do more training. We expect the result  
24 of that is that people will understand what Title IX  
25

2 is, where they should report complaints regarding  
3 Title IX and that we will see more complaints.

4 COUNCIL MEMBER ROSENTHAL: How many more  
5 people do you expect to do the training?

6 DEAN RUBAIN: Do we expect to take the  
7 Title IX online training?

8 COUNCIL MEMBER ROSENTHAL: Mm-hm.

9 DEAN RUBAIN: I can't...

10 [crosstalk]

11 COUNCIL MEMBER ROSENTHAL: Or has  
12 everyone been trained?

13 DEAN RUBAIN: Everyone hasn't been  
14 trained.

15 COUNCIL MEMBER ROSENTHAL: [interposing]  
16 How many more...

17 [crosstalk]

18 DEAN RUBAIN: There are...

19 [crosstalk]

20 COUNCIL MEMBER ROSENTHAL: Do you have...

21 [crosstalk]

22 DEAN RUBAIN: Different...

23 [crosstalk]

24 COUNCIL MEMBER ROSENTHAL: To go?  
25

2 DEAN RUBAIN: We're doing different  
3 things for different populations. We have the online  
4 training that's available to everyone in our  
5 community. That's one thing that we have...

6 COUNCIL MEMBER ROSENTHAL: [interposing]  
7 How many people are in your community where 2,500  
8 people have availed themselves of the training?

9 DEAN RUBAIN: That's 2,500 who did it  
10 this year.

11 COUNCIL MEMBER ROSENTHAL: Uh-huh.

12 [crosstalk]

13 DEAN RUBAIN: As you know...

14 [crosstalk]

15 COUNCIL MEMBER ROSENTHAL: Of...

16 [crosstalk]

17 DEAN RUBAIN: CUNY...

18 [crosstalk]

19 COUNCIL MEMBER ROSENTHAL: 100,000?

20 [chime]

21 DEAN RUBAIN: We have a very large  
22 community.

23 COUNCIL MEMBER ROSENTHAL: Yep.  
24  
25

2 DEAN RUBAIN: Absolutely. There's a lot  
3 more that we have to do on training and we're going  
4 to do it.

5 COUNCIL MEMBER ROSENTHAL: Thank you very  
6 much. I have no additional questions.

7 CHAIRPERSON BARRON: Thank you. So can  
8 we get the numbers of students? You said you didn't  
9 have the number or you didn't know whether it was...  
10 you knew that it was at least one, but you didn't  
11 know the number, so if we can get the number from you  
12 in response to Council Member Rosenthal's question?

13 JANE SOVERN: Yes.

14 CHAIRPERSON BARRON: Okay, and what was  
15 the punishment or what... the person guilty of having  
16 committed... the one that you know of...

17 JANE SOVERN: Expulsion.

18 CHAIRPERSON BARRON: He was expelled.

19 JANE SOVERN: He was expelled.

20 CHAIRPERSON BARRON: Okay and did the...  
21 did you know of a second case or did you just know of  
22 one?

23 JANE SOVERN: I am familiar with two  
24 other cases and I...

25 [crosstalk]

2 CHAIRPERSON BARRON: And what was the  
3 penalty? What was the...

4 JANE SOVERN: I believe the penalty was  
5 expulsion for those two as well.

6 CHAIRPERSON BARRON: Okay, but you  
7 couldn't confirm that and let us know?

8 JANE SOVERN: Yes.

9 CHAIRPERSON BARRON: Okay, good and then  
10 Council Member Rodriguez, followed by Council Member  
11 Mealy.

12 COUNCIL MEMBER RODRIGUEZ: Thank you,  
13 Chair. In that particular case, after the student  
14 being expelled, do you know if the DA brought any  
15 charges against that individual?

16 JANE SOVERN: I believe that the DA did  
17 not.

18 COUNCIL MEMBER RODRIGUEZ: Okay, I think  
19 that there is no doubt that the whole city; the whole  
20 nation is expecting that we do better to improve and  
21 deal with the cases of sexual assault. You know, and  
22 when we look around like I think that in the last  
23 couple of chairmen of this Higher Education Committee  
24 this has been like one of the permanent topics also  
25 that we always have been holding these hearings.

2 One... I have... I think that disciplinary actions is  
3 something that we need to tie on. I think that  
4 there's a level of disappointment; disappointment in  
5 the whole city on how weak I would say we are when it  
6 comes to disciplinary action to those cases [chime]  
7 on sexual assault. What are the new... if you can at  
8 least... and I heard the testimony and there's a lot of  
9 things related to policy, but what can be like a new  
10 initiative that you think that our higher education  
11 institutions should take to address the issue of  
12 sexual assault in our campus? If there would be one  
13 new initiative, not in the reporting. You know I  
14 have a lot of that... questions with the reporting  
15 piece. I think that information should be  
16 centralized. When anyone goes to the Public Safety  
17 to the CUNY campus I think that NYPD should have  
18 access immediately and the NYPD should be following  
19 those cases, but putting that aside, what can be one  
20 initiative that from this hearing we can say this is  
21 going to be something new that we are looking to  
22 implement in our campuses to deal with the number of  
23 sexual assault cases that is affecting our  
24 institutions?



2 PAULETTE DALPES: Well, one of the things  
3 I guess I would suggest is I think a common voice is  
4 very powerful and I'm very grateful for this hearing  
5 and the opportunity for us to come and discuss this  
6 important issue and I think the more that we can send  
7 a strong message that this is intolerable and we have  
8 to help young people in particular that often are the  
9 individuals that are involved in these incidents that  
10 come on a college campus and have gotten certain  
11 messages through the media, through television shows  
12 and videos...

13 [crosstalk]

14 COUNCIL MEMBER RODRIGUEZ: But...

15 [crosstalk]

16 PAULETTE DALPES: And et cetera about how  
17 to treat women and how to treat their sexual  
18 partners; in other words, to disregard their requests  
19 and disregard what's appropriate behavior in a  
20 sexual...

21 [crosstalk]

22 COUNCIL MEMBER RODRIGUEZ: But...

23 [crosstalk]

24 PAULETTE DALPES: Manner...

25 [crosstalk]

2 COUNCIL MEMBER RODRIGUEZ: Sorry.

3 [crosstalk]

4 PAULETTE DALPES: I think if we can send

5 a...

6 [crosstalk]

7 COUNCIL MEMBER RODRIGUEZ: But I...

8 [crosstalk]

9 PAULETTE DALPES: Common message about

10 that...

11 [crosstalk]

12 COUNCIL MEMBER RODRIGUEZ: Yeah.

13 [crosstalk]

14 PAULETTE DALPES: It would be very

15 important.

16 COUNCIL MEMBER RODRIGUEZ: I agree with

17 that and we know that the message has to be spread;

18 everyone has to take responsibility, but you know,

19 once in a while we have to come out and make concrete

20 suggestions. Are we going to building a correlation

21 to have the DA to increase the penalty? Are we going

22 to be like creating a centralized data information

23 where we... all of... what can be like a new initiative

24 that we; not only at CUNY, as I say, if in our higher

25 education institution we can say we should be

2 embracing this new initiative because you know, this  
3 problem is affecting so many lives.

4 PAULETTE DALPES: Mm-hm.

5 COUNCIL MEMBER RODRIGUEZ: And sharing  
6 the message is not enough, so is there any new  
7 initiative that CUNY and the other higher education I  
8 having on the table that it is hoping to implement  
9 more than business as usual?

10 JANE SOVERN: Well, I would say that we  
11 are... honestly, what we are doing are not our original  
12 ideas. I mean we are taking practices from others.  
13 We are listening to students; we are listening to our  
14 fellow college campuses. I certainly [chime] think  
15 that coordinating with all the DA's offices and  
16 working closely with the sex crimes and domestic  
17 violence units and with the special NYPD units and I  
18 hope to build to be able to work with rape crisis  
19 centers as well. That seems to me to be an  
20 effective... a very effective approach that could help,  
21 but I think we can... I don't think we have all the  
22 answers. I would not suggest that we do and I think  
23 we are listening and we want to hear more ideas. I  
24 think many of the things that are being done are  
25 great ideas that have come up and we would like to

2 hear more and learn more from others about ideas that  
3 they have as well.

4 CHAIRPERSON BARRON: Good. Thank you.  
5 We're going to have our last question coming from... we  
6 don't... we want to acknowledge that we've been joined  
7 by Council Member Ferreras. She's here and we're  
8 going to have our last question for this panel coming  
9 from Council Member Cornegy.

10 COUNCIL MEMBER CORNEGY: Thank you,  
11 Chairs. I just... I was late to hear the bulk of your  
12 testimony, but I was wondering within your new  
13 Student Manuals Policy and Procedures and posted  
14 prominently throughout all CUNY property are there  
15 the rules, regulations and policies as it relates to  
16 rape, forcible touching and any sexual deviant  
17 behavior?

18 PAULETTE DALPES: Yes, we provide that  
19 information in a variety of different formats to  
20 students.

21 COUNCIL MEMBER CORNEGY: So do... upon new  
22 student... in their new student freshman...

23 [crosstalk]

24 PAULETTE DALPES: Orientation.

25 [crosstalk]

2 COUNCIL MEMBER CORNEGY: Orientation..

3 PAULETTE DALPES: [interposing] Yep.

4 COUNCIL MEMBER CORNEGY: They have to  
5 sign... just like any other safety rules and  
6 regulations, do they have to sign that they're aware  
7 of these policies as they exist on the campus?

8 PAULETTE DALPES: I don't know that every  
9 campus requires the student to sign something, no,  
10 but every...

11 COUNCIL MEMBER CORNEGY: [interposing] I  
12 mean just as a... not as a formality, but just as  
13 they're signing in as new students and there's a  
14 battery... I remember that process.

15 PAULETTE DALPES: Right.

16 COUNCIL MEMBER CORNEGY: And there was a  
17 battery of things that you had to [chime] sign for...

18 PAULETTE DALPES: Right. [interposing]

19 COUNCIL MEMBER CORNEGY: I just wonder if  
20 it would be prudent to bring that attention... bring  
21 that to new students' attention through that  
22 orientation period by signing for it. There's  
23 certain things that you have to sign for when you  
24 come in, whether it's...

25

2 PAULETTE DALPES: [interposing] as a  
3 function of enrolling in the campus, it...

4 [crosstalk]

5 COUNCIL MEMBER CORNEGY: Yeah.

6 PAULETTE DALPES: Says in our policies  
7 that you are automatically responsible for our  
8 policies and to abide by those policies. That's a  
9 given. It's a...

10 [crosstalk]

11 COUNCIL MEMBER CORNEGY: Well, a given...

12 [crosstalk]

13 PAULETTE DALPES: See, now that's what...  
14 to go through an get 270,000 signatures for every  
15 student it's not... we don't want to catch ourselves up  
16 in that and then have one student fall through the  
17 cracks and therefore they're not responsible. As a  
18 function of completing the application and enrolling  
19 in our campuses, they are automatically responsible  
20 for all of our policies and then in our orientation  
21 programs we reiterate their accountability to those  
22 policies by doing intentional and detailed  
23 presentations about sexual assault and sexual  
24 harassment and the policies and the repercussions  
25 when they violate those policies.

2 COUNCIL MEMBER CORNEGY: Again, as a  
3 function of my lateness, I don't know whether the  
4 Chairs have asked for a copy of those policies.

5 PAULETTE DALPES: Yes, they have.

6 COUNCIL MEMBER CORNEGY: Okay, thank you  
7 and just my last question was featured prominently  
8 throughout CUNY property, is there some significant  
9 information...

10 PAULETTE DALPES: [interposing] Yes and...

11 COUNCIL MEMBER CORNEGY: [interposing]  
12 About...

13 PAULETTE DALPES: [interposing] We  
14 specifically talked about our residence halls and how  
15 it's a requirement that we put any information up in  
16 all of our residence halls about these policies.

17 COUNCIL MEMBER CORNEGY: And when I came  
18 in someone was mentioning the extra added emphasis on  
19 athletes in the CUNY system.

20 PAULETTE DALPES: Right.

21 COUNCIL MEMBER CORNEGY: I would just  
22 like to know how that works different...

23 [crosstalk]

24 PAULETTE DALPES: So...

25 [crosstalk]

2 COUNCIL MEMBER CORNEGY: How that works  
3 differently from the general student body.

4 PAULETTE DALPES: Sure. Our athletes;  
5 all of our student athletes are required to take an  
6 online module about sexual harassment and sexual  
7 assault and they have to complete that before they  
8 can compete in any events.

9 COUNCIL MEMBER CORNEGY: So I'm a little  
10 curious as a former student athlete, why did you  
11 choose to only make that mandatory for student  
12 athletes and not students in general?

13 PAULETTE DALPES: Because we have found  
14 that over the... nationally, athletes are often more  
15 involved in [chime] situations like this than the  
16 general population and in part it's because they  
17 spend a lot of time together and they travel together  
18 and they have a lot of overnight sessions together  
19 and there are things that can take place: hazing,  
20 pressures from the peer group, et cetera and we have  
21 found the incidents of sexual assault and sexual  
22 harassment is, unfortunately, higher sometimes in our  
23 athletic population than in the general population.

24 COUNCIL MEMBER CORNEGY: I would be  
25 remiss if I didn't say that I think that that's more



2 of a function of the high profileness [sic] of that  
3 and I think that sports is a microcosm of general  
4 society, so I don't know how it's possible for that  
5 to be higher in a microcosm than it is in general  
6 society, so I would really like to see those  
7 statistics.

8 PAULETTE DALPES: Okay.

9 CHAIRPERSON BARRON: Thank you. Finally,  
10 we're going to have a question from Council Member  
11 Mealy.

12 CHAIRPERSON MEALY: Yes, I just have to  
13 follow up. What category are you putting the non-  
14 forcible in? Since you're saying that non-forcible I  
15 thought would be stalking, harassment, why do even  
16 have this on this statistic case file? You might as  
17 well take that off the books really 'cause what are  
18 you doing in regards to leading up to forcible  
19 account? What are you doing? Where is it?

20 MICHAEL LEDERHANDLER: The forcible sex  
21 offenses are...

22 CHAIRPERSON MEALY: [interposing] You say  
23 it's statutory rape and incest.

24 MICHAEL LEDERHANDLER: Are non-forcible  
25 sex offenses. They're in there because it's required

2 by Clery. That's not a choice that we had. It has  
3 to be there.

4 CHAIRPERSON MEALY: It has to be in  
5 there, but what happened to stalking? Where is  
6 stalking? That's non-forcible.

7 MICHAEL LEDERHANDLER: Stalking...

8 CHAIRPERSON MEALY: [interposing] Where  
9 is harassment?

10 MICHAEL LEDERHANDLER: This... just this...  
11 [crosstalk]

12 CHAIRPERSON MEALY: We have to...

13 [crosstalk]

14 MICHAEL LEDERHANDLER: Year...

15 [crosstalk]

16 CHAIRPERSON MEALY: Prevent before the  
17 cure and this is prevention. This has... stalking and  
18 harassment has to be in here.

19 MICHAEL LEDERHANDLER: Just this year,  
20 Clery updated their requirements for us to include  
21 domestic violence, date rape and stalking, but when  
22 we do include those; we have those in our 2013  
23 statistics, but what I only brought here was sex  
24 crimes, so... and those are actual crimes that I...

2 CHAIRPERSON MEALY: [interposing] This is  
3 too backdated. You should bring everything to this  
4 hearing like this. We need to know exactly...  
5 harassing and stalking is just as... almost is rape to  
6 me. Stalking could go crazy. People have been  
7 stalked and killed, so therefore, you're telling me  
8 you only brought just the rape statistics to this...

9 MICHAEL LEDERHANDLER: [interposing] Not  
10 just rape, criminal sexual acts...

11 [crosstalk]

12 CHAIRPERSON MEALY: Same...

13 [crosstalk]

14 MICHAEL LEDERHANDLER: Sexual abuse.

15 [crosstalk]

16 CHAIRPERSON MEALY: Thing.

17 MICHAEL LEDERHANDLER: But...

18 CHAIRPERSON MEALY: Sexual crime in  
19 general. Stalking is a sexual crime just as well.  
20 It traumatizes women and men 'cause it goes both  
21 ways, so this has to be updated and please don't come  
22 with outdated information like this. We need  
23 concrete up-to-date information. This is women lives  
24 and men lives we're talking about that will... some  
25 people commit suicide, so this is something you

2 should have the right statistics with. Thank you,  
3 Chair.

4 CHAIRPERSON BARRON: Thank you. When can  
5 we get those statistics and the facts including... I  
6 thought I heard you say you're now required to do the  
7 stalking and domestic violence.

8 MICHAEL LEDERHANDLER: Yes, we have that.

9 CHAIRPERSON BARRON: So when will we be  
10 able to get those figures?

11 MICHAEL LEDERHANDLER: We can put it  
12 altogether by the end of the week with whatever else...

13 [crosstalk]

14 CHAIRPERSON BARRON: Great.

15 [crosstalk]

16 MICHAEL LEDERHANDLER: We're going to  
17 produce.

18 CHAIRPERSON BARRON: Thank you so much.  
19 Finally, Council Member...

20 [crosstalk]

21 COUNCIL MEMBER FERRERAS: Sorry, I'm  
22 going to be...

23 [crosstalk]

24 CHAIRPERSON BARRON: Ferreras...

25 [crosstalk]

2 COUNCIL MEMBER FERRERAS: Really...

3 [crosstalk]

4 CHAIRPERSON BARRON: Has a question.

5 COUNCIL MEMBER FERRERAS: I'm going to be  
6 really brief. I don't have actually a question. I  
7 just want to thank the Chairs for bringing this to  
8 this level. I got to say that as the former chair of  
9 this committee, it was very hard for me to get Public  
10 Safety to do a hearing like this, so it's important  
11 that we have a women in this committee now and it  
12 wasn't even thought of twice, so I thank you and it's  
13 three women chairing this, so this is... [applause,  
14 cheers] that... yes. This is a historic moment in this  
15 Council and CUNY, I know that you've been here now  
16 for two hours and oftentimes on this issue you have  
17 been the ones to get the brunt because we expect  
18 excellence of you. So you know, I know it's not easy  
19 being on that side and we appreciate you and you've  
20 been a partner with us in a lot of this. I know  
21 there are other universities here today for the first  
22 time also because that has... they usually send  
23 statements and that was it, so I think you know, I  
24 just wanted to acknowledge that although it's not  
25 enough; I'm not going to say that we're in love with

2 your stats and all your stuff, but we have to  
3 acknowledge that you've sat here and you've always  
4 been responsive to this Council, so that was all my  
5 statement.

6 JANE SOVERN: Well, thank you.

7 PAULETTE DALPES: Thank you and you  
8 deserve nothing but excellence from us. You're  
9 correct, so.

10 CHAIRPERSON BARRON: Thank you so much.  
11 We want to thank you for your testimony and ask that  
12 you do get those requests to us and finally, as you  
13 prepare your budgets going forward, I would ask that  
14 you consider refunding those Women's Centers that had  
15 been closed. There were only eight and the one at  
16 Hunter was staffed by a social worker, as well as  
17 student counselors for crisis intervention,  
18 confidential counseling, sexual harassment and  
19 certainly as we know, this is a critical topic. I  
20 think we need to reexamine staffing Women's Centers  
21 with professionals who can help address the issues  
22 that we've talked about and I do thank you so much  
23 for coming and giving your testimony. Thank you so  
24 much.

25 ALL PANELISTS: [off mic] Thank you.

2 CHAIRPERSON BARRON: CUNY normally leaves  
3 someone here so... someone so that they can hear the  
4 rest of the testimony. Thank you. We do appreciate  
5 your staying. We know that you've been long, but we  
6 appreciate that. Our next panel... we do want to  
7 acknowledge that we have a second panel coming and it  
8 is also university. Two members. We have... [off mic]  
9 Do we have another person? Suzanne Goldberg from  
10 Columbia University and Zoe Ragouzeos from New York  
11 University and if they would come forward and it is...  
12 the hours are moving quickly. If you have testimony  
13 if you could be so kind as to summarize the  
14 highlights of your testimony so that we can move  
15 forward, we would certainly appreciate it, but we do  
16 appreciate your coming. Thank you. [background  
17 voices] And if you would raise your right hand I'd  
18 like to swear you in. Do you affirm that testimony  
19 you will give is the truth, the whole truth and  
20 nothing but the truth and to honestly answer the  
21 questions of the committee members?

22 PANELISTS: Yes.

23 CHAIRPERSON BARRON: Thank you so much  
24 and if you could summarize your testimony in two  
25 minutes.

2 SUZANNE GOLDBERG: Two minutes.

3 CHAIRPERSON BARRON: Three at the max, I  
4 would certainly appreciate it because we do want to  
5 have an opportunity for those to present their  
6 testimony as well. Thank you so much.

7 ZOE RAGOUZEOS: Do you have a preference  
8 as to who goes first?

9 CHAIRPERSON BARRON: If you would  
10 identify yourself and then give your testimony.

11 ZOE RAGOUZEOS: Do you have a preference  
12 as to who goes first?

13 CHAIRPERSON BARRON: What is she asking?  
14 I didn't... Oh, since you're there speaking you can go  
15 first.

16 ZOE RAGOUZEOS: Okay.

17 CHAIRPERSON BARRON: Thank you.

18 ZOE RAGOUZEOS: Good afternoon,  
19 Chairwoman Barron, Chairwoman Mealy, Chairwoman  
20 Cumbo, Chairwoman Gibson and fellow council members.  
21 My name is Zoe Ragouzeos and I am the Assistant Vice  
22 President for Student Mental Health and the Director  
23 of Counseling and Wellness Services at New York  
24 University. I appreciate the opportunity to testify  
25 before you today to share some of the recent changes



2 NYU has implemented to better address incidents of  
3 sexual misconduct, relationship violence and stalking  
4 on our campus. NYU is committed to fostering a  
5 community in which sexual misconduct, relationship  
6 violence and stalking are not tolerated in a  
7 community in which reporting and investigations are  
8 guided by fairness and respect for all individuals.

9 To further reduce incidents and enhance  
10 our response to incidents of sexual misconduct,  
11 relationship violence and stalking on our campus and  
12 to bring the university into line with new federal  
13 mandates, NYU has developed a new policy. This  
14 policy applies to all students, faculty,  
15 administrators and staff and I have enclosed a copy  
16 in my testimony for your review. The new policy  
17 streamlines procedures at NYU in order to improve the  
18 way the university responds to reports of sexual  
19 misconduct, relationship violence and stalking. We  
20 have also expanded support services and enhanced our  
21 educational and training initiatives.

22 Among the most noteworthy changes that  
23 result from the new policy are: a clearer definition  
24 of consent; clear processes for how to proceed when  
25 those involved are students, employees or third

2 parties such as vendors; greater clarity on the  
3 expanded range of activities prohibited under our  
4 policy, including relationship violence and stalking;  
5 streamlining of our processes with all university  
6 investigations overseen by university's Office of  
7 Equal Opportunity and all adjudications against  
8 students conducted by specially trained personnel  
9 selected by the university's Office of Community  
10 Standards; the establishment of a new Center for  
11 Sexual Misconduct Support Services to provide  
12 complainants with a single confidential supportive  
13 point of contact that connects him or her to an array  
14 of services; [chime] the establishment of dedicated  
15 confidential counseling services for respondents  
16 offering supports and referrals; greater clarity on  
17 the available protections for the complainant and  
18 respondent, including immediate measures that need to  
19 be taken to address safety and psychological well-  
20 being; the establishment of support facilitators to  
21 provide guidance and assistance to both the  
22 complainant and respondent during the investigation  
23 and adjudication procedures and the expansion of  
24 prevention training and education for the entire NYU  
25 community, including students, faculty,

2 administrators, public safety, res life, athletics  
3 and many others including a new mandatory program for  
4 all NYU students beginning in the 2015 spring  
5 semester.

6           These revisions are in addition to the  
7 services NYU has historically been providing, which  
8 include 24/7 365 confidential Emergency Response and  
9 Support Services, including medical and mental health  
10 intervention, as well as services related to legal,  
11 judicial, academic and housing assistance. There are  
12 several others, including a new website; bystander  
13 intervention; mandatory online training; an ad hoc  
14 committee of our Senate represented by students,  
15 faculty and staff working on these issues. We are  
16 very interested in the student voice. We've created  
17 several committees to gather students together so  
18 that they can express to us how they want us to  
19 respond and prevent sexual violence and a Campus  
20 Climate Survey, which will be in effect in 2016.

21           I will stop there. I welcome any  
22 questions you have and thank you for the opportunity  
23 to testify today.

24           SUZANNE GOLDBERG: On behalf of Columbia  
25 University, I'd like to thank Public Advocate Letitia

2 James. I'd like to thank Chairpersons Inez Barron,  
3 Vanessa Gibson, Laurie Cumbo and Darlene Mealy for  
4 the opportunity to present testimony today on behalf  
5 of Columbia University. My name is Suzanne Goldberg  
6 and at Columbia I am the Special Advisor to Columbia  
7 University's President on Sexual Assault Prevention  
8 and Response. I am also the Herbert and Doris  
9 Wechsler Clinical Professor of Law, the Director of  
10 the Center for Gender and Sexuality Law and the  
11 Director of the Sexuality and Gender Law Clinic, so I  
12 come to you today with many years of experience on  
13 these issues and I really want to begin by thanking  
14 you for holding this hearing and focusing more  
15 attention on this important issue. I would like to  
16 raise two general points and then speak specifically  
17 about Columbia and I will try to do it really  
18 quickly.

19           The first, most basically, of course,  
20 Columbia is unequivocally committed to fostering an  
21 environment that is free from gender-based misconduct  
22 for all of our students and community members,  
23 including sexual violence. Two general points that  
24 strike me as very important when thinking about the  
25 roles of colleges and universities on this issue:

2 first is the nature of sexual violence on college and  
3 university campuses. Media attention suggests that  
4 sexual assault is the primary issue, but as was... as  
5 came out in your conversation with the previous  
6 panel, of course, sexual assault is one part of a  
7 much broader spectrum of gender-based misconduct that  
8 occurs on college campuses and in fact, dating  
9 violence, intimate partner violence, stalking, sexual  
10 touch, non-consensual sexual touching on and  
11 underneath clothing and post-break-up stalking and  
12 other forms of gender-based misconduct are also  
13 prevalent and this tells us that when we think about  
14 doing effective prevention work, we need to take the  
15 full array of gender-based misconduct into account.

16           The second is about the relationship  
17 between... second general point is about the  
18 relationship between colleges and universities and  
19 law enforcement. As you know, universities must,  
20 under Title IX, [chime] provide a disciplinary  
21 process within the school in addition to whatever law  
22 enforcement provides. It's not only important as a  
23 matter of law though. It's also important as a  
24 matter of policy. Our aim at Columbia and I assume  
25 every other college and university in the city and

2 the state is to ensure that all students can get the  
3 most they can out of their educational opportunities  
4 while they're in school and that includes being free  
5 from gender-based misconduct, including sexual  
6 violence.

7           In addition, universities and colleges  
8 have a specialized understanding of their students'  
9 needs and I'll just... actually I can skip over a  
10 number of the points, but just to say that in the  
11 semester-based life in which students operate,  
12 universities can move their processes along much more  
13 quickly and they are... and colleges as well and tend  
14 to be... and are certainly better positioned to provide  
15 the kinds of accommodations that students need,  
16 whether it's change of residence halls, change of  
17 exam schedules or other kinds of accommodations that  
18 are outside the purview of law enforcement. To be  
19 clear, students are free and supported and free to  
20 report to law enforcement and supported in reporting.  
21 At Columbia, we have specially trained advocates,  
22 both professional and student peer advocates, who  
23 will go with the student to law enforcement if they  
24 choose to report.

2 But what we also know is against the  
3 backdrop of what was talked about in the earlier  
4 panel, which is that there is dramatic  
5 underreporting, both to formal disciplinary processes  
6 and to law enforcement and even once crimes of sexual  
7 assault and other forms of gender-based misconduct  
8 are reported to law enforcement, there's relatively  
9 few cases are taken to prosecution and even smaller  
10 numbers result in conviction. So it's essential that  
11 colleges and universities address these issues on  
12 campuses.

13 One other important general point why  
14 colleges and universities do not speak about  
15 individual student cases even when students speak  
16 about their own cases. Certainly there's federal  
17 privacy law. In my own mind, at least as important  
18 is that if a university speaks about any of its  
19 students and their experience with gender-based  
20 misconduct, including any form of sexual violence,  
21 every other student will have reason to wonder will  
22 the university speak about my case and even if I  
23 don't speak publicly about my case, well, if somebody  
24 else does will the university then comment, and so  
25 it's a firm policy never to address [chime] anything

2 in connection with what any student says about their  
3 own experience on our campus because we want to do  
4 all we can do to ensure that students feel as  
5 comfortable as they can feel accessing resources on  
6 campus, including the confidential resources like  
7 counseling and psychological services and medical  
8 services, as well as the formal disciplinary process.

9 Let me now turn specifically to Columbia  
10 and I will wrap up in a minute. What's available at  
11 Columbia University including Barnard and Teacher's  
12 College; I'm going to skim the surface here. You can  
13 find much, much more both in my testimony and more  
14 generally on the university's Sexual Respect website,  
15 which if you google Columbia and sexual respect you  
16 will find it. It's both an emergency website; where  
17 do I go and also... if I need help right now and also a  
18 longer term website with much more information.

19 First of all, our policy. We have a new  
20 policy that was put in effect on August 15<sup>th</sup> that on  
21 the very first page actually invites students and all  
22 community members to continue to offer their views  
23 and suggestions and comments as the policy develops.  
24 I have looked at many, many policies from around the  
25 country and in my view, this is the national model



1  
2 for a number of reasons. I'll just flag two or three  
3 here. One is it's written for our students, so the  
4 students can read it; find it accessible. It  
5 explains clearly what's available to them. It  
6 explains very clearly that even if a student never  
7 ever chooses to engage our disciplinary process,  
8 students can get what we call interim and then long-  
9 term accommodations from the moment they go to the  
10 Gender-Based Misconduct Office. Those accommodations  
11 relate to housing; they relate to exam schedules and  
12 paper schedules and the critical point is that those  
13 are avail... and the policy stresses this... those are  
14 available to students regardless of whether they  
15 engage the formal disciplinary process. In addition,  
16 and this is quite important to me in helping draft  
17 the policy, the report stresses that... or the policy  
18 stresses that students' privacy will be protected so  
19 that even though the gender-based misconduct  
20 disciplinary process is not known as a confidential  
21 resource under the law, it is absolutely one where  
22 students' privacy is protected and information about  
23 them is shared only a need to know basis.

24                   Much more information about the policy,  
25 but just one moment on resources. At Columbia, we

2 have I think perhaps more resources than most  
3 universities in the country. We have an office  
4 called Sexual Violence Response the Rape Crisis/  
5 Anti-Violence Support Center. We've had one of the  
6 longest running rape crisis centers of any  
7 university, certainly in the state; I think in the  
8 country that we now... this year, we opened a new  
9 office in the Student Center that is with extended  
10 hours in person; many more staff who work both... who  
11 are professionally trained and certified by the state  
12 and available to provide support and advocacy  
13 services. That office is also available to our  
14 students 24/7 365. That's not nothing.

15 Let me add two other things. We have a  
16 Gender-Based Misconduct Office with case managers  
17 whose very job it is to help students access the  
18 resources they need and give them information so they  
19 can make a judgment about whether they want to  
20 participate in the process. We also have extensive  
21 confidential resources in terms of our Ombuds Office,  
22 the Chaplain's Office, the Counseling and  
23 Psychological Services Offices and the Medical Health  
24 Offices, of course.

2           During our orientation, we did extended  
3 trainings with new students, including for all  
4 undergraduates with bystander intervention, as well  
5 as Consent 101. All new undergraduates also received  
6 Consent 101 training even before they got to campus.  
7 Every student... new student orientation at the  
8 university included extensive work on our policy, on  
9 consent and on where to access these resources. In  
10 addition, we have training that's being developed  
11 that will be required for all students in the new  
12 semester.

13           There are, as we've been talking about  
14 this afternoon, enormous challenges ahead and also I  
15 would like to suggest tremendous opportunities to  
16 educate our students and our communities, not only  
17 with respect to changing the campus climate, but also  
18 for participation going forward to change our  
19 communities more broadly in response to these issues.  
20 Thank you very much for giving me the opportunity to  
21 testify today on Columbia's behalf.

22           CHAIRPERSON BARRON: Thank you so much.  
23 We do appreciate your coming to be a part of this  
24 oversight hearing and my questions are very brief  
25 because we want to have the same type format; one

2 minute for [chime] questions. That wasn't a minute.  
3 [laughter] One minute for questions followed by your  
4 response of two minutes. The testimony from NYU says  
5 there's a new mandatory program for all NYU students,  
6 so I would like for you to speak briefly on that.  
7 And in regards to Columbia, I heard what you said  
8 about not divulging testimony... not divulging  
9 information regarding to individuals, but my  
10 understanding of the situation that's in the papers,  
11 the claimant says that her testimony was not... she was  
12 not given an opportunity to give written account of  
13 what happened, whereas the person that she accused  
14 was, so without referring to the individuals, what is  
15 the policy and is it consistent? So those are my two  
16 questions. Oh and also CUNY, Pratt and NYU have  
17 sexual assault policies and websites that connect  
18 people who are seeking immediate help and we haven't  
19 been able to determine that Columbia also has a site  
20 which is explicit in sending them. It does not, so  
21 we wanted to know why it does not [chime] immediately  
22 collect somebody. Thank you. Oh, it doesn't  
23 recommend that they go directly to the police and we  
24 wanted to know why not. Thank you.

2 ZOE RAGOUZEOS: So I'll answer the  
3 questions about the orientation. I can talk about a  
4 mandatory program that already exists and then I'll  
5 talk about the new one that we're introducing. The  
6 all freshmen students, and we have about 6,000  
7 freshmen every academic year, are required to attend  
8 an orientation where the President welcomes them and  
9 then they are required to watch a health and safety  
10 orientation in the form of a theatrical production,  
11 which has a significant component addressing sexual  
12 assault.

13 CHAIRPERSON BARRON: How do you...

14 [crosstalk]

15 ZOE RAGOUZEOS: So that is the...

16 [crosstalk]

17 CHAIRPERSON BARRON: Ensure that  
18 everybody attends that?

19 ZOE RAGOUZEOS: Every Resident Assistant  
20 is responsible for a certain group of students who  
21 are personally escorted to the...

22 [crosstalk]

23 CHAIRPERSON BARRON: Oh.

24 [crosstalk]

2 ZOE RAGOUZEOS: Forum where we hold it  
3 and there are 6,000 students, so it's frequently  
4 someplace like Madison Square Garden Theater and we  
5 just check them off as they walk in so we know that  
6 they're there and again, it's a theatrical production  
7 with the hope that they can hear these messages...

8 [crosstalk]

9 CHAIRPERSON BARRON: Mm-hm.

10 [crosstalk]

11 ZOE RAGOUZEOS: Better because it's  
12 written for students by students with our oversight...

13 [crosstalk]

14 CHAIRPERSON BARRON: Okay.

15 [crosstalk]

16 ZOE RAGOUZEOS: Of course.

17 CHAIRPERSON BARRON: Great.

18 ZOE RAGOUZEOS: That's the one that  
19 exists and the online module, which some of my  
20 colleagues have already discussed, is something that  
21 we're planning to introduce next semester. In the  
22 spring 2015, we will buy a product and with the  
23 intention of either continuing to use that product  
24 with some modifications...

25 [crosstalk]

2 CHAIRPERSON BARRON: Mm-hm.

3 [crosstalk]

4 ZOE RAGOUZEOS: Or making our own in the  
5 future.

6 CHAIRPERSON BARRON: Great. Thank you.

7 ZOE RAGOUZEOS: Sure.

8 SUZANNE GOLDBERG: Thanks very much. So  
9 with your question with respect to a particular  
10 student's case or comments in the paper, I really  
11 won't speak about any individual student...

12 [crosstalk]

13 CHAIRPERSON BARRON: Well, the question  
14 is...

15 [crosstalk]

16 SUZANNE GOLDBERG: Case, but I can speak  
17 to you...

18 [crosstalk]

19 CHAIRPERSON BARRON: Well, no, no, no,  
20 no. The question is without referring to a student,  
21 does your policy ask both sides to give written  
22 statements as to what happened?

23 SUZANNE GOLDBERG: The policy... thank you  
24 for your question. The policy actually sets out... and  
25

2 you have a copy of it that we submitted for the  
3 record...

4 [crosstalk]

5 CHAIRPERSON BARRON: Mm-hm.

6 SUZANNE GOLDBERG: The multiple stages of  
7 the investigation and adjudication process. The  
8 first stage is that a... what we call a complainant, so  
9 the student filing the complaint goes and files a  
10 formal complaint [chime] with the Gender-Based  
11 Misconduct Office. That student then meets with a  
12 team of investigators, so our investigators work in  
13 teams and I'd be happy to speak about their training.  
14 I will just tell you...

15 CHAIRPERSON BARRON: [interposing] Mm-hm.

16 SUZANNE GOLDBERG: In shorthand, it is  
17 extensive and the investigators speak with the  
18 student; they ask the student questions. The student  
19 can provide whatever information they'd like to  
20 provide to the investigator. The investigator also  
21 speaks with other witnesses, will speak with the  
22 respondent, who is the student who's accused of  
23 violating the policy and after doing a full and  
24 extensive investigation, will prepare a written  
25 report that includes both specific information about



2 all of the... about the investigation. It will include  
3 judgments about the credibility of all witnesses and  
4 it will include a recommendation. After that, the  
5 case goes to a... case...

6 CHAIRPERSON BARRON: [interposing] Okay,  
7 so my time is running quickly.

8 SUZANNE GOLDBERG: Oh, sorry.

9 CHAIRPERSON BARRON: So...

10 SUZANNE GOLDBERG: [interposing] I want  
11 to get to your second...

12 [crosstalk]

13 CHAIRPERSON BARRON: There's not a...

14 [crosstalk]

15 SUZANNE GOLDBERG: Question too.

16 [crosstalk]

17 CHAIRPERSON BARRON: Checklist then that  
18 would say have we received a written statement from  
19 both sides?

20 SUZANNE GOLDBERG: The office works on a  
21 case-by-case basis, so in terms of what kinds of  
22 checklists they have in their office, I can't speak  
23 to that.

24 CHAIRPERSON BARRON: Okay.

25

2 SUZANNE GOLDBERG: But what I can tell  
3 you is that we have highly trained investigators  
4 whose very fundamental job is...

5 [crosstalk]

6 CHAIRPERSON BARRON: Okay and then their  
7 job to the last point...

8 SUZANNE GOLDBERG: [interposing] Mm-hm.

9 CHAIRPERSON BARRON: About your site not  
10 recommending that they go to the police?

11 SUZANNE GOLDBERG: Right, so what the  
12 site does is it says, "If you need help," and then  
13 you click on it... again, it's called  
14 [sexualrespect.columbia.edu](http://sexualrespect.columbia.edu)...

15 CHAIRPERSON BARRON: [interposing] Yes.

16 SUZANNE GOLDBERG: The reason for not  
17 recommending that students call the police directly;  
18 for example, calling 911 is that of course they're  
19 free to do that, but if they call our Public Safety  
20 Department, Public or Sexual Violence Response, but  
21 I'll just speak about calling Public Safety. Public  
22 Safety can make sure that the police officer who they  
23 meet with is somebody from the Special Victims Unit  
24 who has the specialized training and the interest to  
25 handle these kinds of complaints with the sort of

2 sensitivity that they deserve. And the risk when you  
3 call 911 is that you may get an officer who had that  
4 training...

5 CHAIRPERSON BARRON: [interposing] Mm-hm.

6 SUZANNE GOLDBERG: And fully incorporated  
7 it into their way of interacting...

8 CHAIRPERSON BARRON: [interposing] Okay.

9 SUZANNE GOLDBERGE: With students and you  
10 may not.

11 CHAIRPERSON BARRON: Okay, I'm going to  
12 move now... we're going to have a question from Council  
13 Member Mealy, followed by Council Member Gibson,  
14 followed by the Public Advocate, followed by Council  
15 Member Gentile.

16 CHAIRPERSON MEALY: Thank you. I hear  
17 your testimony. You said so much, but to me you  
18 still didn't answer her question 'cause if... we're  
19 about a victim wanting to let their story be heard,  
20 someone carrying a mattress around they want their  
21 voice to be heard; yes or no, so somewhere or another  
22 one voice was heard and one was not heard, so  
23 therefore, it's not across the board that both  
24 witnesses will testify. Is it not?  
25

2 SUZANNE GOLDBERG: I... let me just try to  
3 respond and see if I... the university supports  
4 students in their expressing their views and their...

5 [crosstalk]

6 CHAIRPERSON MEALY: If a victim was...

7 [crosstalk]

8 SUZANNE GOLDBERG: Experiences how they  
9 choose.

10 [crosstalk]

11 CHAIRPERSON MEALY: Traumatized; sexually  
12 assaulted and wanted their voice to be heard and  
13 carried a mattress around to let their voice be  
14 heard, somewhere or another the system is wrong.  
15 It's not letting both parties speak in a witness  
16 stand [chime] I believe. I can really say that  
17 somewhere or another it's a breakdown where one voice  
18 is not being heard and it's normally the victim and  
19 just by that one case, would someone have to go to  
20 that extreme to let people know that I want my  
21 situation; what has been done to me heard. That's  
22 letting us know something has to be changed with the  
23 policy. Are ya'll willing to change that policy,  
24 like our Chair just asked? Do you have a checkbox

2 saying that both witnesses spoke in your policy? Are  
3 ya'll willing to change that?

4 SUZANNE GOLDBERG: Well, again, the  
5 policy sets out very clearly that the process...

6 CHAIRPERSON MEALY: [interposing] It's up  
7 to the individual. That's what you just told...  
8 answered her with. I'm sorry, maybe I'm not  
9 understanding the question, but I guess let me just  
10 try to respond. Students are free, whether they  
11 engage the disciplinary process or not, and whether  
12 on this issue or any other, to speak freely at  
13 Columbia; it's a central tenet of the university,  
14 about their experiences. The university will not  
15 comment on their individual cases and again, the  
16 reason for that is because there's a fundamental  
17 commitment to making sure that all students,  
18 including some and perhaps many, who prefer not to  
19 identify themselves publicly will feel comfortable  
20 that they can engage the process without the  
21 university commenting on them. There is a new policy  
22 in place as of August 15<sup>th</sup>, as I mentioned earlier  
23 and I mentioned in my testimony, but I'm happy to go  
24 through in more detail what that policy allows, but  
25 it certainly does not provide that one side gets to

2 speak and the other does not and in fact, what  
3 Columbia's policy does, which I think is somewhat  
4 unique in the nation, is not only...

5 CHAIRPERSON MEALY: [interposing] Okay.

6 SUZANNE GOLDBERG: Does it allow a  
7 student...

8 [crosstalk]

9 CHAIRPERSON MEALY: I don't have that  
10 much time.

11 [crosstalk]

12 SUZANNE GOLDBERG: If they choose, to  
13 bring a lawyer into the room with them, but we'll  
14 also provide a lawyer free of charge to students who  
15 request that. Now, not all...

16 [crosstalk]

17 CHAIRPERSON MEALY: Okay.

18 [crosstalk]

19 SUZANNE GOLDBERG: Students do and in  
20 certain instances, it may not actually... it may or may  
21 be useful. That's really up to the student, but the  
22 university does all that it can to conduct this  
23 process with two things in mind. One is fairness to  
24 both sides and the other is sensitivity to...

25 [crosstalk]

2 CHAIRPERSON MEALY: Okay, I have...

3 [crosstalk]

4 SUZANNE GOLDBERG: The parties involved.

5 [crosstalk]

6 CHAIRPERSON MEALY: One other question

7 for you. What category would you put sexual

8 harassment, stalking, touching... you had mentioned

9 touching with clothes, without clothes. What

10 category would you put that under, sexual offense

11 forcible or sexual non-forcible in your...

12 [crosstalk]

13 SUZANNE GOLDBERG: I mean if you're...

14 [crosstalk]

15 CHAIRPERSON MEALY: Columbia...

16 [crosstalk]

17 SUZANNE GOLDBERG: Asking me in my

18 capacity as an academic, I can answer you. At

19 Columbia [chime] University, our policy sets out 10

20 distinct offenses. One is non-consensual sexual

21 assault, which is non-consensual sexual intercourse,

22 which it covers penetrative oral, anal and vaginal

23 sex and this... with an object or a body part and the

24 second is non-consensual sexual contact, which covers

25 you know, the rest of what you just mentioned.

2 Stalking is a separate offense. There's dating  
3 violence, intimate partner violence. There's also a...  
4 and I mean I can pull out the policy and go through  
5 all 10 if you want, but very importantly the last...  
6 the last protect... the last set offense that's  
7 designated in the policy is one of retaliation; to  
8 protect all who participate in the process from  
9 retaliation for their participation. So while many,  
10 many students and others don't... we know that sexual  
11 violence is one of the most underreported crimes in  
12 the country and there are many good reasons for that  
13 and many reasons that relate to barriers that could  
14 be removed, so the university is doing all it can to  
15 remove barriers to reporting and engaging resources  
16 and then trying to support the students to make their  
17 own choices about what they feel will be best for  
18 them in the healing process.

19 CHAIRPERSON BARRON: Okay.

20 SUZANNE GOLDBERG: When they've had the  
21 secure...

22 [crosstalk]

23 CHAIRPERSON MEALY: Thank you.

24  
25



2 CHAIRPERSON BARRON: Okay, I'm going to  
3 move this along a little bit. Council Member Gibson,  
4 followed by Public Advocate James.

5 CHAIRPERSON GIBSON: Thank you very much,  
6 ladies. I appreciate the chance to hear from  
7 Columbia and NYU. I just had a couple of questions  
8 and I wanted to know in both of your testimonies you  
9 talked about a different range of services on  
10 intervention training; online training; different  
11 working groups. What I didn't see was any statistics  
12 and data on reporting. Do you know how many cases of  
13 sexual assault against students? Did both of your  
14 institutions receive last year? Is there a  
15 memorandum of understanding that both colleges have  
16 with local Police Department? And knowing some of  
17 the causes of underreporting and the fact that many  
18 students don't feel that they can come to the  
19 colleges to report a sexual crime, do you believe  
20 that a lot of these efforts will make some of those  
21 changes? And if not, what other efforts are you  
22 making to further bring many of our students out from  
23 the dark into the light so that they can get the  
24 services that are necessary?

2 ZOE RAGOZEOS: So you are correct that I  
3 did not provide any statistics and in my role I don't  
4 work with Public Safety, but I can consult with my  
5 colleagues and you can get those statistics by the  
6 end of the week. In terms of a formal Memorandum of  
7 Understanding, we do not have it with the Police  
8 Department. I did consult with my Public Safety  
9 colleagues before I got here, but we do work very  
10 closely with the police precincts and we have a  
11 Special Victims liaison, formerly of the Police  
12 Department, that works very closely to connect our  
13 students to the Police Department when they are  
14 interested in formally reporting to the police. And  
15 then finally, do we think that all of what we are  
16 creating will result in more people coming forward?  
17 I believe that's absolutely correct, just as with any  
18 other... so I oversee the Mental Health Services as  
19 well and when we created a comprehensive 24/7 Mental  
20 Health Support Line for students, we saw that many  
21 more students were coming forward to talk about  
22 mental health. When you create support services,  
23 particularly if you make them 24/7, people will feel  
24 more comfortable. I do think that one of the good  
25 things about the media highlighting this issue and

2 certainly forums like this one is that it  
3 destigmatizes the issue even just a little bit for  
4 students again, resulting them in feeling more  
5 comfortable coming forward.

6 SUZANNE GOLDBERG: And I'll start where  
7 my colleague here left off. I completely agree that  
8 it's hearings like this and attention; activities by  
9 our students; teachings at universities and much more  
10 that really are part... all contributors to changing  
11 the environment. In terms of data, you do have  
12 accompanying my testimony a report on sexual assault  
13 prevention and response that includes data from  
14 Columbia University for the 2013-14 academic year and  
15 I can go through it in detail if you want, but I can  
16 tell you that it's all there. But on the question  
17 does that data which reflects... it's... I think there  
18 was one copy of the data that was circulated along  
19 with a link to it in the testimony.

20 CHAIRPERSON BARRON: And that was...

21 [crosstalk]

22 SUZANNE GOLDBERG: I'm happy to...

23 [crosstalk]

24

25

2 CHAIRPERSON BARRON: Submitted previously  
3 for the record and I will share that with my  
4 colleagues.

5 SUZANNE GOLDBERG: Great. But I just  
6 want to... to get to your other questions, do I think  
7 or does the university think that the data reflected  
8 in formal disciplinary process reports last year  
9 reflect all incidents of gender-based misconduct  
10 including sexual violence? On our campus no and in  
11 fact, the report specifically addresses that data  
12 that is data reflective of formal reporting will  
13 never capture all or probably even most of the  
14 [chime] gender-based misconduct including sexual  
15 violence that occurs for many of the reasons that  
16 have already been detailed.

17 CHAIRPERSON BARRON: And do you have a  
18 Memorandum of Understanding with law enforcement?

19 SUZANNE GOLDBERG: Yes, we do...

20 [crosstalk]

21 CHAIRPERSON BARRON: You do.

22 [crosstalk]

23 SUZANNE GOLDBERG: Have a Memorandum of  
24 Understanding with law enforcement and in terms of  
25 the question will educating students lead to more

2 reporting, I believe it will. Will it ever lead to  
3 100 percent reporting? I do not believe it will and  
4 that is why all of the other supportive resources  
5 that are fully confidential that will never be  
6 reported both on and off campus are a critical part  
7 to making sure that we provide the kind of care that  
8 we must provide for our students.

9 CHAIRPERSON BARRON: Thank you. We'll  
10 now have questions from Public Advocate Tish James,  
11 followed by Council Member Gentile.

12 PUBLIC ADVOCATE JAMES: Thank you.  
13 First, I would hope that CUNY, NYU and Columbia sign  
14 onto the letter from the Office of Public Advocate in  
15 support of the City Council, which there's basically  
16 in order for us to achieve a meaningful change, that  
17 all of the colleges will partner will local rape  
18 crisis centers, will commit to ongoing education for  
19 students, faculty and administrators and three, have  
20 in your adjudicative body have individuals who are  
21 trained, competent and who do not have any conflicts  
22 of interest and I would hope that you would review  
23 that letter and sign onto it. The young lady... I'm  
24 sorry, Professor from Columbia University, how long  
25 have you been at your job?

2 SUZANNE GOLDBERG: At Columbia I've been  
3 there full-time since 2006. I've been the Director  
4 of the Sexuality and Gender Law Clinic since then.  
5 I've been the co-Director of the Center for Gender  
6 and Sexuality Law for... I can't remember exactly when  
7 we started it. I've been working on issues of  
8 Sexuality and Gender Law for my whole career, [chime]  
9 which started before I went to Law School and I  
10 graduated in 1990. I've been in the role of Special  
11 Advisor to the University President since mid-July.

12 PUBLIC ADVOCATE JAMES: Thank you. So  
13 you obviously are well-suited for your position. Are  
14 you familiar with the incident where a student was... a  
15 claim would have been terminated if she went home for  
16 the summer? As a Law professor, do you think that's  
17 sound policy and do you agree with that  
18 determination?

19 SUZANNE GOLDBERG: So I'm really not  
20 going to speak to or about even in the abstract any  
21 individual student's case.

22 PUBLIC ADVOCATE JAMES: What about Emma  
23 Sulkowicz, who's received a lot of media attention?  
24 She's the young lady who's been carrying around the  
25 mattress throughout the city of New York, and

2 obviously it really represents her frustration with  
3 respect to the sexual... the policies or the lack  
4 thereof at Columbia University. What do you think of  
5 Emma's campaign?

6 SUZANNE GOLDBERG: I really won't speak  
7 to or about any individual student's case or  
8 expression of her experiences in that instance, not  
9 because... for the reasons I said.

10 PUBLIC ADVOCATE JAMES: Okay and what  
11 about the incident I heard? Students contacted my  
12 office. Apparently there was a determination of an  
13 individual; an assailant at Columbia University. It  
14 was a finding, a fact and then it was overruled by a  
15 Dean at Columbia. Any thoughts on whether or not  
16 that was sound policy?

17 SUZANNE GOLDBERG: I really will not  
18 speak to or about any individual student's case for  
19 the reasons I said, which have everything to do with  
20 wanting our students to be 100 percent confident...

21 PUBLIC ADVOCATE JAMES: [interposing]  
22 Okay.

23 SUZANNE GOLDBERG: That whatever value  
24 any comment we might make about an individual...

25 [crosstalk]

2 PUBLIC ADVOCATE JAMES: So you...

3 [crosstalk]

4 SUZANNE GOLDBERG: Student's experience  
5 might add to the conversation, that value is very  
6 much outweighed by our desire to make sure that  
7 students can feel comfortable and confident accessing  
8 all of the resources at the university...

9 [crosstalk]

10 PUBLIC ADVOCATE JAMES: And I...

11 [crosstalk]

12 SUZANNE GOLDBERG: And beyond.

13 [crosstalk]

14 PUBLIC ADVOCATE JAMES: And I thank you  
15 for that. You indicated in your testimony that you  
16 would evaluate each situation based on a case-by-case  
17 basis and I question that. I would like and I think  
18 the City Council and I'm sure some of the survivors  
19 would like a uniform, consistent and a transparent  
20 policy at Columbia University. Do you support that  
21 position?

22 SUZANNE GOLDBERG: Well, we certainly  
23 have a transparent policy at the university and it's  
24 uniform. It is one that was issued on August 15<sup>th</sup>.  
25 It was sent to all students by the University



2 President, followed up with an email from each Dean  
3 to their students and has been the subject of  
4 training for all new students and it is a uniform and  
5 transparent policy.

6 PUBLIC ADVOCATE JAMES: And do you  
7 support affirmative consent in writing and lastly,  
8 restorative justice? What are your positions with  
9 respect to those policy recommendations?

10 SUZANNE GOLDBERG: Well, I can speak to  
11 the position where the Columbia University policy  
12 with respect to consent, which is very clear that  
13 silence is not consent and having sex with somebody  
14 who is incapacitated is not consensual sex. If  
15 you're asking my own personal view on restorative  
16 justice, I... maybe you can tell me a little bit more...

17 [crosstalk]

18 PUBLIC ADVOCATE JAMES: So no, I under...

19 [crosstalk]

20 SUZANNE GOLDBERG: About what you'd like  
21 to know.

22 PUBLIC ADVOCATE JAMES: I understand  
23 consent. I want affirmative consent, something in  
24 writing or something objective as opposed to just no  
25 is no; an affirmative consent and lastly, what is

2 your position with respect to restorative justice,  
3 allowing the assailant and the survivor to confront  
4 one another, assuming that the survivor agrees to  
5 that and waives her rights?

6 SUZANNE GOLDBERG: Right, so I guess  
7 well, maybe how I can best answer your question about  
8 affirmative consent is just to read to you from the  
9 policy, which says that non-consensual sexual  
10 activity is gender-based misconduct. Consensual  
11 sexual activity requires unambiguous communication  
12 and mutual agreement for the act in which the  
13 participants are involved. It does not require  
14 writing, and this is speaking on my own personal  
15 view, is that a requirement of writing would actually  
16 be a troublesome requirement because the point of the  
17 policy is to require consent for each act. So that  
18 it is not that if somebody begins the night and  
19 there's consent for a sexual act that that means  
20 there is consent for all other sexual acts throughout  
21 an evening or a week or the course of her  
22 relationship.

23 PUBLIC ADVOCATE JAMES: And restorative  
24 justice; the ability...

25 [crosstalk]

2 SUZANNE GOLDBERG: I guess I would ask  
3 you if you're asking me do I think that all students  
4 who have experienced sexual... I guess maybe I'm not  
5 really sure what you mean.

6 PUBLIC ADVOCATE JAMES: So in your  
7 adjudicative body, if an individual wants to confront  
8 their assailant; provides the survivor with some  
9 healing; the ability to confront their assailant and  
10 basically indicate to them how they feel and what  
11 they're experiencing, that is a sense of sort of a  
12 sense of restorative justice and I understand not  
13 only in other jurisdictions throughout the nation, on  
14 college campuses they provide restorative justice.  
15 Have you... has anyone reviewed that and come to any  
16 determination on restorative justice? And if you're  
17 not prepared to speak on it, at some point in time,  
18 perhaps you can get back to me so we can talk about  
19 it privately. [chime]

20 SUZANNE GOLDBERG: I'd certainly be happy  
21 to talk...

22 [crosstalk]

23 PUBLIC ADVOCATE JAMES: Okay.

24 [crosstalk]

25

2 SUZANNE GOLDBERG: Talk about it with you  
3 further. The process that the... the university  
4 disciplinary process...

5 PUBLIC ADVOCATE JAMES: [interposing]  
6 Yeah.

7 SUZANNE GOLDBERG: Is focused on the  
8 university imposing sanctions if a student is found  
9 responsible for violating the gender-based misconduct  
10 policy. That student, if found responsible and not...  
11 and if that student remains at the university or  
12 returns to the university after a period of time,  
13 that student must... in addition to sort of having  
14 whatever sanctions are imposed on that student, must  
15 also have... undergo... I can find you the specific  
16 language, but to paraphrase the policy, education  
17 that is specifically geared toward the violation or  
18 violations for which they were found responsible.

19 PUBLIC ADVOCATE JAMES: Thank you.

20 CHAIRPERSON BARRON: Thank you. Final  
21 question from Council Member Gentile.

22 COUNCIL MEMBER GENTILE: Thank you.  
23 Often, when these sexual assaults happen, the victim  
24 very often will first speak to someone that they feel  
25 comfortable with. On occasion, that might be a

2 faculty member. They might first reveal something to  
3 a faculty member. Should that be the case, does that  
4 faculty member have an obligation to report to  
5 someone in the administration?

6 SUZANNE GOLDBERG: The short answer is  
7 yes and that follows the Title IX guidance from the  
8 Office of Civil Rights, but let me just expand for a  
9 moment. So all faculty members have received  
10 information about this, but I actually left my office  
11 when I was finishing up the FAQ that will go to all  
12 faculty members throughout the university. That's a  
13 simple two-pager that explains reporting  
14 responsibilities and the short of it is that faculty  
15 members should, if they can, tell the student that  
16 they have a reporting obligation before the student  
17 shares information with them because not all students  
18 want a report to go to the Gender-Based Misconduct  
19 Office. But, as I said when I spoke initially, even  
20 when a faculty member who does have that reporting  
21 obligation reports information to the Gender-Based  
22 Misconduct Office, which will include the names of  
23 any students the faculty member is aware of and  
24 whatever other information the faculty member  
25 received, that report, while not confidential in a...

2 because the faculty member is sharing it, is treated  
3 as absolutely private [chime] so the faculty member  
4 is supposed to respect the student's privacy and the  
5 Gender-Based Misconduct Office certainly will. And  
6 for example, when a case manager in the Gender-Based  
7 Misconduct Office asks a professor for an exam  
8 extension or a paper extension, that professor never  
9 needs to know why; alright, never needs to know what  
10 happened. That professor does need to know the  
11 student's name obviously because they're granting the  
12 extension, but the privacy piece of this is very  
13 important and I think it often gets a little bit  
14 confusing when it's discussed in the popular media  
15 sometimes. But yes, the short answer to your  
16 questions does faculty have an obligation to report?  
17 That does include adjunct faculty and it includes  
18 other teaching faculty at a college or university.

19 COUNCIL MEMBER GENTILE: Same thing at  
20 NYU?

21 ZOE RAGOUZEOS: We're doing a campus  
22 violence training for all of our faculty, which  
23 informs them that they are "responsible employees,"  
24 which requires them to inform the Office of Equal  
25 Opportunity when they are informed of an assault or

2 other sexual misconduct and to try not to offer  
3 confidentiality to students up front and instead  
4 steer them to a confidential resource if they want to  
5 speak about something confidentially and to inform  
6 students up front that if they are informed of a  
7 sexual misconduct, they will report to OEO, Office of  
8 Equal Opportunity and our Title IX coordinator will  
9 outreach to the student.

10 SUZANNE GOLDBERG: And if I could just  
11 add one thing because what you said reminded me of  
12 what we do at Columbia. When a student's name is  
13 reported to the Gender-Based Misconduct Office, all  
14 that means is that a case manager from that office  
15 will reach out to that student and try to make sure  
16 that student is as aware as they can be of the  
17 resources available to them. Students are not  
18 required to engage the disciplinary process and as I  
19 said earlier, they can access all sorts of  
20 accommodations, both immediately and throughout their  
21 time as a student at the university, whether or not  
22 they ever choose to engage the formal disciplinary  
23 process.

24 ZOE RAGOUZEOS: Same at NYU.

25 CHAIRPERSON BARRON: Thank you.

2 COUNCIL MEMBER GENTILE: Thank you.

3 CHAIRPERSON BARRON: That concludes the  
4 questions. I do want to thank the panel for coming.  
5 We're so pleased that the private universities are  
6 participating in this hearing. We know this is an  
7 issue that's not restricted to any one type of higher  
8 education institution, so we do appreciate your  
9 coming and sharing your testimony with us. Thank you  
10 so much.

11 SUZANNE GOLDBERG: Thank you very much.

12 CHAIRPERSON BARRON: At this time we're  
13 going to call the next panel. We do appreciate your  
14 patience. We know this has been lengthy, but this is  
15 important and it's not something that we need to rush  
16 through, although we are asking you to consolidate  
17 your presentation time. The next panel is going to  
18 be Esraa Saleh from City College; Shaila Bora from  
19 CCNY Students; Kira Rakova from City College; Alyssia  
20 Osorio, City College and Ayumi Hera as an  
21 International student at CUNY. So if those persons  
22 are here if they would come forward and be seated.  
23 [background voices] Well, there's another panel. If  
24 you've given a slip, you'll be in the next panel. We  
25 wanted to split it up, so there are three here?



2 Well, then let me see if I can get two more. Natalie  
3 Pena from City College. And just so that I'll be  
4 clear, is Lucas Almonte here? Raise your hand if you  
5 are. Okay, Lucas is here. Yexenia Vanegas, are you  
6 here? Okay and Ebonie Jackson? Okay, they're all  
7 here. So I'm looking at the next panel, panel three.  
8 If you would raise your right hand, I'd like to swear  
9 you in, please. Do you affirm that the testimony you  
10 are about to give will be the truth, the whole truth  
11 and nothing but the truth and that you will honestly  
12 answer the questions of the committee?

13 ALL PANELISTS: Yes.

14 CHAIRPERSON BARRON: Thank you. You can  
15 start.

16 SHAILA BORA: Okay, so I guess I'll just  
17 start.

18 CHAIRPERSON BARRON: [interposing] Okay,  
19 move the mic a little closer...

20 [crosstalk]

21 SHAILA BORA: Oh.

22 [crosstalk]

23 CHAIRPERSON BARRON: So you can be  
24 comfortable.

25

2 SHAILA BORA: My name's Shaila Bora. I'm  
3 a student and a senior at City College. Currently,  
4 all of us are actually working together on a campaign  
5 to get a Gender Resource Center established at our  
6 school. Initially, I thought I was going to testify  
7 about my experiences there as a student, but I'd  
8 actually like to testify instead about the resources  
9 that we have at our college.

10 Lots of things were said today about the  
11 kind of resources that we have and at CCNY, like I  
12 said, I'm a senior. I've been there for five years.  
13 We... I have never had by the administration any kind  
14 of training. I don't know of any students who have  
15 had any kind of significant training. There is no  
16 media posters, anything else on our campus talking  
17 about sexual assault and sexual violence. All of the  
18 education that I've had has been through student  
19 organizations and community organizations who have  
20 chosen to like bring that issue to the forefront of  
21 our campus. The only safe space that we had on  
22 campus was seized at the end... or at the beginning of  
23 last year, the Morales-Shakur Center. There is a  
24 LGBTQ space, which is really, really small on our  
25 campus.

2 The other thing that I wanted just to  
3 mention is that thinking of Public Safety as a unit  
4 that could provide some kind of accommodation for  
5 students who have experiences sexual violence or  
6 sexual assault is really not a viable option. At our  
7 college campus, they are harassing the students  
8 oftentimes. I, myself, have been harassed by our  
9 Public Safety officers. I have friends that have  
10 been harassed by them and stalked by them. So for  
11 us, that's not going to be an acceptable measure in  
12 any way.

13 CHAIRPERSON BARRON: Just to interject,  
14 did you report it to the police?

15 SHAILA BORA: I did not. I didn't know...  
16 I mean I... so Public Safety at our school... I guess I  
17 don't know how to describe it. I wouldn't consider  
18 them to be a safe organization to report anything to  
19 [chime] through my experiences with them. So I guess  
20 yeah.

21 CHAIRPERSON BARRON: Well, we still have  
22 CUNY representatives in the room, so we certainly  
23 know that this is not being something said and put in  
24 the record. There will be further examination of  
25 that.

2 KIRA RAKOVE: So my name is Kira Rakova.  
3 I...

4 CHAIRPERSON BARRON: [interposing] Could  
5 you pull the mic a little bit closer?

6 KIRA RAKOVA: Sure. So my name is Kira  
7 Rakova and I'm also a senior at City College and I am  
8 also part of several organizations on campus that do  
9 activist work in relation to this and today I guess I  
10 would like to focus my testimony in part on Public  
11 Safety and also again, in part on the resources that  
12 our college does and does not provide.

13 So in terms of Public Safety, I have on  
14 several occasions by different individuals been  
15 harassed by them sexually in terms of my appearance.  
16 They have commented on my appearance. They have  
17 asked me whether I'm in a relationship or not and  
18 only...

19 [crosstalk]

20 CHAIRPERSON BARRON: These individuals  
21 are students or staff persons?

22 KIRA RAKOVA: So Public Safety...

23 CHAIRPERSON BARRON: [interposing] Thank  
24 you.

25

2 KIRA ROKOVA: Personnel and no, I did not  
3 report this because I was not sure at the time who I  
4 would report this to and also I was uncomfortable to  
5 do so, so I know... I would just want to note that it  
6 is more than one Public Safety individual. It was  
7 not just a particular personnel and also as you have  
8 mentioned, there are other individuals that I know of  
9 that have gone through a similar process and I think  
10 considering that for example, our Wellness Center on  
11 campus is completely underfunded to the point where I  
12 have heard stories about them denying students  
13 services unless they stated that they have been  
14 suicidal within the past 24 hours to the point that  
15 one of my friends who I am supporting create a  
16 student mental initiative on campus to address these  
17 gaps and to the point that our initiative has  
18 generated a significant amount of the student body  
19 raising their voices in support of us and declaring  
20 that one of their big concerns is sexual violence on  
21 campus. And also considering that the Gender  
22 Resource Center that was previously mentioned has  
23 been in... the campaign has been in progress for over  
24 six years, I think that I kind of speak on behalf of  
25

2 many City College students when I say that I severely  
3 question the safety of our campus.

4 ALYSSIA OSORIO: Thanks, Kira and Shaila  
5 for that. My name is Alyssia Osorio and I am a  
6 senior at the City College of New York and I am  
7 Director of the Guillermo Morales-Assata Shakur  
8 Student and Community Center and so I want to start  
9 off by saying CUNY campuses educate the working and  
10 middle classes in New York and the workforce and  
11 unfortunately, CUNY has become less receptive towards  
12 the students and the communities' needs.  
13 Administration has often resorted to repression,  
14 intimidation and violence rather than debate,  
15 discourse and reconciliation.

16 City College has repeatedly shown that it  
17 has never cared about the idea of consent. I would  
18 like to cite three public ways that rapists have like  
19 come forward at City College with no repercussions  
20 and we've publicly spoken to our President, Lisa  
21 Staiano-Coico about these secrets. This is on the  
22 City College Secrets page and it... there was one  
23 Secret submitted, number 277, February 6th: "When we  
24 used to have private rooms in the basement of the  
25 library, I used to touch girls as they slept. Once

2 an officer walked by while I was doing my thing and  
3 he winked at me as I walked past." There's a Secret  
4 275, February 5th: "I took advantage of some girl at  
5 a party. We were both drunk and she was falling over  
6 everywhere, so I took her to my room and we had sex.  
7 I found out sometime later that she had a boyfriend.  
8 So question to the guys out there: do you really  
9 trust your girl when she goes to a party? Sometimes  
10 the girls are the ones to suspect and it's douchebags  
11 like me out there. Not saying I didn't feel bad  
12 afterwards I found out she had a boyfriend." And  
13 then Secret 272, February 5th: "So I'm not sure if  
14 anyone heard about this, but the first year that the  
15 towers opened, someone got raped and of course, the  
16 college kept this hushed up."

17           These are all public secrets that we  
18 presented to President Lisa and she has not taken any  
19 administrative steps towards creating a Gender  
20 Resource Center and I would also like to say that at  
21 City College we started to make this a priority in  
22 our organizing and around 2011; the campaign has been  
23 running for six years, as Kira previously stated.  
24 Not only were we having "16 Days Against Gender  
25 Violence," we started confronting administration

2 publicly and we sent President Lisa emails and these  
3 emails [chime] she didn't respond until we noted that  
4 it was illegal for administration not to respond to  
5 students coming forward with sexual assault  
6 allegations and administrative... like they set up this  
7 bogus council, Council of Diversity, and they met  
8 around once a year and that was our mechanism of  
9 engaging with administration; the students engaging  
10 with the administration.

11                   And students like myself went through  
12 appropriate channels of reporting sexual assault.  
13 When I went through the reporting process, the woman  
14 asked me why a pretty girl like myself would be so  
15 upset at a guy putting forward his like attentions on  
16 me.

17                   CHAIRPERSON BARRON: [interposing] A  
18 person from the school staff who was...

19                   [crosstalk]

20                   ALYSSIA OSORIO: Yes.

21                   [crosstalk]

22                   CHAIRPERSON BARRON: Taking this report?

23                   ALYSSIA OSORIO: A person with these  
24 fantastic Title IX trainings that the college has  
25 been providing. I was also asked why I wouldn't just



2 talk to him so the college didn't have to get  
3 involved and I've talked to this individual numerous  
4 times and so much that I'm a victim of stalking on  
5 campus and the person who is stalking me showed up at  
6 a protest because he knew I'd be there Monday. The  
7 school spend a quarter million dollars on Public  
8 Safety to look at the protesters, but they cannot get  
9 the stalker away from me, which says a lot about  
10 dissent on our campus. And so she also... when I  
11 reporting said I looked so pretty numerous times and  
12 it was just a shame and I ended up having other  
13 students, a part of the Morales-Shakur Center, walk  
14 me to class and allies to distract him as I fled many  
15 events as he followed me.

16           Then administration took our safe space  
17 October 20<sup>th</sup>, 2013, where we were organizing talks  
18 about gender violence, and after our protest; during  
19 our protest, administrators laughed when we recounted  
20 stories of what happens in the Center and how  
21 restorative the talks were and they also at one of  
22 our protests followed two women into the... Public  
23 Safety followed two women into the bathroom.

24           This semester, we have met with Lisa  
25 Staiano-Coico and also the Vice President Affairs.

2 CHAIRPERSON BARRON: [interposing] Just a  
3 quick question.

4 ALYSSIA OSORIO: Sure.

5 CHAIRPERSON BARRON: Public Safety  
6 officers who are males followed two students in...  
7 followed students into the female bathroom or were  
8 they the same gender? I mean I want to know if they  
9 say, "Well, we had to use the facilities."

10 ALYSSIA OSORIO: Oh, no, it was the same  
11 gender.

12 CHAIRPERSON BARRON: Okay.

13 ALYSSIA OSORIO: She followed me into the  
14 bathroom...

15 [crosstalk]

16 CHAIRPERSON BARRON: Alright.

17 [crosstalk]

18 ALYSSIA OSORIO: And waited 'til I...

19 CHAIRPERSON BARRON: Okay.

20 ALYSSIA OSORIO: Yeah, so yeah and we met  
21 with Lisa Staiano-Coico, the Vice President of  
22 Student Affairs, Juana Reina, if you could please  
23 write that down and the Office of Student Life to  
24 address these concerns. They said that sexual  
25 assault was an NYPD and a hospital issue rather than

2 a campus one and a student voiced their concerns  
3 about that; like why wasn't... you know, why isn't it  
4 not a campus concern and I said, "Because then the  
5 college would have to report it." President Lisa  
6 clapped her hands and said, "Exactly." Very telling  
7 and the campus plans, when I asked them was to hire  
8 one extra social worker on staff. If we're looking  
9 at the stats over here, one in five women on campus  
10 get raped. As of 2007, 16,000 students attend City  
11 College. That would be one staffer for 3,500  
12 students.

13 And then we reported that there a sexual  
14 predator on faculty, Jay Jorgenson. If you google  
15 him right now, you can see that he was fired from  
16 Yale for having sex with a 17-year old student. And  
17 when I informed administration about this, they  
18 laughed and asked me... instead of being horrified,  
19 asked me do I expect them to google every person they  
20 hire.

21 So this is what it looks like to address  
22 these issues on campus. On the CCNY Secrets page, if  
23 you're interested in looking, they call us Femi-  
24 Nazis, whores and deserving of violence and our  
25 college stands behind these legions of abusers and I

2 just also want to note that before there were more  
3 women testifying about sexual assault here than what  
4 CUNY reported as the 2013 like numbers of sexual  
5 assault. So thank you so much for your time in  
6 addressing this issue.

7 NATALIE PENA: Hello, my name is Natalie  
8 Pena. I'm a senior at the City College of New York.  
9 Originally, I was going to speak of being a survivor  
10 of a sexual assault case at a private university and  
11 that's how I came to be at City College. I was  
12 studying Pre-Law and I lost my scholarship because I...  
13 apparently according to Student Affairs, I was  
14 disturbing my professors by not being able to speak  
15 in class 'cause I lost my voice, so speaking here is  
16 really important to me today.

17 I wanted to speak to the trainings.  
18 [applause] Thank you. I wanted to speak to the  
19 trainings, since the CUNY panel was talking about how  
20 great we are at websites. On our website today, I  
21 just wrote Title IX and it shows our Title IX  
22 Director and there's a training on sexual... on student  
23 sexual harassment and it states other consequences of  
24 student harassment. "Sexual harassment of students,  
25 whether by students, by school employees or by third

2 parties can also result in costly and time-consuming  
3 investigations. Disciplinary action against the  
4 harasser federal review of the institutions  
5 procedures and programs and potential..."

6 [crosstalk]

7 CHAIRPERSON BARRON: Which website are  
8 you reading from?

9 NATALIE PENA: I sent it. It was  
10 Training. It's from the CUNY website. If you go on  
11 our City College website and you write Title IX,  
12 it'll show you the Title IX Director and it'll say,  
13 "For Trainings on Sexual Harassment," and you click  
14 on it and it's a virtual harassment that some people...

15 [crosstalk]

16 CHAIRPERSON BARRON: Okay, so you've got  
17 links to that. You followed some links to get to  
18 that.

19 NATALIE PENA: Yeah, if you...

20 CHAIRPERSON BARRON: [interposing] Okay.

21 NATALIE PENA: If you just write Title  
22 IX, so these are the student harassment policies, but  
23 if you go through this policy you get a certificate  
24 for being certified in sexual harassment on campus.  
25 We wonder why people don't testify or people don't

2 come forward and working on this project and being a  
3 survivor myself at both universities, these are the  
4 reasons why. This constant victim blaming of how it  
5 is that students come to be in these situations by  
6 both Public Safety officers and NYPD make students  
7 not want to testify.

8 Another point that I want to [chime]  
9 bring up is that our school, City College of New York  
10 is extremely diverse and we speak many languages. A  
11 lot of us are either first generation or immigrant  
12 students and we do not want to... a lot of students  
13 don't want to take NYPD action as immigrant students  
14 and having their status not stable and I think it's  
15 really important to say that I have joined every  
16 committee there is to join at City College. I have  
17 joined the Inclusion Council. I have joined the  
18 Office of Student Life and Development, and sexual  
19 assault and sexual harassment is often conflated with  
20 alcohol training and it's this one training that you  
21 kind of have to take; not really and a lot of people  
22 don't take it. A lot of people don't understand  
23 these things and if you go to most people, they don't  
24 know who our Title IX Director is or what are  
25 avenues.

2 I've also been harassed by Public Safety.  
3 Being a survivor, it is really difficult to go to  
4 study in the library and have a Public Safety officer  
5 tell me that he's going to take care of me. I tell  
6 him that this is harassment and he asked me what I'm  
7 going to do about it. I also did not report because  
8 things don't happen at our university. Things seem  
9 to get covered up and if our President and our VP of  
10 Student Affairs can, in front of a room of students,  
11 ask us if we want... if we expect her to google the  
12 people we hire, I think it's obvious the situation  
13 that's going on at our university. Thank you.

14 CHAIRPERSON BARRON: I'm so glad that  
15 CUNY is still here. This testimony is totally  
16 troubling, disturbing and unacceptable and of course,  
17 we understand this is a panel, but just the fact that  
18 it's being presented is very disturbing. As the  
19 Chair of Higher Education, I certainly will give a  
20 call to the President of CUNY tomorrow. We do have a  
21 meeting scheduled coming up, but I certainly feel  
22 that this is something critical that I personally  
23 want to bring to her attention and to understand if,  
24 in fact, what's been presented is accurate. I think  
25 it's dismissive to say, "What do you expect me to do,

2 google;" if, in fact, that's what she said. I think  
3 that's unacceptable. So many other answers could  
4 have been given that would be respectful of the  
5 population that brought a very legitimate concern to  
6 a public forum. It was a public forum or it was a...

7 ALL PANELISTS: Yes.

8 CHAIRPERSON BARRON: Yes, so I think that  
9 that's very troubling and I will be calling her to  
10 talk to her. Okay, I'm going to my questions. That  
11 didn't count. Okay, my questions... we're going to  
12 change the format. We're going to include it in  
13 three total, so if the council member talks for three  
14 minutes, then they won't get an answer to the  
15 question because we have several more panels that we  
16 want to hear. So my question is what is this Secrets  
17 that you talked about? I'm not clear what that is  
18 and I can understand; I've been told that the world  
19 of technology and the googles and the people can put  
20 things that are not necessarily true, so we don't  
21 know of the veracity of what's put up there, but what  
22 is this Secrets and I'll just make that my quick  
23 question.

24 ALYSSIA OSORIO: The Secrets page is a  
25 Facebook page that students submit anonymously



2 through google forms, email or they'll just send a  
3 Facebook message to the creator of the page and  
4 through that they will use that as a forum to you  
5 know, vent any kind of concerns that they don't feel  
6 like they should attach their name to and right now  
7 it has...

8 [crosstalk]

9 CHAIRPERSON BARRON: Who operates the  
10 Secrets page?

11 ALYSSIA OSORIO: They won't tell us.

12 CHAIRPERSON BARRON: I mean...

13 NATALIE PENA: [interposing] It's the  
14 closest thing we have to anonymous reporting at our  
15 university, so.

16 ALYSSIA OSORIO: Yeah and I would also  
17 like to add that I have reported to Public Safety.

18 CHAIRPERSON BARRON: That you've what?

19 ALYSSIA OSORIO: I have reported to  
20 Public Safety before and when I reported harassment  
21 to Public Safety, they are supposed to take copies  
22 and you know, I know my rights in regards to  
23 reporting to them and they wouldn't take copies. I  
24 had to force them to take my copy of my complaint and  
25 they sometimes disappear and a lot of those

1  
2 complaints were housed in the Morales-Shakur Center  
3 and the administration still has many of those  
4 complaints.

5 CHAIRPERSON BARRON: That brings to mind  
6 another concern that I have. What were the functions  
7 of the Morales-Shakur Center in as much as it related  
8 to providing resources and direction for persons who  
9 had been victimized?

10 ALYSSIA OSORIO: So in the Morales-Shakur  
11 Center, we were connected with community  
12 organizations, who would give us many resources, and  
13 the students themselves were trying to provide as  
14 many resources as possible, as well as organize  
15 against a lot of repressive measures on campus after  
16 a transgender woman was killed near campus... and our  
17 Gender Resource Center includes all genders. A  
18 transgender woman was killed near campus, so we  
19 organized to get transgender inclusion in the anti-  
20 discrimination policy. We also have cited bathroom  
21 violence against people who are trans and gender non-  
22 conforming and we got gender neutral bathrooms on  
23 campus through the organizing and we've done "16 Days  
24 of Gender Activism," which the community, the  
25

2 students and the faculty have hosted many numerous  
3 events. We've done healing circles.

4 CHAIRPERSON BARRON: Where are you housed  
5 now?

6 ALYSSIA OSORIO: We have no housing.  
7 Administration has not met with us.

8 CHAIRPERSON BARRON: And what about your  
9 property that I've understood was taken?

10 ALYSSIA OSORIO: Administration refuses  
11 to meet with us on...

12 [crosstalk]

13 CHAIRPERSON BARRON: Okay.

14 [crosstalk]

15 ALYSSIA OSORIO: Those bases.

16 CHAIRPERSON BARRON: Okay, I'll now go to  
17 my colleague, Council Member Cumbo. Total of three  
18 minutes.

19 CHAIRPERSON CUMBO: Thank you. Again, I  
20 want to really... your testimonies all are tremendously  
21 brave and courageous and I really salute the honesty  
22 that you've come forward with despite the  
23 circumstances. My questions are really two and  
24 they're very brief. What I really want to understand  
25 growing up and having attended high school at

2 Brooklyn Tech and going to Spelman College and also  
3 NYU for grad school, wanted to understand. I... your  
4 testimonies were so powerful because what we, as  
5 women, have just accepted as normalcy, you have  
6 really shown with your testimonies how abnormal the  
7 behavior is. What I wanted to know is do you have  
8 more fear for Public Safety or your male counterparts  
9 or students on your campuses? Where would you say  
10 that you feel your safety is most compromised? Is it  
11 with Public Safety or with your male student  
12 counterparts?

13 SHAILA BORA: So I think the context is  
14 really important so that we... I mean there are  
15 definitely issues with the men that we attend school  
16 with and I think that there are also issues with  
17 Public Safety. They're different. They're about  
18 where you are and who you're... you know, like if  
19 you're alone with a man in a cubicle in a library  
20 that you don't know, that's equally as troublesome as  
21 Public Safety. I think that because a lot of us are  
22 organizers, we're put in positions with Public Safety  
23 where they do have some kind of metric of authority  
24 over us.

25 CHAIRPERSON CUMBO: Mm-hm.

2 SHAILA BORA: And that is not good,  
3 obviously, right? [off mic] Yeah, I don't know if  
4 anyone else wanted to say...

5 KIRA RAKOVA: Yeah, so kind of similar to  
6 that, I think while certain male individuals can make  
7 us uncomfortable, the fact that Public Safety, which  
8 is supposed to be a safe place; that declares itself  
9 a safe place that provides trainings on how to  
10 protect yourself if you're violently attacked, et  
11 cetera, et cetera. That is supposed to be a safe  
12 space, but it is not, so that is troublesome in  
13 itself, regardless of whether or not you know, we're  
14 engaged with male students who might harass us.

15 ALYSSIA OSORIO: I would like to say that  
16 I am more afraid of Public Safety in this regard, as  
17 two student protesters who have organized with us to  
18 get the Morales-Shakur Center back have been... like  
19 were suspended for exercising their right to free  
20 speech, so in this regard I am extremely scared of  
21 the repercussions. Public Safety might come to me as  
22 an activist speaking out against these things.

23 CHAIRPERSON CUMBO: Wow.

24 NATALIE PENA: I also am... I think I'm  
25 equally as scared of Public Safety... I think I'm more

2 scared the fact that they feel like they can say  
3 things to us that won't have repercussions.

4 CHAIRPERSON CUMBO: Mm...

5 NATALIE PENA: And also that let's say  
6 that woman has the authority to follow me into the  
7 bathroom and stay there. I think also something  
8 that's really important about our CUNY specifically  
9 is that our CUNY doesn't care about media. We have  
10 so much media on campus all the time. We call *The*  
11 *News*. We called *DemocracyNow!* We call all of these  
12 people. There are so many videos on the things that  
13 happen on our campus and our campus is [chime] easy  
14 to spin it.

15 CHAIRPERSON CUMBO: I just want to thank  
16 you for really... we, in the City Council, we knew that  
17 we were touching on an issue, but you have shown us  
18 that there are far deeper layers than even what we  
19 thought prior to having this hearing, so I thank you  
20 again for your testimony.

21 CHAIRPERSON BARRON: Thank you and we'll  
22 now have final questions from Council Member Gibson.

23 CHAIRPERSON GIBSON: Thank you. Thank  
24 you, Madam Chair. Thank you, ladies, for coming  
25 forward. I guess I'm more troubled that there are so

2 many women in your shoes that will not come forward.  
3 I think that's probably the most disheartening thing  
4 I've heard this afternoon. I share the sentiments of  
5 Council Member Cumbo. Your testimony I really  
6 appreciate. I guess... I chair Public Safety here at  
7 the City Council and I have a very, very basic  
8 question. Not having an environment that really  
9 promotes public safety at our college campuses,  
10 knowing some of the challenges we face with law  
11 enforcement and now with the administration where you  
12 now have to fear the employees that should serve to  
13 protect you, what is it that we, as a City Council,  
14 can do to help break this cycle; to say to students  
15 that regardless of any circumstance, there are people  
16 here to help you and sometimes the people in a  
17 uniform that should be there to help you and are not  
18 helping, yet and still you can stand up and you can  
19 survive. What is it that we can do as a Council to  
20 help move forward?

21 SHAILA BORA: We need a center.

22 ALYSSIA OSORIO: Yeah.

23 SHAILA BORA: Every... I mean I think that  
24 that's... so there are no resources on our campus.  
25 When you talk about like where can you go; you can't

2 go anywhere. You can go nowhere on our campus to  
3 find the resources to heal trauma; to figure out how  
4 you're going to deal with a situation that you're in;  
5 if you're wanting to report either to the police or  
6 to campus authorities. There is nothing. If I  
7 schedule an appointment with a counselor now, I will  
8 see them after I graduate in... yeah, in June. I would  
9 see them next semester, the next fall. So we don't  
10 have any of the resources that you're talking about.  
11 We need safe spaces on campus.

12 CHAIRPERSON GIBSON: And that's also  
13 because of lack of sufficient staffing, right, in  
14 terms of scheduling? That's worse than scheduling a  
15 doctor's appointment.

16 NATALIE PENA: Yes, it is.

17 KIRA RAKOVA: Yeah.

18 NATALIE PENA: We've been advocating for  
19 a space for a very long time and I think a space  
20 serves a lot of different needs. As student  
21 activists, we have become a walking Women's Center.  
22 People come up to us...

23 [crosstalk]

24 CHAIRPERSON GIBSON: Wow.

25 [crosstalk]



2 NATALIE PENA: And disclose... you're on  
3 your way to Math and people will tell you that they  
4 have been raped, so people have found us as safe  
5 spaces and the students have been the people  
6 providing the programming. We have done domestic  
7 violence initiatives; we've done sexual violence  
8 initiatives. We have done all these campaigns  
9 together, working together in order to change our  
10 campus culture because we're trying to make people  
11 safer, but a lot of us who have started initiatives  
12 like one of my fellow sisters, we started a sister  
13 collective to deal with the mental health and we had  
14 30 women come to our personal apartments talking  
15 about how they've been sexually assaulted and they  
16 don't know where to go. We were overwhelmed. We had  
17 a woman from Beth Israel said that she would give us  
18 disclosure training for free, but it's ridiculous  
19 that our university is not dealing with these issues  
20 and that we are the people dealing with these issues.

21 CHAIRPERSON GIBSON: Wow. I thank you  
22 [chime] for your leadership and we should bring you  
23 on payroll because you are the ambassadors that are  
24 really trying to make change and I appreciate your  
25 presence here and I encourage all of you to continue

2 to do good work and bring our students out into the  
3 light so they can get the services they truly deserve  
4 and need. Thank you.

5 ALYSSIA OSORIO: I have quoted... the quote  
6 that I made I sent it to the Public Advocate's office  
7 and the training.

8 CHAIRPERSON BARRON: Okay, good. Before  
9 you leave, I just want to say thank you so much for  
10 participating, for coming forward and for bringing  
11 another dimension to this hearing, which perhaps we  
12 had not realized existed, so we certainly will follow  
13 up. I will be calling the President in the morning,  
14 as I've said I would and we will hopefully make sure  
15 that there is a program in place that people know.  
16 It appears that no one has been informed. So often  
17 things exist, but they exist without any being  
18 widespread. You said there are no posters; there's  
19 no information on campus, so we certainly want to  
20 look to see what it is that we can do and I do want  
21 to thank you. And to try to silence a person at a  
22 college is contrary to the whole concept of academic  
23 freedom and inquiry and challenging what we feel is  
24 incorrect, so we certainly know that that's contrary

2 to what CUNY does and we certainly will look into  
3 that. Thank you so much for coming.

4 ALYSSIA OSORIO: Thank you so much.

5 CHAIRPERSON BARRON: We'll call the next  
6 panel now. Zoe Rifolfi-Starr from Columbia; Ebonie  
7 Jackson from CUNY Women's Center; Lucas Almonte from  
8 CUNY USS and Yexenia Vanegas Jesenia from the Sister  
9 Circle Collective and CUNY. If you would raise your  
10 right hand, I'd like to swear you in. Thank you. Do  
11 you affirm to tell the truth, the whole truth and  
12 nothing but the truth in your testimony before this  
13 committee and to respond honestly to council member  
14 questions?

15 ALL PANELISTS: Yes, I do.

16 CHAIRPERSON BARRON: Thank you. You may  
17 begin. Give your name, please and again, Council  
18 Members, it's a total of three minutes.

19 YEXENIA VANEGAS: 'Kay, I guess I'll  
20 start. My name is Yexenia Vanegas. I am part of the  
21 Sister Circle Collective and I'm also a recent CCNY  
22 graduate; I graduated this May and today I wanted to  
23 testify and I'd like telling stories, so I'd to like  
24 tell a story of the inception of the Sister Circle  
25 Collective.

2 In 2012, I took a class, Transnational  
3 Feminism, and this amazing professor taught it. It  
4 was all women except two students and it was the  
5 first time that I felt that I was in a space, an  
6 actual safe space where I could express myself  
7 freely. We had many different forms of assignments,  
8 from essays to doing artwork to spoken word and it  
9 was really, really great; a healing space. From  
10 that, we all realized in the class that we needed  
11 more spaces like this where women could come and  
12 express themselves in whatever way they needed to, so  
13 we held our first Circle in my apartment, which  
14 Natalie, Sister Natalie had mentioned to you. There  
15 were 30 women in this cramped little space and slowly  
16 one by one, each of them; maybe I think 25 out of 30  
17 each reported or told a story of sexual assault or  
18 rape, harassment, abuse of some sort and we were  
19 really overwhelmed. We knew the statistics, but to  
20 actually see it in a room, you really felt the need  
21 for a space. So when I heard the CUNY panel talking  
22 about websites and policy and websites and policy and  
23 Title IX this and Title IX that, I'm like I want to  
24 see a physical space where women and survivors of all  
25 kinds can come and gather and share stories and

2 empower one another. That's what's really needed.  
3 You know, a rapist can go onto a website and see  
4 Title IX and that's not going to do anything. You  
5 know, you can take all the trainings in the world,  
6 but when somebody comes up to you in between classes  
7 and say, "Hey, you're from the Sister Collective. I  
8 have... you know, I've been raped," and you're kind of  
9 standing there like oh, okay, what... you want to be  
10 supportive, but you don't really know how, so I think  
11 when it comes to training... I've been at City College  
12 for... I was at City College for five years and I  
13 didn't receive any training. I didn't know there was  
14 a website. I didn't even really know that Title IX  
15 was actually implemented, not that I could see. So  
16 what I strongly feel needs to happen on every single  
17 campus is there needs to be [chime] a center, a  
18 physical space where women can come and not just get  
19 training and not just get trauma counseling, but a  
20 comprehensive healing process, which encompasses  
21 emotional, psychological, cultural and tons of other  
22 kind of healing that I feel is often missed when all  
23 you want to do is find who raped who and then punish  
24 them. That's part of it, but it's way... it goes way,  
25 way, way beyond that. Thank you.

2 ZOE RIDOLFI-STARR: My name is Zoe... [off  
3 mic] oh, that's too close. My name is Zoe Ridolfi-  
4 Starr. I'm a senior at Columbia University and I am  
5 a survivor of sexual assault.

6 The summer after my freshman year of  
7 college, I was staying on campus and I was sexually  
8 assaulted in a Columbia University fraternity by two  
9 men. There were lots of peers around me who saw what  
10 was happening and could and should have intervened,  
11 but because of the lack of training and education  
12 through our student body, didn't really know how  
13 and/or chose not to and it took me a long time to  
14 call what happened to me sexual assault because I  
15 also received no training, no education and had  
16 really internalized those kinds of victim blaming  
17 statements that are thrown around in the media and  
18 around our campus so often: I shouldn't have been  
19 drinking; I shouldn't have been at that party; I  
20 should have been more careful.

21 I ultimately decided not to report my  
22 assault to Columbia because my school has a horrible  
23 reputation for mishandling cases and punishing  
24 rapists with only a slap on the wrist. The semester  
25 before I was assaulted, a good friend of mine was

2 also raped on campus. I watched her and stood by her  
3 as she opened a case with the school, only to find  
4 that after an extremely long, re-traumatizing and  
5 mishandled investigation process, her rapist was  
6 found responsible, but not punished severely enough.  
7 The Dean of our school decided that the appropriate  
8 punishment for sexual assault and rape was a one-  
9 semester suspension and a reflective essay on what he  
10 learned from the experience. So given that, you can  
11 understand why myself, along with many other  
12 survivors, choose not to come forward.

13           The statistics are similarly alarming  
14 through the criminal justice system. Only one in  
15 four of reported cases lead to an arrest, only one in  
16 five lead to prosecution and only one half of those  
17 that led to prosecution led to any actual  
18 convictions. This is from the Rape, Abuse, Incest  
19 National Network's most recent study. So we see both  
20 systems that are set up ostensibly to protect [chime]  
21 students from sexual violence not working to actually  
22 do anything to keep us safe or to respond effectively  
23 or supportively.

24           After being assaulted, I started working  
25 on the advocacy, so I am the lead complainant in the

2 Title IX complaint against Columbia University and I  
3 am also the primary author of the complaint. There  
4 are 28 of us, 28 survivors who came forward to allege  
5 violations of our Title IX rights and misconduct;  
6 mishandling by the university in dozens of cases of  
7 sexual and domestic violence at Columbia over the  
8 last three years. And I'll speak from that  
9 perspective, as well as my perspective as an  
10 organizer with the Know Your IX organization, a  
11 national activist organization fighting for improved  
12 rights about campus sexual and domestic violence, as  
13 well as my role with End Rape on Campus, which is an  
14 advocacy group that now helps students on other  
15 campuses file Title IX complaints.

16 We've assessed sort of four categories,  
17 around which best practices can be developed to  
18 improve university policies. The first is prevention  
19 and training. I won't go into it too much, but I  
20 definitely encourage follow-up questions 'cause I  
21 don't want to take too much time. So prevention and  
22 training; comprehensive, continuous consent education  
23 and prevention education. This includes training for  
24 faculty on how to support survivors and respond to  
25 assaults. Extensive training for anyone involved in



2 the adjudicatory processes; bystander intervention  
3 training so that when students see... so the students  
4 know how to identify and intervene in situations that  
5 could be high-risk for sexual violence and that these  
6 trainings should be conducted by professionals with  
7 expertise in actual prevention. At Columbia  
8 University, we recently found out that a large bulk  
9 of the trainings provided to our campus staff, and  
10 specifically the adjudicatory office, are provided by  
11 a company called T&M Protections, which is basically  
12 a security protections and risk management firm,  
13 designed to help them mitigate liability and  
14 effectively investigate, but not effectively prevent  
15 violence or support students. And we also see that  
16 the people working in that office are applying that  
17 mindset rather than a supportive framework in terms  
18 of how they interact with students and approach these  
19 cases.

20 The second category is adjudication and  
21 this is kind of the most complex category. We have a  
22 serious problem at our campus, and I imagine it's the  
23 same at many of the other campuses, in terms of who  
24 is deciding what happens in these investigation  
25 processes and with these decisions that are being

2 handed down, as well as what kind of opportunities  
3 there are for appeal. There is little to know  
4 clarity around what are appropriate sanctions and in  
5 that gray area that these Deans and administrators  
6 are working within, they have total autonomy to  
7 continue sweeping these cases under the rug because  
8 there's no guidelines, either at the university or  
9 the national level about what people should actually  
10 do when a student has committed a violent crime  
11 against anyone, including another student. At  
12 Columbia, we typically see them either educational  
13 sanctions; what they call educational sanctions,  
14 which include these kinds of reflective essays, which  
15 we know have been used as recently as last month as a  
16 sanction for sexual assault, as well as one or two  
17 semester suspension. As far as we know, there has  
18 never been a student expelled for sexual assault at  
19 Columbia, despite the fact that we've gone through  
20 dozens and dozens of cases. Every school should have  
21 an amnesty policy that protects students from being  
22 in trouble for having been drinking when they're  
23 reporting a sexual assault. No character witnesses  
24 should ever be allowed. We had one case a couple  
25 years ago that was part of the Title IX complaint

2 where a student's rapist brought in another student  
3 that looked very much like the victim or the survivor  
4 in that case and introduced her during the hearing as  
5 his current girlfriend and made her testify about how  
6 he was so nice and so loving and could never do  
7 anything like that, but she looked exactly like the  
8 survivor and it was completely inappropriate and  
9 nothing was done about that.

10 Confidentiality clauses within the  
11 adjudication process that prohibit the survivor from  
12 speaking out or even speaking privately. As recently  
13 as last year, a survivor and her supporter were  
14 disciplined at Columbia when they were overheard in a  
15 dining hall talking about the open sexual assault  
16 case that they had and they were given harsher  
17 punishments than the rapists ever were and so the  
18 supporter to that survivor, who was formerly asked to  
19 sign a non-disclosure agreement during that process,  
20 that non-disclosure agreement was used to punish her  
21 and she ended up having to also write a reflective  
22 essay about how her actions may have hurt her best  
23 friend's rapist.

24 The length of these adjudication  
25 processes is unacceptable. Columbia reported in

2 their most recent report on gender misconduct that  
3 the average length of a case last year was 91 days,  
4 even though their policy explicitly states that cases  
5 should be resolved within 60 days, and even 60 days  
6 is a very long time for survivors to have to wait; to  
7 have to be navigating the hallways; you know, dorm  
8 rooms where their rapists are also living and to have  
9 this matter go unresolved. So the policy specifies  
10 it should be 60 days, but there's nothing you can do  
11 if it goes beyond that and there are many other  
12 issues that I'd be happy to talk about more if you'd  
13 like.

14 The third category is regarding  
15 resources.

16 CHAIRPERSON BARRON: [interposing] I ask  
17 that you...

18 ZOE RIDOLFI-STARR: [interposing] Sorry.

19 CHAIRPERSON BARRON: Summarize and give  
20 us the highlights of the rest of your...

21 [crosstalk]

22 ZOE RIDOLFI-STARR: Sure.

23 COUNCIL MEMBER BARRON: Thank you.

24 ZOE RIDOLFI-STARR: Okay, so the third  
25 category is resources, which I think a lot of other

2 students have actually touched on, so things like  
3 rape crisis centers, gender resource centers and I  
4 want to highlight specifically tuition reimbursement  
5 and financial aid protection. So if your grades slip  
6 as a result of sexual or domestic violence that  
7 you've experienced and you have to withdraw or take  
8 time off, it's absolutely unacceptable that the  
9 burden, the financial burden of that should ever be  
10 placed on the shoulders of survivors... and mental  
11 health and medical resources, obviously.

12           And the last category is transparency,  
13 which I haven't heard touched on much. But you know,  
14 you can make all these policies better, but if we  
15 don't have actual data on what's going on, like how  
16 these cases are being adjudicated; what kinds of  
17 sanctions are being handed down; who the decision  
18 makers are; what kind of training they're receiving.  
19 If we don't have any of that clearly articulated and  
20 if we don't see the results of these kinds of campus  
21 climate surveys that several university  
22 representatives have discussed implementing, then  
23 we'll never know if these policies are actually being  
24 adhered to and if all of these wonderful programs  
25 that people keep talking about are having any

2 measurable effect; if they're actually working.

3 Yeah, I'll leave it there.

4 EBONIE JACKSON: Good afternoon,  
5 Chairperson Inez Barron and members of the City  
6 Council Committees on Higher Education, Public  
7 Safety, Women's Issues and Civil Rights. I'm Ebonie  
8 Jackson and I'm the co-Chair of the City University  
9 of New York Women's Centers Council. The Council was  
10 established in 2001 with the goal to educate and  
11 advise the university on women's issues that impact  
12 upon students, retention efforts and to serve as a  
13 source of support for the CUNY Women's Centers in  
14 their work to promote the growth and development of  
15 women students as they pursue both their academic and  
16 lifelong goals. I'm here today as a representative  
17 of the Council and to support the two City Council  
18 resolutions on sexual assault, Resolution 427 and  
19 Resolution 454.

20 The nine CUNY Women's Centers are based  
21 at four community colleges: the Borough of Manhattan  
22 Community College; Guttman Community College;  
23 Kingsborough Community College and LaGuardia  
24 Community College and five senior colleges: Brooklyn  
25 College; the College of Staten Island; John Jay,

2 Medgar Evers and my own York College. Women's  
3 Centers in CUNY are very diverse in terms of  
4 staffing, funding, mission and student participation;  
5 however, the needs of our students share a common  
6 thread that we all work to address. As evidenced by  
7 empirical data, many women confront obstacles in  
8 navigating our complex society and have difficulty  
9 balancing their multiple roles and expectations while  
10 attempting to become successful students,  
11 professionals, parents, partners and caregivers. Our  
12 Women's Centers help to provide some resources and  
13 support for higher education institutions by offering  
14 friendly, supportive atmospheres, safe spaces that  
15 are responses to the diverse needs expressed by women  
16 students at CUNY.

17           The colleges serve women facing a  
18 multitude of needs, including support and response  
19 for domestic and intimate partner violence, incest,  
20 rape, sexual harassment, eating disorders, substance  
21 abuse, parenting issues, welfare and work and  
22 disability. They also serve women in need of  
23 childcare, legal advice, guidance on time management,  
24 career development and information on women's issues.  
25 While extensive, this is by no means exhaustive and a

2 sample of the information and support services that  
3 the Women's Centers provide to our students. While  
4 our Women's Centers face many challenges, the Women's  
5 Centers strive to do our very best with the resources  
6 that we have available.

7           Issues of concern to this body are  
8 intimate partner violence and sexual assault. The  
9 approach and response are similar to the Women's  
10 Centers that exist on campus. For example, we  
11 provide a safe haven for individuals in need,  
12 counseling, on and off campus referrals, confidential  
13 support groups and coordination of relevant  
14 programming designed to educate and inform students  
15 of their right and existing resources to address  
16 concerns. Programming includes a variety of events  
17 such as classroom presentations and lectures, the  
18 "Clothesline Project," sexual assault panels and  
19 conferences, things like "Take Back the Night," as  
20 well as "Walk With Me" and panels that include  
21 advocates for and survivors of intimate partner  
22 violence. These activities are intended to reach  
23 women and men and raise awareness and educate them on  
24 the issue of intimate partner sexual violence.



2           It should be emphasized that each center  
3 [chime] follows a specific protocol for issues in  
4 dealing with intimate partner violence and we  
5 coordinate with counseling centers, campus Public  
6 Safety Offices, Dean of Students, Health Service,  
7 Title IX coordinators and other offices around campus  
8 that help students in distress. So for Women's  
9 Centers we have to turn to other resources both on  
10 and off campus to provide a wider range of students  
11 regarding intimate partner and sexual violence.

12           At the Centers, we have learned that  
13 intimate partner abuse and sexual assault negatively  
14 impact students' abilities to attend class, study and  
15 pursue their educational goals and we endeavor to  
16 address some of those issues by working in tandem  
17 with other faculty and staff to help students connect  
18 with on or off campus services. Students who  
19 graduate in spite of the abuse and violence they have  
20 received in their personal lives are often only able  
21 to do so because of the personal attention and  
22 concern that they are shown by colleges who have  
23 Women's Centers and by faculty and staff who devote  
24 their lives to the study and empowerment of women.

2 Our efforts at the academy are tireless;  
3 however, the pervasive violence of intimate partner  
4 violence is at epidemic proportions. We support  
5 Resolution 427, the Campus Accountability and Safety  
6 Act and Resolution 454, the Survivor Outreach and  
7 Campus Support Act. Together, these acts, if passed,  
8 will provide a basic foundation for morale and  
9 ethical accountability, incentives to  
10 institutionalize comprehensive response plans and  
11 encouragement to integrate the topics into the  
12 curriculum: reinforcing societal behavior and  
13 change, needed funding and to invigorate the movement  
14 to stop the violence on campuses across the U.S.  
15 Thank you.

16 LUCAS ALMONTE: Good afternoon. I would  
17 like to thank all the Chairpersons and members of the  
18 Committees and Public Advocate James for inviting our  
19 students to share with you all how we're collectively  
20 working to end sexual assault on campus. My name is  
21 Lucas Almonte. I currently serve as Student  
22 Government President at New York City College of  
23 Technology and have been recently elected as the Vice  
24 Chair for Legislative Affairs for the University  
25 Student Senate.

2 Sexual assault is a complex issue and the  
3 subject of much national discourse over the past few  
4 months. Fortunately, the University Student Senate,  
5 as the official representative body of all 400,000  
6 plus CUNY students, is in a position to lead student-  
7 based efforts at CUNY and to create partnerships with  
8 other New York City colleges and universities to  
9 raise awareness about the prevalence of this issue.  
10 Through my tenure as a member of the... sorry, through  
11 my tenure as a member of the USS, I have chaired the  
12 Article 15 Committee charged with making  
13 recommendations regarding the proposed amendments to  
14 student disciplinary procedures and currently lead  
15 the coalition building efforts around Title IX.

16 Most recently, on September 23rd, 2014, I  
17 participated in Campus Sexual Assault Prevention  
18 Student Roundtable held by National Campus Leadership  
19 Council. I was joined by student leaders from 10  
20 other institutions, including Barnard College,  
21 Brooklyn College, Columbia College, Fordham  
22 University, Marist College, New York University and  
23 Queens College. The roundtable discussion was  
24 facilitated by Valerie Jarrett, the Senior Advisor to  
25 President Barrack Obama and Tina Tchen, the Executive

2 Director of the White House Council on Women and  
3 Girls. In sum, our discussion was centered around  
4 three main areas: prevention, survivor services and  
5 campus-based disciplinary action.

6 To the first point of sexual assault  
7 prevention, we came to the consensus that there needs  
8 to be more bystander intervention training on our  
9 campuses. The goal of bystander invention training  
10 is to empower potential witnesses to act and to  
11 prevent sexual violence. Although there are many  
12 challenges in implementing mandatory training for all  
13 students, the University Student Center has already  
14 begun holding Title IX training with our student  
15 members and we are also currently working to identify  
16 key stakeholders like student government and club  
17 leaders, athletes, fraternity and sorority members.

18 Secondly, with regard to services  
19 provided to survivors, while canvassing the current  
20 environment of the individual campuses, I was able to  
21 meet with a group of City College students, which you  
22 heard previously from Natalie and Shaila, while  
23 working to secure funding and space for a campus  
24 Gender Resource Center. Currently, according to CUNY  
25 website, there are nine Women Centers on campus. The

2 Women's Center on my home campus, City Tech, was  
3 recently closed earlier this year due to limited  
4 resources and despite our continuous plea to reopen  
5 the center, the center remains closed to this date.  
6 The University's Women's Center Council, which  
7 comprises of members from each individual Women's  
8 Center, was instrumental in helping formulate the  
9 current university policies, and yet less than half  
10 of our CUNY campuses have a Women's Center. The  
11 multi-dimensional programs that you heard just right  
12 now offered by the Women's Centers are vital to  
13 ensuring that survivors are afforded the resources  
14 like ongoing support and counseling services that are  
15 necessary to empower survivors. [chime] It should be  
16 noted, however, that sexual assault and violence does  
17 not only affect women. Sex-based harassment assault  
18 also affects students who identify themselves as  
19 lesbians, gay, bisexual, transgender, queer, intersex  
20 or asexual. The City Council and State Legislator  
21 has to ensure that CUNY establishes a baseline of  
22 adequate and comprehensive services to be provided to  
23 students regardless of the college, sexual  
24 orientation or gender identification. Ultimately, we

2 need a resource center with highly trained staff at  
3 all CUNY campuses.

4           Lastly, the University Student Senate has  
5 been working closely with the university to address  
6 the inadequacies of Title IX investigations  
7 throughout the university. We have provided feedback  
8 on both the changes to student disciplinary  
9 procedures and the policy on sex-based harassment and  
10 sexual violence. In addition, it should be  
11 recognized that the university did solicit feedback  
12 from all students via email; nonetheless, it still  
13 appears that not many students are aware of the  
14 policies or the implications that policy changes  
15 might have. As a result, we are also currently  
16 assessing whether there are intercampus campaigns or  
17 efforts being led by the student governments or clubs  
18 to inform and train students about their Title IX  
19 rights on campus.

20           Once again, I'd like to thank the  
21 Committees and members of the Council for the  
22 opportunity to testify. I hope we can continue to  
23 work together to change the culture on New York City  
24 campuses and bring an end to sexual assault. Thank  
25 you.

2 CHAIRPERSON BARRON: I want to thank the  
3 panel for coming and for their presentations. Just a  
4 few questions and then Council Member Cumbo has a few  
5 questions also. I'm glad that we have the co-chair  
6 here is it from CUNY's Women's Center?

7 EBONIE JACKSON: Mm-hm. Yes, ma'am.

8 CHAIRPERSON BARRON: How do you respond  
9 to the questions that you've heard; the situations  
10 that you've heard from CUNY students; some of the  
11 shortcomings of what we hope would be programs that  
12 would address that issue? How do you determine where  
13 Women's Centers are located? Why are some closed?  
14 How is information and awareness of what sexual  
15 assault is disseminated to students? How is the  
16 funding provided... a lot of questions. How is the  
17 funding provided? Is it done per capita on some kind  
18 of equity basis in terms of staffing? What  
19 professional personnel are put at these centers?

20 EBONIE JACKSON: That's a lot, so I can  
21 tell you that at each different Women's Center the  
22 model is different in terms of staffing; in terms of  
23 resources. As I stated, we have nine Women's Centers  
24 that are active throughout CUNY. My center, I'm a  
25 single woman show. Some of the other centers are

2 much bigger and they have more resources in terms of  
3 funding, staffing, license..

4 CHAIRPERSON BARRON: [interposing] What's  
5 the funding formula?

6 EBONIE JACKSON: I have to tell you, I'm  
7 not sure what the funding formula is. It's different  
8 at every single school and that's determined you  
9 know, by each school. So the logic around why some  
10 campuses have Women's Centers and why some don't, I  
11 really can't speak to that. Like I said, I represent  
12 the nine and we were 10 because we did have a center  
13 at City Tech, but now the nine active Women's Centers  
14 within CUNY.

15 CHAIRPERSON BARRON: Okay, I'm going to  
16 pass on to Council Member Cumbo, who has some  
17 questions.

18 CHAIRPERSON CUMBO: Wanted to ask in  
19 terms of the Women's Centers, was there a time in  
20 CUNY's history where there were more Women's Centers  
21 or is this the most amount of Women's Centers there  
22 have ever been?

23 EBONIE JACKSON: I will say there's  
24 definitely been more than the nine that we have now.

25 CHAIRPERSON CUMBO: Mm-hm.



2 EBONIE JACKSON: Like most recently, the  
3 Women's Center at City Tech was closed. I think  
4 throughout our history, we probably have had a couple  
5 more, but there are you know, 23 campuses at CUNY,  
6 so.

7 CHAIRPERSON CUMBO: What is the  
8 expectation for students? So if they're requiring or  
9 needing the services of the center, is it expected  
10 that they would go to another campus for those  
11 services or would they just do without?

12 EBONIE JACKSON: For the campuses that  
13 don't have Women's Centers?

14 CHAIRPERSON CUMBO: Mm-hm.

15 EBONIE JACKSON: I'm not sure. Some of  
16 the other schools have what we call Wellness Centers,  
17 which are not under the Women's Centers Council.  
18 They're usually under Health Services and perhaps  
19 they could go to some of the Wellness Centers, which  
20 do provide similar services in some cases to female  
21 students I would say, but I'm not exactly sure what  
22 the expectation...

23 [crosstalk]

24 CHAIRPERSON CUMBO: Mm-hm.

2 EBONIE JACKSON: Is for students who  
3 don't have resources and who don't have centers on  
4 campus.

5 CHAIRPERSON CUMBO: I just want to say  
6 that while the information that we have seen; the  
7 panelists that have testified today, your  
8 presentation seemed remarkably different from what  
9 was presented from the CUNY administration, and I  
10 thought you so eloquently put it in terms of  
11 statistics and websites; websites and Title IX; Tile  
12 IX and websites, like how is that getting to the  
13 people and how's it getting to the people that  
14 actually need it? But what I will say that I do feel  
15 encouraged by I've held many different hearings such  
16 as these and it is rare... often the administration  
17 makes a beeline out of the room when testimony begins  
18 from the very individuals that are assessing their  
19 services. So I do find it encouraging that CUNY  
20 officials have stayed here because in many ways it  
21 expresses their willingness to hear it out and  
22 hopefully to move forward in taking your  
23 considerations very seriously. I see the doubt all  
24 over your face, but it's something that at the very  
25 least they have heard and it's now our job, as

2 Council Members and the administration, to push  
3 forward with the recommendations that you all have  
4 put forward, so thank you very much.

5 CHAIRPERSON BARRON: I just want to say  
6 that CUNY has always had a representative stay for  
7 the duration of the hearing, so that's to their  
8 credit, and I think it shows a willingness to be able  
9 to clearly look at all the components of what the  
10 problems are and come forward with a solution and  
11 that's what I'm looking forward to. We'll next have  
12 questions from Council Member Crowley.

13 COUNCIL MEMBER CROWLEY: Thank you, Chair  
14 Barron and all the chairs today and thank you  
15 especially to the survivors and the advocacy groups  
16 who are here today to testify. I have a few  
17 questions. I think I'd like to ask the Columbia  
18 student first based on your experience, you seem to  
19 have done a lot of research. Now has there been a  
20 school that you would say has a model program when it  
21 comes to handling sexual assaults and providing  
22 services through the work that that school needs to  
23 do to be preventing sexual assaults from happening?

24 ZOE RIDOLFI-STARR: No.

2 COUNCIL MEMBER CROWLEY: No, not one and  
3 now the...

4 [crosstalk]

5 ZOE RIDOLFI-STARR: I...

6 [crosstalk]

7 COUNCIL MEMBER CROWLEY: Organization you  
8 started...

9 ZOE RIDOLFI-STARR: [interposing] Mm-hm.

10 COUNCIL MEMBER CROWLEY: Finish.

11 ZOE RIDOLFI-STARR: Sorry, the closest  
12 thing I've seen is Bergen Community College in New  
13 Jersey, which has a comprehensive coordinated  
14 community response model, but I haven't been able to  
15 get a hold of students there to see what they're  
16 experience has been like on the ground, but from what  
17 I've read and researched, that seems to be the most  
18 notable potential positive model.

19 COUNCIL MEMBER CROWLEY: I think it's  
20 good to find the model; to build the models that  
21 schools can work towards achieving that goal. You've  
22 mentioned situations where victims were punished for  
23 speaking. Can you elaborate on that? And I would  
24 imagine a number of the attackers are like repeat  
25 offenders and when women come together you could

2 identify who those offenders are. Can you talk to  
3 situations like that at school?

4 ZOE RIDOLFI-STARR: Sure, so I'll talk  
5 about retaliation and silencing of survivors first  
6 and then get to the serial perpetrators question. So  
7 sometimes retaliation or silencing comes during the  
8 adjudicatory process. Columbia used to actually make  
9 all survivors sign non-disclosure agreements as  
10 recently as like a year or two ago, where they would  
11 actually be like civilly liable if they spoke at all  
12 about their experience other than to like  
13 confidential resources. So they were prohibited from  
14 talking... you know, they would encounter their rapist  
15 in the dining hall and have a panic attack and be  
16 totally traumatized, but were prohibited from  
17 explaining to their friends what was happening and  
18 why they were going through what they were going  
19 through. That's not acceptable at all and so they  
20 now don't make you sign a contract, but they do very  
21 heavily imply, in my experience and in all of the  
22 other experiences of the survivors in our support  
23 groups... and we also offer case management services  
24 where we help students navigate the reporting process  
25 at Columbia based on the information that we've

2 collected that is not in the policy, and so through  
3 those experiences as well they heavily encourage  
4 confidentiality and they repeatedly remind survivors  
5 that any breach in that confidentiality could  
6 jeopardize the integrity of their case and it could  
7 put them at risk of dismissal, either in... or risk  
8 their academic standing. So that's one form of  
9 retaliation and that is acted on by these  
10 administrators. It's not an empty threat. Like I  
11 said, a student and her supporter were disciplined as  
12 recently as last year... [off mic] thank you. As  
13 recently as last year for... when they were overheard  
14 not in a public context; in a private context  
15 discussing the survivor's case. There's also  
16 retaliation against student survivors who speak out  
17 and activists. For example, the day after we filed  
18 the Title IX complaint; that was April 2th, so the  
19 following day was April 25th, a Vice President of the  
20 university, who I will not name because I still go  
21 there and I would like to graduate, called personally  
22 the cell phone [chime] of another student activist  
23 and instructed that I should not be allowed in  
24 anymore meetings or anymore conversations regarding  
25 sexual violence; personally, I, by name, any other

2 conversations regarding sexual assault issues at  
3 Columbia because I was a liar and a disruptive and  
4 unproductive member of the community. And we also  
5 had a student journalist who was put on disciplinary  
6 probation after he reported on completely  
7 inappropriate comments made by our Title IX  
8 coordinator. So retaliation is a serious issue and  
9 one that we would like protection from and  
10 technically are protected under federal law, but  
11 there's no sort of immediate recourse. The only  
12 recourse we have is to file a Title IX complaint,  
13 which we have done, and we have made these  
14 allegations, but that process is extremely lengthy  
15 and I will probably be graduated before it's over if  
16 you know, I don't face anymore retaliation.

17 COUNCIL MEMBER CROWLEY: But you started  
18 an organization that... did you mention...

19 [crosstalk]

20 ZOE RIDOLFI-STARR: Yes.

21 [crosstalk]

22 COUNCIL MEMBER CROWLEY: Something about  
23 now and now is that something other college students  
24 can replicate in their own colleges and how is that  
25 different than a Women's Council and how is that...

2 ZOE RIDOLFI-STARR: [interposing] Mm-hm.

3 COUNCIL MEMBER CROWLEY: I would imagine  
4 more effective 'cause it's more to the issue at hand,  
5 sexual assault.

6 ZOE RIDOLFI-STARR: Sure, we did start an  
7 organization and we provide... so we do prevention  
8 programming on our own, as some of the City College  
9 folks have mentioned, so we do our own prevention  
10 programming and consent education; bystander  
11 intervention trainings. We also train local bar  
12 staff on prevention so that they can intervene in  
13 high-risk situations because so much of Columbia's  
14 social life happens off campus at bars. We provide  
15 direct support and resources to survivors. We run  
16 many different support groups because the university  
17 doesn't fund or run those and we...

18 [crosstalk]

19 COUNCIL MEMBER CROWLEY: Does the  
20 university recognize your organization? Have they  
21 given you space?

22 ZOE RIDOLFI-STARR: No, we meet in...

23 [crosstalk]

24 COUNCIL MEMBER CROWLEY: Resources?

25 [crosstalk]



2 ZOE RIDOLFI-STARR: Basements. But I  
3 don't think we would want university formal  
4 recognition because that would mean they would have  
5 control over our activities, which would seriously  
6 impede our ability to make criticisms like this. We  
7 also do obviously the policy advocacy work where we  
8 put together policy recommendations just to... you  
9 know, and present them. They're typically ignored,  
10 but occasionally something of ours gets through  
11 there, but we're also you know, constantly organizing  
12 and building partnerships and working to advance  
13 important pieces of policy reform at the campus level  
14 and then we provide that case management services  
15 where we connect... we amass information from people  
16 who have gone through this process and assess what is  
17 working, what isn't working, development  
18 recommendations based on that, but also provide  
19 individualized support to survivors who have or want  
20 to learn more about their options for reporting to  
21 the university based on people who've had similar  
22 cases in recent years and how those were handled;  
23 what options might be available to them. Also, to  
24 touch on your question about serial perpetrators.

25 COUNCIL MEMBER CROWLEY: Mm-hm.

2 ZOE RIDOLFI-STARR: That is absolutely an  
3 issue at Columbia. We just had a case come up where  
4 we had one student who filed a case against a  
5 perpetrator. He was found responsible, as they put  
6 it, and suspended for a semester and is now back and  
7 then that student, the survivor, spoke out and talked  
8 a little bit about her experience at a public event  
9 and someone came up to us after and said, "Oh, my  
10 God, I think the same person did the same thing to  
11 me." So he was suspended, they let him come back and  
12 he did it again, which shouldn't surprise us, which  
13 is why I still cannot fathom why in the world any  
14 university would ever think that a one semester  
15 suspension is an appropriate response, but apparently  
16 Columbia still does. So we have that issue and we  
17 don't how to handle that and it's difficult to  
18 imagine what to do. In addition, the Emma Sulkowicz,  
19 who's a good friend of mine, but also has been in the  
20 media a great deal recently. She's the student who's  
21 carrying around her mattress as long as... her rapist  
22 also attends Columbia University. Her case was a  
23 case of a serial perpetrator as well. There were  
24 three women who made reports against this same  
25 person, but because they were all opened at the same

2 time, Columbia, even under its current policy, does  
3 not allow the adjudicatory panels or the sanctioning  
4 officers to consider any cases that are opened  
5 concurrently if there hasn't been a finding made,  
6 which is not consistent with the way that that's  
7 handled in the criminal justice system, and it's a  
8 huge issue because especially when you consider how  
9 long these cases can take. If the average case takes  
10 91 days, but you can't consider cases that are opened  
11 at the same time, then how are we ever going to  
12 actually...

13 COUNCIL MEMBER CROWLEY: [interposing] I  
14 just... I don't understand why the students don't go to  
15 the criminal justice system; why law enforcement is  
16 not a part of this conversation, especially when you  
17 have not just one, but in that case, three different  
18 incidents.

19 ZOE RIDOLFI-STARR: I mean the... so I  
20 think that some of the CUNY students can really...

21 [crosstalk]

22 COUNCIL MEMBER CROWLEY: I mean it's  
23 clear if...

24 [crosstalk]

25 ZOE RIDOLFI-STARR: Sure.

2 COUNCIL MEMBER CROWLEY: The school is  
3 not handling the cases. The student has to contact  
4 or... you know, we hope that the student would know or  
5 victims that law enforcement is there and...

6 [crosstalk]

7 ZOE RIDOLFI-STARR: Mm-hm.

8 COUNCIL MEMBER CROWLEY: Should be  
9 contacted.

10 ZOE RIDOLFI-STARR: Sure, I can  
11 definitely respond to that. So... and maybe you would  
12 like to respond as well. So there are a lot of  
13 reasons. First is that just many students don't feel  
14 comfortable speaking to the police. Students have  
15 seen or experienced police brutality, police being  
16 perpetrators of sexual harassment or misconduct in  
17 their own lives or in their communities. That's a  
18 huge issue. Police, many of them are not better  
19 trained than university administrators to respond  
20 sensitively, particularly if it's a kind of sexual  
21 assault that diverges from the traditional narrative.  
22 For example, if a male is reporting sexual assault as  
23 a survivor or if a queer couple is reporting sexual  
24 assault or an intimate partner violence, we  
25 frequently see cases where police are very dismissive

2 of those kinds of reports. Police, you know, are not  
3 better necessarily at responding to this sensitively  
4 and in a trauma informed way than these university  
5 administrators, so they're all doing a poor job. The  
6 second reason is that it's actually... there's a much  
7 higher standard of evidence in criminal justice cases  
8 and the process is even lengthier, so it's  
9 significantly harder to get a guilty decision handed  
10 down and get any severe consequences. As I mentioned  
11 before, only one-quarter of cases reported to the  
12 police led an arrest, only one-fifth of those led to  
13 prosecution and only one half of those actual  
14 prosecutions led to any real convictions, so you're  
15 not seeing campus-based... you're not seeing these  
16 sexual assault cases that do go to the criminal  
17 justice system ending in any kind of better sense of  
18 justice or closure for these victims. And lastly,  
19 you know, there are a lot of campus specific needs  
20 that survivors have. Some people don't want the  
21 person to go to jail. They just want them out of  
22 their lives. They want to be able to go to their  
23 classes; participate in their clubs; live in their  
24 dorm without having to constantly walk out of their  
25 room every single day, as I have for the last three

2 years, wondering am I going to see him in the  
3 elevator? Am I going to see him on my way to dance  
4 practice? Am I going to see him right before a final  
5 exam and have a panic attack and fail and lose my  
6 scholarship and have to drop out and have my life  
7 ruined because of something that was never my choice?  
8 So you know, it's really important that we don't  
9 merge the criminal justice system and the campus-  
10 based systems because it would actually deter  
11 students from coming forward for help if they have,  
12 you know, these complicated relationships with the  
13 Police Department; if they fear for disclosing their  
14 immigration status; if they don't want to go through  
15 the criminal justice reporting process.

16 CHAIRPERSON BARRON: Thank you so much.

17 We appreciate all of your testimony and you've given  
18 us some insights as we go forward to look at this  
19 issue. We do appreciate your coming. Thank you.

20 ALL PANELISTS: Thank you.

21 CHAIRPERSON BARRON: We appreciate all of  
22 you who are still here and we're going to hear from  
23 everybody. The next panel is Claudia Wald speaking  
24 on herself; Mary Haviland from the New York Alliance  
25 Against Sexual Assault; Emily May from Hollaback! and

2 Saswati Sarkar from the New York Alliance Against  
3 Sexual Assault. If those persons are here, if they  
4 would come forward. And as you take your seats... if  
5 you would raise your right hand, please. If you  
6 would all raise your right hands, thank you. Do you  
7 affirm to tell the truth, the whole truth and nothing  
8 but the truth in your testimony before the committee  
9 and to respond honestly to all committee... to all  
10 council member questions? Thank you. You may begin.  
11 Please give your name.

12 MARY HAVILAND: My name is Mary Haviland.  
13 I am the Executive Director of the New York City  
14 Alliance Against Sexual Assault. I'm not going to  
15 read my testimony. I think you guys have heard some  
16 just incredible testimony today from some incredible  
17 people; very courageous students who came up here. I  
18 can't believe we are talking about whether a Women's  
19 Center should have the resources that it needs on  
20 campus. That was where I got my start in 1977 in  
21 women's issues and I just can't believe we're  
22 discussing the same issue again.

23 I just wanted to make a few points. In  
24 my testimony, I outlined where I thought there was  
25 pretty much consensus or at least consensus in the

2 field about what has to happen on college campuses  
3 and I just... I'm not going to go through them all.  
4 You have the testimony, but I want to emphasize a  
5 couple of them that have been spoken about today.  
6 One is that I truly believe that closed university  
7 systems that rely only on internal campus procedures  
8 for resolving sexual violence cases don't end up  
9 offering survivor support, real opportunities for  
10 healing or access to just punishment for the  
11 offender. I think it has to be an open system that  
12 relies on experts who have been doing this work in  
13 the field for many, many years and that closed  
14 systems do not work. People have talked about how  
15 important transparency is. I want to say that all  
16 the training and policies and processes for  
17 disciplinary action must be inclusive of LGBT and  
18 transgendered and gender non-conforming people. It  
19 must be... they must be sensitive and inclusive of  
20 those issues.

21 I want to comment on the fact that it  
22 seemed as if the CUNY representatives who were  
23 testifying that they would call 911 if a crime was  
24 taking place or had just recently taken place,  
25 survivors in New York State have the right to report



2 to law enforcement or not if they do not want to.  
3 Survivors under the Clery Act have the right to  
4 report to law enforcement or not if they do not want  
5 to, so I understand that sometimes it might in the  
6 university's interest to override a survivor because  
7 of the danger or extreme danger on campus, but that  
8 should be done in only very few circumstances and  
9 with tons of explanation to the survivor, so I wanted  
10 to emphasize that.

11 We haven't talked about the federal bills  
12 or the sections of VAWA like SAVE and we haven't  
13 talked too much about the McCaskill Gillibrand Campus  
14 [chime] Accountability and Safety Act, but there are  
15 many important aspects of those that must be enforced  
16 and if I could just talk about our recommendations  
17 for a moment. We are suggesting, as the Public  
18 Advocate is as well, that there be a network of  
19 sexual assault experts that could provide training  
20 and technical assistance and policy development to  
21 New York City colleges and universities. I was  
22 shocked to find out that only 50 percent of colleges  
23 include local victim assistance or advocacy programs  
24 on their coordinated sexual assault response teams  
25 and only 25 percent include prosecution offices.

2 Seems to me that prosecutors' offices would be a  
3 natural ally in trying to come up with a fair  
4 adjudication processes. The New York City Network of  
5 Rape Crisis Center have been approached to work more  
6 closely with some of the universities and we'd like  
7 to encourage that as a way of providing a broader  
8 array of services and confidential services. I'd  
9 like to initiate discussion of Affirmative Consent  
10 and what that means and how that will be implemented  
11 and I'm a member of the Downstate Coalition for Crime  
12 Victims and we will be holding a discussion on that  
13 issue.

14 I don't know whether people are aware  
15 that as of April 1st, New York State has changed the  
16 way it's funding Rape Crisis Centers and it's cut  
17 prevention funding in half and the result of that is  
18 that all 17 Rape Crisis Centers in New York City have  
19 suffered cuts in funding at a time when they are  
20 experiencing increased demands for their services.  
21 In addition, there is a disparity of access to  
22 services in outerboroughs in New York City, both in  
23 terms of hospital intervention and rape crisis  
24 intervention, so that it would be very important for  
25 the City Council to address that so that we can

2 better respond to colleges and universities. And so  
3 in short, I don't think there's any one solution to  
4 this. It's obviously a very complex problem that  
5 requires I believe a coordinated community response  
6 to sexual assault on campuses.

7 And I'd like to introduce Saswati Sarkar,  
8 who's going to talk. I talked more about  
9 intervention; who'd going to talk about prevention  
10 techniques that might be used on college campuses.  
11 Thank you.

12 SASWATI SARKAR: My name is Saswati  
13 Sarkar and I'm from the New York City Alliance  
14 Against Sexual Assault. I'm the Primary Prevention  
15 Manager there.

16 As we heard today and we have read  
17 multiple reports, one in five women on campus across  
18 the country is at risk of being sexually assaulted.  
19 I don't know what that means when you translate that  
20 as an individual just graduated from high school and  
21 then walking into campus knowing that I could be one  
22 of those five. And we also know from the reports  
23 that 63 percent of campus assailants are repeat  
24 offenders, who committed, on an average six rapes  
25

2 each. These numbers are really surprising and  
3 shocking.

4           When really thinking of prevention as a  
5 way to address that, we know that breaking the  
6 silence really requires addressing the root causes  
7 and societal factors that perpetrate sexual violence  
8 in the first place and underscore the need for  
9 comprehensive prevention strategies on campuses  
10 across the country. We know that people talked about  
11 multiple trainings, programs, online information;  
12 however, I really want to emphasize in my  
13 recommendation as first and foremost that these  
14 trainings need to be mandated. Multiple times  
15 campuses talk about mandated reporting, but there is  
16 no accountability who is attending or not.

17           I also want to highlight a couple other  
18 recommendations that we think are really critical in  
19 addressing sexual violence on campuses. We feel like  
20 campuses should be urged to conduct and publish  
21 annual climate surveys to measure the extent and  
22 nature of the problem, assess the effectiveness of  
23 existing campus-based prevention and intervention  
24 strategies, as well as inform the campus community to  
25 really know what's going on on their campuses. These

2 reports should also be made available to new and  
3 incoming students so that they can make informed  
4 decisions when selecting safe campuses to pursue  
5 higher education. We also want to say that primary  
6 prevention education for students has shown  
7 drastically to lower incidents of sexual assault by  
8 educating both potential perpetrators about what  
9 constitutes sexual assault and bystanders on how to  
10 recognize and safely intervene to prevent sexual  
11 assault.

12           Primary prevention programs needs to be  
13 mandated. Like I said, it has to be mandated on all  
14 campus and should have prevention education on  
15 bystander intervention, healthy masculinity,  
16 supporting peer survivors to foster a culture of  
17 reporting. Oftentimes, we know that victims and  
18 survivors who go through the process fear that they  
19 might, when they disclose to their peers and friends,  
20 might face backlash.

21           Universities and campuses must also  
22 conduct regular and appropriate community wide  
23 primary prevention education that engages all member  
24 of the campus community, including undergraduate and  
25

2 graduate students, staff, faculty, administrators,  
3 parents, [chime] coaches, everybody.

4 I have two more points that I want to  
5 quickly make. Mandatory dorm-based prevention  
6 education reinforcing positive social norms and  
7 skills related to healthy bystander behavior also  
8 needs to be implemented for residence hall RAs and  
9 new and existing students.

10 Finally, mandatory coach-implemented  
11 educational programs need to be implemented for male  
12 athletes addressing hyper-masculine peer norms that  
13 facilitate and support sexual assault.

14 In conclusion, I want to say that we have  
15 to be much more mindful as advocates and campus  
16 community to really address this problem on an  
17 overall comprehensive manner. Thank you so very  
18 much.

19 EMILY MAY: Hi. Hi, there. My name is  
20 Emily May. I'm the Co-Founder and Executive Director  
21 of Hollaback! We are a New York City based  
22 organization that works to end sexual harassment in  
23 public space, including college campuses. I'm also  
24 here today as one of the four leading organizers on  
25 the #carrythatweight National Day of Action that's

2 taking place this Wednesday, October 29th. We're  
3 also working alongside the non-profit Rhize, as well  
4 as Columbia University student leaders from Carrying  
5 That Weight and No Red Tape. Zoe was on this last  
6 panel from No Red Tape.

7           The #carrythatweight National Day of  
8 Action is inspired by Emma Sulkowicz, who, as you all  
9 know, has been boldly carrying a dorm mattress as  
10 long as her rapist continues to attend Columbia  
11 University. The campaign encourages students, staff  
12 and faculty of colleges to carry a mattress or pillow  
13 with them around campus on October 29th and at the  
14 time of this hearing, we've actually had 100 high  
15 schools and universities sign up to join.

16           On behalf of both Hollaback and the  
17 #carrythatweight campaign, I want to thank the  
18 Council for coordinating this hearing. When we  
19 accept sexual harassment on campuses, I think that  
20 we're creating a climate that makes sexual assault  
21 more acceptable too. In a study called "Drawing the  
22 Line" by the AAUW, 51 percent of male students  
23 admitted to sexually harassing their fellow students.  
24 When 51 percent of our nation's best and brightest  
25 men are sexually harassing fellow students, you know

2 we're talking about more than just a few "bad seeds."  
3 We're talking about an epidemic and it's an epidemic  
4 that is really well-known on college campuses.

5           During our research in 2012, we found  
6 that 55 percent of college administrators said in a  
7 survey, an anonymous survey, that the current systems  
8 to report and address campus harassment are not  
9 sufficient. Students, for their part, of course,  
10 realize this too and when asked by the AAUW how they  
11 wanted to address this issue, 57 percent of them said  
12 they wanted their college to offer a confidential  
13 web-based reporting system for submitting complaints.  
14 It was the highest ranked solution by far and yet,  
15 few colleges offer that. Why? They're scared of  
16 exposing additional harassment and assault on their  
17 campuses and they're scared of being called "the rape  
18 school." I think this is where government comes in.  
19 I think we need to make sure that each and every  
20 student has an option to report harassment and  
21 assault in a safe, secure and anonymous way.

22           At Hollaback! we are working on an app, a  
23 Smartphone app to expose the epidemic of sexual  
24 harassment and assault on college campuses and to  
25 engage students in ending it. By collecting



2 students' reports, the app works outside the  
3 university system to create influence and cuts  
4 through the red tape to give students the ability to  
5 share their reports directly with administrators. It  
6 features a map of reports alongside local resources  
7 like Rape Crisis Centers and it will have a built-in  
8 evaluation tool to alert students [chime] when they  
9 have enough data for it to be statistically  
10 significant so they can provide resources for student  
11 leaders organizing on college campuses and for  
12 bystanders who want to intervene.

13 Today, we're asking for the Council's  
14 support in bringing this project to light in New York  
15 City. I think you all agree that we all have a role  
16 in carrying the weight of sexual assault on college  
17 campuses. Let's make today the day that New York  
18 City boldly decided to make New York City's colleges  
19 safe learning environments for all. The students in  
20 New York City are counting on us. Thank you.

21 CLAUDIA WALD: Hello. Thank you very  
22 much to this committee for being here. I just wanted  
23 to say my name is Claudia Wald. I'm the USS Vice  
24 Chair elect for the Technology fee Affairs and for  
25

2 the University Student Senate at CUNY and a student  
3 at Hunter College.

4 I am also very concerned about the  
5 dramatic increase in sexual assaults on college  
6 campuses over the past decade and believe that higher  
7 education institutions have a mandate to work you  
8 know, arduously to support survivors and engage them,  
9 particularly because this is a very formative period  
10 in their lives; that we have young adults in sort of  
11 an environment where they are susceptible to engaging  
12 behaviors that can have a lasting impact on their  
13 lives. This is potentially an opportunity to change  
14 that course by you know, many of the things that have  
15 been talked about today; through mandatory training;  
16 through bystander training; through you know, strong  
17 support services for survivors; you know, better  
18 implementation of protocols and a better sort of  
19 communication with law enforcement and the campus in  
20 responding to sexual assault incidents.

21 Fostering an environment where students  
22 and especially survivors are provided information  
23 about their rights and options in a confidential  
24 manner in the event of such an assault and where  
25 cases are duly investigated and survivors readily

2 have access to community resources can really  
3 facilitate healing for survivors and help them move  
4 forward with their lives.

5 I again want to emphasize what has been  
6 said before, that establishing Gender Resource  
7 Centers on all CUNY campuses can be a strong step  
8 taken forward to provide a more supportive  
9 environment for survivors and I also believe that  
10 this can have... reverberate on meaningful changes on  
11 sexual assault policies.

12 Finally, primary prevention strategies  
13 are an important part of changing the way sexual  
14 assault is perceived. There's been a lot of  
15 discussion of this and I am hopeful that we can  
16 continue this in more detail. I am concerned about  
17 the lack of publicity about what Title IX trainings  
18 are and how many students are taking them and I  
19 really feel strongly that mandatory training is an  
20 important step that needs to happen and I do  
21 recognize that you know, considering the current  
22 [chime] climate, that it intensifies as non-reporting  
23 and can effectively serve to silence victims of  
24 sexual assault and so just to... in summation, I am  
25 hopeful that these changes on the campus level will

2 reverberate to increase funding for community  
3 services for survivors of sexual assault and move us  
4 towards a society where women feel safe rather than  
5 vulnerable, supported rather than marginalized and  
6 heard rather than silenced. Thank you for listening  
7 to my testimony and for your support and commitment  
8 to this campaign.

9 CHAIRPERSON BARRON: Thank you. I want  
10 to thank all of the members of the panel for their  
11 presentation. We know of the work that many of your  
12 groups have done and that they've been consistent in  
13 bringing this issue to the public's ear and eye and  
14 awareness, so we're going to continue to do the work  
15 and it's... so and I just wanted to... I have one  
16 question. You talked about the closed campus system;  
17 that it was ineffective, so are you saying then that  
18 the law enforcement should intervene at the outset  
19 and how does that impact what the target person might  
20 want?

21 MARY HAVILAND: No, I'm not saying that  
22 law enforcement should be informed unless the  
23 survivor wishes for law enforcement to be informed.  
24 What I'm saying is that a system that is created  
25 entirely and only by the university is likely not to

2 be supportive to survivors and likely not to seek  
3 justice for that survivor or seek punishments that  
4 are meaningful and will hold perpetrators  
5 accountable.

6 CHAIRPERSON BARRON: So how would you  
7 modify that system? What would you do to make it  
8 different?

9 MARY HAVILAND: I would make sure that  
10 there are experts involved in creating policies,  
11 creating training and creating creative programs that  
12 help survivors recover from the trauma of sexual  
13 assault. I would have task forces that include  
14 outside... you know, outside experts in these areas so  
15 that the universities can profit from or benefit from  
16 the expertise of people who have been doing this for  
17 a long time.

18 CHAIRPERSON BARRON: Okay, thank you. I  
19 want to thank you once again for coming, for your  
20 patience and for your presentation. Thank you so  
21 much. At this time, we'll call the next panel.  
22 Miss Eliana Theodorou from Legal Momentum; Lauren  
23 Manley from the Center for Anti-Violence Education;  
24 Diami Virgilio from Day One and Farah Travis or Tanis  
25 from Black Women's Blueprint. If you are here,

2 please come forward and as you get situated, I'll get  
3 ready to swear you in. [background voices] If you  
4 would all raise your right hand, please. Do you  
5 affirm to tell the truth, the whole truth and nothing  
6 but the truth in your testimony before this committee  
7 and to respond honestly to council member questions?  
8 Thank you. You may begin. Please give your...

9 [Pause]

10 ELIANA THEODOROU: Hello, my name is  
11 Eliana Theodorou and I'm providing testimony on  
12 behalf of Carol Robles-Roman, the Presidency of Legal  
13 Momentum. Thank you so much to the Council for  
14 hosting this and drawing attention to this very  
15 important issue.

16 Legal Momentum, founded in 1970 as the  
17 NOW Legal Defense and Education Fund, is the oldest  
18 national non-profit organization dedicated to the  
19 personal and economic security of women and girls.  
20 Sexual violence at school is one of the most  
21 important obstacles today to young women achieving  
22 economic and political equality and a top priority  
23 for Legal Momentum. We have attached to our written  
24 testimony copies of our "Know your Rights Guide for  
25

2 Students" and our "Guide for College Disciplinary  
3 Panels," so you should all have copies.

4           The student victims of sexual violence  
5 who Legal Momentum assists are often young,  
6 experiencing the effects of trauma and unfamiliar  
7 with legal or administrative processes. In  
8 developing citywide responses to sexual violence on  
9 campus, we ask the City Council to develop policies  
10 that take into account the following: first, victims  
11 of sexual assault in New York City have many legal  
12 remedies in the Criminal courts, the Family Courts and  
13 in their schools, but they remain mostly uninformed  
14 about them. We heard from many people today about  
15 how even when schools have great policies in place,  
16 it's very, very important that somebody inform  
17 students directly about all of their options.

18           Additionally, many student victims of  
19 sexual violence are desperate for attorneys to guide  
20 them through school investigations and hearings.  
21 There is an urgent need for a trained corps of  
22 attorneys who can help ensure that students are aware  
23 of their options and that the College Judicial Boards  
24 provide fair and transparent adjudication of sexual  
25 assault cases. Having an attorney can make a huge

2 difference for a victim to help protect her  
3 confidentiality as she goes through the process, to  
4 make sure the school respects all of her rights and  
5 to make sure that she knows about all of the options  
6 available to her, and the Council should play a role  
7 in funding these services.

8           Second, all schools in New York City  
9 should be engaged in efforts to prevent sexual  
10 violence before it starts, including annual training  
11 for students and staff. Campus climate surveys is an  
12 important means of informing school strategies for  
13 primary prevention and evidence-based bystander  
14 intervention training programs, which we heard a lot  
15 about of today as well.

16           Third, schools have a duty to ensure that  
17 all students are protected by effective, fair  
18 disciplinary systems. All school protocols must  
19 translate into victim center assistance that serves  
20 students in real time and takes into account the  
21 effects of trauma. As has been reiterated earlier  
22 today as well, all policies must be written in plain  
23 language that students can actually understand.

24           And finally, any action taken by the City  
25 Council should account for the need for survivor



2 confidentiality. We're just reiterating again that  
3 under no circumstances should there be a situation in  
4 which the crime is reported to the police without the  
5 survivor being informed about this and wanting this  
6 to happen.

7           Legal Momentum greatly appreciates your  
8 dedication to improving campus [chime] response to  
9 sexual violence and we hope that your attention will  
10 lead to better prevention of sexual violence on  
11 campus and to fully victim centered trauma informed  
12 services and processes when it is perpetrated.

13           FARAH TANIS: Okay, great. Good  
14 afternoon. My name is Farah Tanis. I'm one of the  
15 Co-Founders and the Executive Director of Black  
16 Women's Blueprint. Black Women's Blueprint works to  
17 protect the civil and human rights of women and girls  
18 with a focus on those from the African Diaspora,  
19 including African American, African immigrant, West  
20 Indian, Caribbean, Afro-Latinas who are victims and  
21 survivors of sexual assault. We provide culturally  
22 specific sexual assault prevention and intervention  
23 services, public education, advocacy and  
24 opportunities for community organizing. We have a  
25 training institute specifically for campuses and

2 community-based organizations focused on engaging men  
3 and in particular, men of color focused on bystander  
4 intervention and a number of other culturally  
5 specific trainings, in particular for LGBTQ persons  
6 of color and meeting the needs of LGBTQ persons of  
7 color on campuses who are survivors of assault.

8 We are the national... at the national  
9 level. We are the National Technical Assistance  
10 provider for the Department of Justice Office on  
11 Violence Against Women, working with 105 historically  
12 black colleges and universities across the nation,  
13 our HBCUs, to strengthen their capacity in four core  
14 areas: prevention, coordinated community response,  
15 law enforcement and judicial boards.

16 I want to go into a testimony and I'm  
17 going to keep it brief because I know I don't have  
18 much time, but it's a tremendous honor to speak in  
19 front of the committee today in support of the Campus  
20 Accountability and Safety Act and also the Survivor  
21 Outreach and Support Campus Act.

22 As a co-founder of Black Women's  
23 Blueprint, I've been asked to share with you by one  
24 of the other co-founders, Christina, who couldn't be  
25 here today, to share her story. At 19 years old, she

1  
2 was fixed up on a date with a young man on her  
3 college campus. Upon picking her up, and so they  
4 could go to the movies, he convinced her to let him  
5 into her residence and she says not two minutes had  
6 passed that he was in the door he raped her, covering  
7 her mouth to muffle her screams and then immediately  
8 fled the scene afterwards. She bravely returned to  
9 school, having been the first person in her African  
10 American family to have ever attended college. We  
11 see this all the time and so finishing school was  
12 crucial and critical for her and her family. Not  
13 having access to the information on campus; not  
14 knowing where to turn; the police not an option,  
15 given the longstanding and violent history of  
16 policing and criminal justice system in black  
17 communities; not knowing her rights; not feeling safe  
18 with no advocate to fight for her and thinking she  
19 had no support at all, she didn't make it through the  
20 week back at school and she dropped out of college,  
21 never to return again until she was almost 40 years  
22 old.

23                   This is not just Christina's story. It  
24 is the story of thousands of black college students.  
25 I say black women because our issues are culturally

2 specific. For women of color [chime] and... ooh, ooh...  
3 for women of color, an advocate or confidential  
4 advisor on campus represents more than just a support  
5 needed for victims of sexual assault on campuses. It  
6 represents a stat in a racial justice struggle.

7 At Black Women's Blueprint, we believe  
8 that these bills, these proposed legislations, will  
9 provide an opportunity to look at the intersections  
10 of race, sexuality, identity, class, immigration and  
11 other factors that impact reporting; that impact  
12 health seeking behavior by women of color and black  
13 women in particular and that impact response by  
14 organizations and systems, including campuses and  
15 legal and criminal justice. So for black women like  
16 us on campus, these proposed legislations will mean  
17 culturally sensitive options. It will mean options  
18 to report to someone outside the university sexual  
19 assault adjudication chain of command. It will mean  
20 so many other things and I know that I'm ending, but  
21 the right to have somebody to tell who is on our side  
22 as survivors is so extremely important. The right to  
23 emergency and follow-up medical care; the right to  
24 guidance to reporting a sexual assault to law  
25 enforcement if we so choose or not choose is

2 critical; the right to medical forensic or  
3 evidentiary exams; the right to crisis intervention;  
4 ongoing counseling and assistance throughout the  
5 process; the right to information to our legal  
6 rights; public information campaigns; all of these  
7 are so critical and they do not exist. They are not  
8 enough.

9 We are here as Black Women's Blueprint  
10 offering culturally specific training. We are at  
11 your service. Please, we can't suffer any longer.  
12 Our issues are not just straightforward as black  
13 women. Race matters. Thank you.

14 LAUREN MANLEY: Hi, good afternoon.  
15 Thank you to the Public Advocate James and to the New  
16 York City Council Committees on Public Safety,  
17 Women's Issues, Higher Education and Civil Rights and  
18 to all of the individuals and organizations that  
19 showed up here to speak, a big thank you to you. My  
20 name is Lauren Manley. I'm a student at the  
21 Silberman School of Social Work at Hunter College. I  
22 actually have been a CUNY student for about 10 years  
23 and I'm also an intern at the Center for Anti-  
24 Violence Education in Brooklyn. So on behalf of the  
25

2 Center for Anti-Violence Education, I'm pleased to  
3 offer testimony for today's hearing.

4 For 40 years, CAE has developed and  
5 implemented completed comprehensive violence  
6 prevention programs for individuals and  
7 organizations, including many college campuses,  
8 reaching over 2,500 New Yorkers each year. CAE's  
9 programs focus on women, girls and LGBTQ communities,  
10 with a special attention to the needs of survivors.  
11 Through a combination of education, physical training  
12 and leadership development, our programs empower  
13 participants to prevent, interrupt and heal from  
14 violence. What we know and what you've heard a lot  
15 of today is that the epidemic of sexual assault on  
16 college campuses necessitates a three-fold plan:  
17 best practices for prevention, reporting processes  
18 and modes of healing. Today I want to primarily  
19 address the issues of prevention and healing.

20 Based on our years of experience, CAE  
21 knows that self-defense is an integral part of  
22 violence prevention. A simple blocking technique can  
23 give someone enough time to get away from or attract  
24 help during a potentially dangerous attack. Physical  
25 activities help individuals to feel more in control

1  
2 and in touch with their own bodies, a supremely  
3 important factor in building confidence. Through  
4 verbal exercises, individuals practice using their  
5 voices and learn about deescalating situations and  
6 setting boundaries. We also know that good self-  
7 defense transcends this personal experience and  
8 includes connecting individuals to resources and  
9 building community support. Learning to advocate for  
10 oneself and others is a form of political activism,  
11 which both addresses the societal causes of violence  
12 and creates a space for healing. We believe that  
13 self-defense provides an alternative mode for  
14 healing.

15           In the last three years, 1,300 survivors  
16 of sexual assault and intimate partner violence have  
17 attended our self-defense classes. 95 percent of  
18 adult survivors reported that they learned to feel  
19 less blame for violence that has happened to them.  
20 As one participant stated, "Self-defense restores to  
21 the survivor something that is often lacking in other  
22 forums, a connection between mind, body and spirit  
23 that was severed for most when they were assaulted."  
24 And another: "It is through training that I have  
25

2 moved beyond coping and surviving into a deeper sense  
3 of integration."

4           Studies show that the highest rate of  
5 sexual assault occurs within a student's first  
6 semester of college. We recommend that every campus  
7 offer a self-defense course during this time. We  
8 also recommend self-defense being offered as an  
9 alternative healing resource for survivors of sexual  
10 assault. Based on the experiences of our  
11 participants, as well as my own personal experience,  
12 we recognize the relationship between self-defense  
13 and the confidence and willingness [chime] to seek  
14 help, report and advocate for oneself, as well as the  
15 relationship between self-defense and effective  
16 bystander intervention. Encouraging intervention and  
17 reporting, however, necessitates changes in policy  
18 and reporting practice to establish accountability  
19 for both individuals and institutions.

20           As a student in New York and as a  
21 survivor of violence, I am grateful that you are  
22 holding this crucial hearing and I thank you for your  
23 opportunity to participate in it.

24           DIAMI VIRGILIO: Good afternoon, almost  
25 evening. Thank you to all of the council members who



2 attended today; to Council Member Barron and Council  
3 Member Gibson, who are still here, and all of the  
4 other council members who were today, a lot of whom  
5 are sort of the usual suspects that we see when the  
6 issue of talking about relationship abuse or sexual  
7 assault comes up and it's partly due to the  
8 committees that you chair, but I would love to see a  
9 day where the entire Council just couldn't help  
10 themselves but come to a hearing like this.

11 I appreciate the opportunity to speak  
12 with you today on behalf of my organization, Day One.  
13 Day One is the only New York organization devoting  
14 its full resources to addressing the experience of  
15 young people 24 and under dealing with dating  
16 violence and sexual assault. As such, we welcome the  
17 opportunity to share some of the information we've  
18 gained while advocating for survivors.

19 Although this issue has gained a lot of  
20 recent national attention, sexual assault and  
21 intimate partner violence among young people of  
22 college age is far more pervasive than is often  
23 suspected. 60 percent of college students that  
24 report sexual assault are assaulted within a dating  
25 relationship and LGBTQ youth are affected at the same

2 rates as other youth. Oftentimes, young people have  
3 been with a partner for some time and despite the  
4 fact that they have remained in this relationship,  
5 their boundaries are not being respected.

6 In the experience of many of our clients,  
7 when they start to attend college, they also often  
8 see an escalating factor in prior abuse that spills  
9 over from their high school years and it increases in  
10 danger when an abusive partner starts to see that  
11 they're losing control. Dating abuse and sexual  
12 assault of college aged young people are inexorably  
13 linked. Given the age and developmental stage of our  
14 young clients, an abusive relationship often  
15 interrupts or derails their development, education  
16 and career planning. This can lead to Post-Traumatic  
17 Stress Disorder, disengagement from educational and  
18 work opportunities and long-term economic  
19 instability.

20 Day One helps young survivors cope with  
21 their trauma by providing free social and legal  
22 services, which include individual and group  
23 counseling, legal assistance and representation in  
24 court to obtain an order of protection for young  
25 people 24 and under. In schools, on campuses and in

1  
2 community-based settings, we give youth and youth  
3 serving adults the tools to recognize the signs of  
4 unhealthy relationships and behaviors and identify  
5 resources that can help increase safety. Along the  
6 way, we confront perceptions about gender norms,  
7 sexuality, violence and oppression to understand  
8 these patterns of abuse. We provide this education  
9 to 4,000 youth and 500 to 1,000 youth serving  
10 professionals per year. Though other organizations  
11 provide support to adult domestic violence victims,  
12 no other program specializes in working with dating  
13 violence and related sexual assault [chime] among  
14 young people. We would like to also highlight that  
15 this includes being on the cusp of ever changing  
16 technologies to work with young people where they can  
17 be stalked or subject to sexual exploitation.

18           Currently, Day One is partnering with  
19 Pace University to bring education on recognizing  
20 signs of abuse to their campus and partnering with  
21 the Manhattan Family Justice Center to train Title IX  
22 coordinators on how to recognize and respond to  
23 abusive behavior in relationships. We've given you a  
24 copy of our "Safe on Campus Know Your Rights" guide  
25 so you can see the type of literature we're

1  
2 disseminating and broken down our recommendations  
3 into just a couple of short things, which are uniform  
4 reporting policies, which we've heard plenty about;  
5 well-trained professionals across the campus who can  
6 facilitate referrals. Young people often don't trust  
7 going to a particular office that they're being  
8 referred to halfway across campus or in some cases,  
9 on a campus that they've never really connected to  
10 because they live at home and so every single person  
11 on that campus, all the professors, adjuncts, should  
12 be trained at least on a cursory level on how to  
13 respond to these issues and know how to direct  
14 students into the appropriate place. We ask for  
15 cooperation plans with outside city agencies to  
16 support survivors who may be bringing the baggage of  
17 abusive or sexual assault relationships with them as  
18 they come on campus. It's not always between two  
19 students. Sometimes it involves a prior  
20 relationship. And survivors need education about  
21 what constitutes healthy behavior in their  
22 relationships.

23           The epidemic of sexual assault and dating  
24 violence is not a college issue. It's a K through 12  
25 issue and with the proper education from a very young

2 age, young people can learn that this behavior is not  
3 acceptable to commit and that there are resources for  
4 them should they fall victim to it.

5           And we also would like to congratulate  
6 some of the peer led organizations. It was great to  
7 hear the voices of some of the survivors and women's  
8 issues groups that are operating on campus. We  
9 believe that this represents an excellent opportunity  
10 for young people to engage, then be empowered for  
11 themselves.

12           We look forward to partnering with you,  
13 the Council, and the Public Advocate's office to  
14 support the development of survivor centered youth  
15 focused policies that go beyond due diligence and do  
16 the best to support the future of our young people.  
17 Thank you.

18           CHAIRPERSON BARRON: We want to thank all  
19 of the panelists for coming and for presenting  
20 information, not just on this issue, but particularly  
21 about how their particular organizations are working.  
22 Good to get further information. I've heard of some  
23 of the organizations and now have further information  
24 as to what they're doing, so we do thank you for your  
25 testimony. Thank you so much. And we will next hear

2 from Dr. Sophie Andar; coming to the end, so Dr.  
3 Sophie Andar is here. No, there's one more after  
4 you.

5 [Pause]

6 CHAIRPERSON BARRON: Thank you. If you  
7 would raise your right hand. Do you affirm that the  
8 testimony you are about to give is the truth, the  
9 whole truth and nothing but the truth and to answer  
10 questions from the Council truthfully?

11 DR. ANDAR: Yes, I do.

12 CHAIRPERSON BARRON: Thank you.

13 DR. ANDAR: Hello, everyone, my name is  
14 Sophie Andar and thank you very much for listening.  
15 Thank you to everyone who is still here. I am a  
16 Health educator and Violence Prevention Specialist  
17 and this year, as a fellow of the Teacher's College  
18 Columbia University Research Group on Disparities in  
19 Health, I conducted what I believe is the first study  
20 to consider digital media factors in the context of  
21 college sexual assault, so I wanted to share just  
22 some of those results with you to highlight the value  
23 of considering that we are in a digital media age.  
24 We heard earlier from some CUNY students about to the  
25 presence of digital media presenting a hostile

2 environment through the Secrets webpage and also just  
3 now from Day One on the possibility of being  
4 exploited online.

5           So I'll just briefly share that the study  
6 I conducted comprised of 233 college women, most of  
7 whom identified as white or Latina. All women  
8 qualified to participate by being enrolled in a US  
9 college, at least 18 years old and willing to share  
10 their knowledge of college sexual assault. Nearly  
11 half of all of the women who responded had sent a  
12 sext or a sexual image of themselves taken with a  
13 cell phone or some other digital device and 55.4  
14 percent reported having received a sext. 27 percent  
15 of respondents had willingly allowed themselves to be  
16 photographed naked, partly naked or having sex and  
17 13.7 percent had consented to someone filming or  
18 livestreaming them having sex or performing a sexual  
19 act. Meanwhile, 9.4 percent of participants reported  
20 having had photos or video taken of them naked,  
21 partly naked, having sex or performing a sexual act  
22 without their consent or knowledge and 7.3 percent  
23 indicated that such images had been shared without  
24 their consent. For the majority of those who had  
25 been photographed or filmed non-consensually, the

2 perpetrator was the respondent's boyfriend or  
3 girlfriend, while the most next likely perpetrator  
4 was an acquaintance. Boyfriends and girlfriends were  
5 also the most likely perpetrators of non-consensual  
6 sharing of sexual images followed by a non-sexual or  
7 non-romantic friend.

8           Now, about two-thirds of the women had  
9 been sexually harassed, 47.2 had felt violated during  
10 a sexual experience and 24.9 had been stalked during  
11 college. College sexual assault was reported by 42.2  
12 percent, while 14.2 felt that they had been forced to  
13 do something that the assailant had seen in  
14 pornography and 14.4 felt that the perpetrator was  
15 pornography addicted. Photos or videos were taken of  
16 7.2 percent of survivors during their assaults, yet  
17 11.3 were unsure if this had happened [chime] and  
18 14.4 percent were unsure if images had been spread  
19 online.

20           So I know those were a lot of statistics  
21 to follow, but my point here is that there is some  
22 evidence of digital media abuses occurring in college  
23 sexual assaults and I recommend that colleges take  
24 digital media factors into account as we all work to  
25 come up with... to improve the best practices on



2 addressing this crisis. Also, I'd like to add that  
3 the main limitations of the study were the use of an  
4 inaugural survey instrument and also the  
5 underrepresentation of African American students.

6 CHAIRPERSON BARRON: Thank you for your  
7 testimony.

8 DR. ANDAR: Thank you.

9 CHAIRPERSON BARRON: I have a question.  
10 So what is your research concluding?

11 DR. ANDAR: My research is concluding  
12 that there is, at least in this sample that I studied  
13 and since it was 233 women who were recruited through  
14 social media online, that for some of them there is  
15 the potential involvement of the assault being  
16 recorded or spread online without their consent and  
17 of course, if they're being assaulted, it's without  
18 their consent to begin with.

19 CHAIRPERSON BARRON: Did I understand you  
20 to say that the data that you gathered from the  
21 participants, some of them indicated that they had  
22 involved... they were... they had sext... they had sent a  
23 sext text?

24 DR. ANDAR: That's right, so even for  
25 those who were not sexually assaulted in the broader

2 sample, there was... you know, there were about half of  
3 the women that reported that they were participating  
4 in sexting, so sending or even receiving a sexually  
5 explicit image.

6 CHAIRPERSON BARRON: So how does that  
7 relate to the domestic... to the sexual assault?

8 DR. ANDAR: Yeah, well, you know, we've  
9 been hearing about different cases in the media about  
10 sexual assaults being overlapping with cyberbullying;  
11 further incidents of abuse; sexual exploitation  
12 occurring by the sharing of images; how that furthers  
13 the trauma and the impact and as far as I know, the  
14 recent guidelines put out by OCR, as well as the  
15 Campus Accountability and Safety Act are not  
16 recognizing the potential involvement of digital  
17 media in the assaults. So I am presenting this  
18 research as just exploratory research. This study... I  
19 am in the process of turning it into a research  
20 article just as a suggestion that we also consider  
21 the nature of the internet and digital devices when  
22 we're looking at how sexual assaults are occurring  
23 and also you know, how we can...

24

25

2 CHAIRPERSON BARRON: [interposing] But  
3 you're not drawing any causation between someone  
4 who's sexting and becoming a victim.

5 DR. ANDAR: No, I am not doing that.

6 CHAIRPERSON BARRON: Okay.

7 DR. ANDAR: Yeah.

8 CHAIRPERSON BARRON: Alright.

9 DR. ANDAR: Okay.

10 CHAIRPERSON BARRON: Thank you so much.

11 DR. ANDAR: Thank you very much.

12 CHAIRPERSON BARRON: Okay and for our  
13 last presenter, Miss Lilly Milatin. [background  
14 voice] Okay, Melartin. Thank you so much for being  
15 so patient. You were right up front for the whole  
16 time; you sat; I saw you involved and now it's your  
17 turn. If you would raise your right hand. Do you  
18 affirm to tell the truth, the whole truth and nothing  
19 but the truth in your testimony and to answer council  
20 member questions honestly? Thank you. Push that  
21 button.

22 LILLY MELARTIN: Yeah.

23 CHAIRPERSON BARRON: Thank you.

24 LILLY MELARTIN: Hi, I am Lilly Melartin.  
25 I am almost 23 years old and I am currently at my

2 third college, which is Marymount Manhattan College.  
3 I was raped four times by four different men on four  
4 different occasions. Out of the four men, I only  
5 knew one of them. I have been assaulted countless  
6 time; strangers have threatened my life twice; I've  
7 been followed home at least three times and I've been  
8 asked to prostitute three times as well.

9 My first three rapes happened at freshman  
10 year at Susquehanna University, which is in  
11 Pennsylvania. I know that's Pennsylvania, not New  
12 York, but this is happening everywhere. I chose not  
13 to report any of them. The first rapist was not a  
14 student, but was at a student party that was off  
15 campus. He was a complete stranger and stole my  
16 virginity. When I went to the Health Center two days  
17 later, I told the doctors and nothing happened. I  
18 was offered Plan B and told to go to the Counseling  
19 Center, which I didn't do for a few months later.  
20 This rape is not part of the public statistics, even  
21 though I told them where it happened and what  
22 happened.

23 Another rape is in the public statistics.  
24 A girl who was not a student was raped in the parking  
25 lot on campus. She reported it to police, I did not,

2 but mine was still rape. I've had PTSD ever since.  
3 Come November, it will be five years of having  
4 intense PTSD. I also have major depression and  
5 anxiety.

6           It took me longer to process the other  
7 two rapes that happened to me that year. One I  
8 thought was bad sex, but the more I thought about it,  
9 I did try to get him to stop and he just kept hurting  
10 me in disgusting ways and it lasted for about three  
11 hours. That's rape. Another incident happened on a  
12 dance floor where a frat boy stuck his finger inside  
13 of me without my consent. I tried very hard to keep  
14 his touchy hands away from that area. I did not  
15 realize that was rape until years later. I just  
16 thought of it as a gross boy being gross 'cause boys  
17 will be boys and that's what fraternity boys do, but  
18 it's more than that. It's a violation of my body and  
19 it is rape.

20           The law has fancy terms for any type of  
21 rape that isn't the classic penis vagina rape, but  
22 it's all rape. Any type of rape is traumatic. It  
23 can all lead to PTSD. Any sex act without your  
24 enthusiastic Surber consent is more than just sexual  
25 misconduct, but it's actually rape. This is the

2 importance of yes means yes. No means no does not  
3 seem to be working. The buddy system does not work  
4 either. [chime] It has failed me twice.

5           When a male honor student at Pace  
6 University in Lower Manhattan, who I had just briefly  
7 met only two days prior, raped me on Valentine's Day  
8 2014, just a few months ago, I had consumed enough  
9 alcohol that could have killed me. I would rather  
10 have been rushed to the hospital for alcohol  
11 poisoning and had my stomach pumped than to be raped  
12 again. It was so traumatic, I wasn't even fully  
13 there while it was happening. I was flashing back to  
14 a previous rape for much of the time and I was in  
15 shock. My friend had to come to my dorm the next day  
16 to bring me food because I refused to leave my bed.  
17 When I went to the Health Center about a week later,  
18 I told my doctor what happened because I was scared  
19 that my rapist gave me an STI. It turned out to be a  
20 bad cold; however, the doctors at Pace University  
21 broke the law and forced me, a 22 year old woman,  
22 into an on campus investigation. They simply told me  
23 that they had to do it. I told the doctors and the  
24 head of Security countless times that I did not want  
25 an investigation of any kind. I was questioned in

1  
2 the exam room in the Health Center for two hours. I  
3 was even left alone in the small exam room with the  
4 head of Security in order to tell him every little  
5 detail of what happened, which was incredibly  
6 uncomfortable. I did not have a rape or crisis  
7 counselor and nobody was really explaining things to  
8 me. The only reason a doctor or a therapist is  
9 allowed to break the confidentiality HIPAA laws is  
10 when a murder or a suicide is about to happen, for  
11 the most part or if the victim is a minor and that  
12 was not the case.

13           The investigation from hell took five  
14 weeks. During the five week investigation, another  
15 student or two were assaulted or threatened off  
16 campus and there were flyers posted everywhere in the  
17 dorm rooms about this dangerous man; yet, there was  
18 no announcement or flyers posted for the rapist, who  
19 lived on the 23rd floor of my dorm building. He  
20 never had to leave. So nobody knew, except for my  
21 friend. I was forced to remain silent about it  
22 because of the no contact order, which I did not even  
23 ask for. It said that if the school caught me  
24 talking about my rapist, that they could take away my  
25 dorm.

2 The Title IX coordinator, Lisa Miles,  
3 never met with me in person. She never responded to  
4 a single one of my panicky emails. I was crying  
5 uncontrollably every day, handing homework in late  
6 and having panic attacks along with nightmares. I  
7 had to get an emotional support dog to help me  
8 survive the rest of the semester and the dog lived  
9 with me in the dorm.

10 If they forced me into the investigation  
11 in order to protect me, along with the other  
12 students, from harm, then they failed. They found my  
13 rapist not guilty and he is still a student at Pace.  
14 There is more than enough evidence to have punished  
15 him harshly, maybe even have him expelled. Pace  
16 University even had the nerve to attempt to give me  
17 the same minor punishment as my rapist, a lecture on  
18 drinking, drugs and consent. I managed to get out of  
19 it and shame the victim blamers.

20 This is why I never wanted to report any  
21 of my rapes ever. I knew that it would end like  
22 this. Rapists almost always walk free. All of the  
23 burdens remain with the victim. What Pace University  
24 did to me is just as illegal as what my rapist did to  
25 me. I literally feel like Pace University assaulted



2 and abused me. They took away my choices; they took  
3 away my rights; they tried to take away my voice, but  
4 I am now free. Since I left the school and I can  
5 talk about it freely, I am now free. I am now suing  
6 the school, both Lisa Miles and the Dean of Students,  
7 Mary Jo O'Grady, who continue to lie to their student  
8 body in interviews for the student newspaper, and  
9 they are putting off editing their policies despite  
10 my ORC and Department of Education investigations of  
11 their illegal actions and policies.

12 I am speaking today because I need this  
13 world to change. I need people to stop blaming the  
14 victim. My mother tells me that I should not tell  
15 people that I was raped four times because people  
16 will look at me as either a liar or somebody who is  
17 seriously messed up. I will not remain silent. I  
18 will never remain silent again. I have nothing to be  
19 ashamed of. The shame belongs with my rapists and to  
20 be honest, I don't think that a single one of my  
21 rapists understands that they are rapists. Rape and  
22 abuse are the crimes that are the least likely to be  
23 reported because rapists and abusers rarely spend a  
24 single day in jail and the victims are blamed instead

2 and studies show that fewer than three percent of all  
3 rape allegations are false.

4           Consent must be taught at a very young  
5 age starting in preschool or Kindergarten. All of my  
6 rapists have families. Three out of the four were  
7 fortunate enough to go to college; yet, they were not  
8 taught how to respect women. They were never taught  
9 how to not rape. The culture that we live in  
10 portrays college as one big drinking party with drugs  
11 and lots of loose sex. There are countless movies  
12 and songs that illustrate this. This expectation  
13 along with the overabundance of degrading and violent  
14 porn leads to sexual assault and rape.

15           I also have a rape and abuse blog called  
16 "Survivor Support" on Tumblr that has over 2,000  
17 followers from all over the world. I post news  
18 articles; give advice; help with specific questions;  
19 give coping techniques; talk people out of suicide  
20 and I use it as a diary. It helps other survivors to  
21 know that they are not alone and that we all share  
22 very similar thoughts and experiences. It's very  
23 comforting. I've had the blog for two and a half  
24 years now. It's the best thing in my life. I

2 literally cannot imagine my life without it and one  
3 day I hope to turn it into a real organization.

4 I would also like to point out that there  
5 are currently no rape and abuse support groups  
6 running in Manhattan. I have been contacting all of  
7 the hospitals and organizations and nothing is  
8 running. That is absolutely pathetic. Things need  
9 to change now. This culture is not changing fast  
10 enough and millions of people like me are suffering  
11 because of it. Thanks for listening. [applause]

12 CHAIRPERSON BARRON: We want to thank you  
13 on so many fronts. First, for being patient and  
14 waiting to present your testimony. Secondly, for  
15 having the courage to come and to share what your  
16 experience have been, to be that bold, and to share  
17 with us what people had alluded to with some of the  
18 far reaching effects of victims... of persons who have  
19 been subjected to rape.

20 LILLY MELARTIN: Mm-hm.

21 CHAIRPERSON BARRON: We do hope that  
22 perhaps some of the organizations that presented  
23 previously might be ones that you might want to look  
24 into and see if they might be able to give you some  
25 type of support going forward.

2 LILLY MELARTIN: Well, I want a support  
3 group. I already have a therapist. I want a group.  
4 I want to be able to talk to people in person, not  
5 just online, which is what I've been doing up until  
6 this point.

7 CHAIRPERSON BARRON: Well...

8 LILLY MELARTIN: [interposing] And...

9 CHAIRPERSON BARRON: [interposing]

10 Perhaps... perhaps the group that was the first panel I  
11 believe that came from City; I don't know if they  
12 restrict themselves to City College, right; if they  
13 restrict themselves to just the students there, but I  
14 would encourage you to see who might be there that  
15 would give you the support that you need. Thank you  
16 so much for testifying.

17 LILLY MELARTIN: Thank you.

18 CHAIRPERSON BARRON: Okay. Seeing no  
19 other persons who want to testify, do you have any  
20 closing remarks you want to make?

21 CHAIRPERSON GIBSON: [off mic] Sure.

22 CHAIRPERSON BARRON: Okay.

23 CHAIRPERSON GIBSON: [off mic] Very  
24 quickly. Well, I certainly want to thank my  
25 distinguished chair, Council Member Inez Barron, for

2 her leadership. This was a very important hearing.

3 I have sat here for the past five hours and listened

4 to so much compelling testimony on the issue that we

5 continue to face around sexual assault against

6 students on college campuses and the last testimony I

7 think was extremely significant because she is the

8 reason why we are here; why we have a duty to serve;

9 to do the work that we're doing to stop this cycle.

10 I want to recognize CUNY, who is still here, even at

11 this late hour, for their commitment because we don't

12 always get it right. But one thing I do know that we

13 will continue to be are upstanders and advocates for

14 change and that is something this City Council, this

15 Mayor and this administration understands and we're

16 going to continue to have hearings that shed light on

17 this issue and also make sure that there are critical

18 resources that are necessary to make sure that we end

19 this cycle and so I want to again thank Council

20 Member Inez Barron. She and I served as Assembly

21 Members in Albany when we were fighting for justice

22 in the State Capitol and here we are at City Hall and

23 again, I want to thank all of the staff for all of

24 their incredible work and thank you all for being

25 here today.

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CHAIRPERSON BARRON: I want to echo those  
comments and declare that this hearing is closed.  
Thank you.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date 11/07/2014