

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HIGHER EDUCATION

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February 4, 2015
Start: 10:15 a.m.
Recess: 12:47 p.m.

HELD AT: 250 Broadway - Committee Room
14th Floor

B E F O R E: INEZ D. BARRON
Chairperson

COUNCIL MEMBERS:

James Vacca
Fernando Cabrera
Jumaane D. Williams
Laurie A. Cumbo
Ydanis A. Rodriguez
Vanessa L. Gibson

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

Susan Herman
Deputy Commissioner
Collaborative Policing
New York Police Department (NYPD)

Michael Osgood
Deputy Chief
Special Victims Division
New York Police Department (NYPD)

Shahreen Laskar
Student Life Specialist
CUNY Central Office of Student Affairs

Kristin Gallagher
Member of Sex and Law Committee
New York City Bar Association

Julianne Verde
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Planned Parenthood of New York City

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Saswati Sarkar
Prevention Program Manager
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Emily May
Co-Founder and Executive Director
Hollaback

Stephanie Nilva, Esq.
Executive Director
Day One

Julia Crane, First Year Student
Barnard College of Columbia University
Member of No Red Tape

Zoe Ridolfi-Starr, Senior Student
Columbia University
Member of No Red Tape
Co-Director of National Carry That Weight Campaign

2 [sound check, pause, background comments]

3 CHAIRPERSON BARRON: We'll be starting
4 momentarily.

5 SERGEANT-A-ARMS: Quiet, please. Sit
6 down please.

7 [gavel]

8 CHAIRPERSON BARRON: Good morning. I'm
9 Council Member Inez Barron, Chair of the Committee on
10 Higher Education. I want to thank everyone for
11 joining us here for today's hearing on Proposed
12 Introduction No. 517-A by the Public Advocate, a
13 Local Law, which will amend the Administrative Code
14 of city of New York in relation to information and
15 city services to reduce college sexual assault. The
16 bill will require the Department of Health and Mental
17 Hygiene to provide students at every college campus
18 in the city with phone numbers for Rape Crisis
19 Centers and hospitals that have licensed sexual
20 assault forensic examiners. And an act to allow
21 students to report sexual assaults, and a map where
22 they have occurred. It would also require the
23 Department to establish a curriculum for colleges
24 that includes training in affirmative consent, and
25 adjudication of claims of on-campus sexual assault.

2 Lastly, the bill will require DOHMH to establish a
3 task force to identify ways to improve city services
4 and agency responses to college sexual assault. Such
5 a task force would include representatives of the
6 various colleges in the city, and from the Mayor's
7 Office of--the Mayor's Office to Combat Domestic
8 Violence, the Health and Hospitals Corporation, the
9 NYPD, and the Department of Education. Before we
10 hear from the Public Advocate, who will be arriving
11 shortly, about the--I want to say a few words about
12 the topic of sexual assault.

13 Sexual assault is a violent crime. It
14 deprives victims of their sense of safety and
15 security in their own persons in profound ways.
16 Whether a sexual assault occurs on an ivy covered
17 campus, or in a public housing development, whether
18 the victim is 18 or under or 50 or older, it is a
19 crime that should be reported to the police. And
20 whose perpetrators should be brought to justice. In
21 October, this committee held an oversight hearing
22 examining sexual assault in New York City's college
23 campuses. We heard extensive testimony from
24 administrators at public and private universities who
25 have been re-examining how they handle incidents at

2 their institutions under the climate of increasing
3 public scrutiny, student activism, and federal
4 investigations. We heard that many student victims
5 do not want with the criminal justice system, and
6 that, instead they seek justice on campus sometimes
7 asking that their attackers be suspended or expelled.
8 This poses significant challenges for administrators
9 trying to balance the right of every student to have
10 a safe live/work environment. And, the right of the
11 accused to due process before the imposition of
12 penalties that could permanently damage a person's
13 academic and professional careers.

14 As we considered legislative steps to
15 address the issue of campus sexual assault, I feel
16 it's very important that we also balance these
17 considerations. Because of these considerations, I
18 am concerned that this bill will require the
19 Department of Health and Mental Hygiene to provide
20 training about quote "affirmative consent" unquote.
21 Just as I am concerned about the Governor's proposal
22 to require all colleges and universities to New York
23 State to adopt quote "affirmative consent policies."
24 as I understand it, affirmative consent means that
25 every sexual act must be preceded by unambiguous

2 consent and that silence is not consent. Beyond the
3 fact they understand the mechanics of how the
4 affirmative consent works in the complex world of
5 human intimate relations. I'm concerned such a
6 policy places a burden on the accused to prove his
7 innocence, the opposite of what our criminal justice
8 system requires. I hope that proponents of the
9 legislation can explain how it will work in light of
10 the issues I've raised. I'll have more questions
11 about the legislation, but I will address these
12 directly to witnesses. For now, I want to
13 acknowledge the members of the Higher Education
14 Committee who are present--who are present. That's
15 Council Member James Vacca and Council Member Laurie
16 Cumbo. And I extend my thanks to my Legislative
17 Director CUNY Liaison Indigo Washington; the
18 Committee's Policy Analyst Tonya Cyrus, and the
19 Committee's Counsel Jeffrey Campagna. And I also
20 want to extend my thanks to the Public Advocate for
21 continuing to raise this important issue. And when
22 she comes, I'll give her the opportunity to speak.

23 But as many of you know, perhaps all of
24 you know, this is February and February is Black
25 History Month so called. Of course, everyday and

2 every month is an opportunity for us to celebrate our
3 heritage in this country and preceding our time here.
4 But how many of you have ever heard of a woman named
5 Oseola McCarty. Good. So I'm going to share some
6 information with you about Oseola McCarty, and how it
7 relates to higher education. Oseola McCarty was born
8 March 7th, 1908 and died September 26, 1999. She was
9 born in Hattiesburg, Mississippi, and she had a
10 menial job as a washerwoman. Remember in the 1900s
11 we didn't have the washing machines. We were moving
12 into the age of industrialization. But she was such
13 a perfectionist that the clients that she had gained
14 at the age of eight when she first began the trade
15 maintained their services with her because she was
16 such a perfectionist. And so much involved in what
17 she was doing. She had to drop out of school in the
18 sixth grade because she had to care for an ailing
19 aunt. So she was never able to return to school.
20 But she always wanted to have that education, and
21 valued that education. So she saved her money. A
22 very frugal woman. She, as I said, was a washerwoman
23 going back to 1908. And very frugal. She never
24 owned a car. She inherited a house so she--a small
25 house so she didn't have to pay a mortgage. But she

2 economized in all of her ways. And near the end of
3 her life she had amassed some money, and she decided
4 that she would consult a lawyer as to how to will the
5 money and entrust the money that she had. So he
6 arranged a series of dimes to represent 10% of the
7 money that she had represented--that she had gained.
8 And he asked her how did she want to divide it. So
9 she said I want to give ten--one dime to the church.
10 These three dimes I want to give to family members,
11 and the remaining six dimes I want to go to the
12 University of Mississippi to establish a scholarship
13 fund. And those six dimes were a part of an estate
14 that she had amassed totaling \$160,000. And I just
15 think that that's amazing that someone who did not
16 yet on her own have that education valued it and
17 saved a minimal amount of money from washing to amass
18 that money. So I invite you to look up her-- Google
19 her. Look her up and find out further about her, but
20 that's the story of Oseola McCarty.

21 And with that, we're going to call our
22 first panel. Okay, we're going to have Susan Herman,
23 who's a Deputy Commissioner from Collaborative
24 Policing from NYPD and Deputy Chief Michael Osgood,
25 NYPD's Special Victims Division.

2 COUNCIL MEMBER VACCA: I'd like to hear
3 more stories. That was very uplifting, Madam Chair.
4 [laughter] That was uplifting.

5 CHAIRPERSON BARRON: Be prepared. It
6 will come.

7 COUNCIL MEMBER VACCA: It started off--it
8 started off our day very positively.

9 CHAIRPERSON BARRON: Great. Thank you.

10 COUNCIL MEMBER VACCA: Okay.

11 COMMISSIONER HERMAN: [off mic] I'm not
12 sure I have given this to you. [sic]

13 CHAIRPERSON BARRON: That's--that's fine.
14 If you would all--if you would both raise your right
15 hand. Do you affirm to tell the truth, the whole
16 truth, and nothing but the truth in your testimony
17 before this committee, and to respond honestly to
18 Council Member questions?

19 DEPUTY COMMISSIONER HERMAN: I do.

20 CHAIRPERSON BARRON: Thank you. You may
21 begin. Please make sure your mic is on.

22 COMMISSIONER HERMAN: [off mic] Is this
23 on? Yes. [background comments] It's on start.

24 There we go. There we go. Good morning Chair Barron
25 and members of the Council. I am Susan Herman, the

2 NYPD's Deputy Commissioner of Collaborative Policing.
3 The mission of Collaborative Policing is to
4 strengthen our partnerships on public safety
5 initiatives with city agencies, non-profits, and
6 community-based organizations. Within this framework
7 we have a particular focus on improving the NYPD's
8 response to victims of crime. Having taught full
9 time at both the graduate and under graduate level,
10 and served for several years as the Executive
11 Director the National Center for Victims of Crime in
12 Washington, D.C., the topic of sexual assault on
13 college campuses is one I am particularly familiar
14 with and eager to address.

15 I'm joined today by Deputy Chief Michael
16 Osgood Commanding Officer of the Special Victims
17 Division, as well as representatives in this section
18 of the Department of Health and Mental Hygiene, the
19 Mayor's Office to Combat Domestic Violence, the
20 Mayor's Office of Criminal Justice and the Health and
21 Hospitals Corporation. Good morning, Public Advocate
22 James.

23 PUBLIC ADVOCATE JAMES: [off mic] Good
24 morning.

2 DEPUTY COMMISSIONER HERMAN: Good

3 morning. On behalf of Police Commissioner William
4 Bratton, I am pleased to be here today to discuss
5 Intro 517-A, a bill, which seeks to reduce college
6 sexual assault. The bill requires the delivery of
7 information to college students in New York City, and
8 the creation of an interagency task force to improve
9 city services, and agency response to sexual assaults
10 on college campuses. According to the Department of
11 Justice, women between 18 and 24 years old are more
12 likely to be raped than anyone else in this country.
13 The CDC has found that 43% of women will experience
14 some form of sexual violence during their lifetime.
15 Men are also victims of sexual assault.

16 Approximately 1.7% of men will be raped in their
17 lifetime with almost one in four experiencing some
18 kind of sexual violence.

19 Nearly 20% of female college students
20 have reported that they have been the victim of
21 sexual assault. Which includes rape, attempted rape,
22 threatened rape, and other sexual assaults. The
23 majority of these crimes were committed by a person
24 the student knows. Eighty percent of these women
25 never contacted law enforcement. These are national

2 statistics. The low reporting among college students
3 is a problem in New York City as well. The NYPD
4 Special Victims Division received only 12 reports of
5 sexual assaults that occurred on college campuses in
6 2013, four of which were rapes or completed rape.
7 That includes everything from forcible touching to
8 first-degree rape. In 2014, there were 20 incidents
9 reported, five of which were rape or attempted rapes.
10 Now, some try to explain this, as you mentioned
11 earlier, by saying that students don't report to the
12 police because they fear or don't like law
13 enforcement. In fact, the failure to report to the
14 police typically has nothing to do with the police.
15 Based on national research, only 9% of students cite
16 the reason for not reporting as quote "the police
17 would not or could not do anything to help" closed
18 quote.

19 The more revealing statistics indicate
20 over 25% of students don't report because they think
21 these incidents are quote "personal matter". Twenty
22 percent of students fear reprisal; 12% did not feel
23 the incident was important enough to report; 10%
24 don't want the offender to get in trouble with the
25 law; and 4% have reported to an alternate official.

2 Thirty-one percent cite some other reason altogether,
3 you know, miscellaneous other reasons. So while
4 there are many reasons students don't report to law
5 enforcement, it is also particularly disturbing that
6 according to these national data fewer than one in
7 five female victims of sexual assault are receiving
8 assistance from a victims services agency where there
9 are counselors specially trained to provide
10 supportive counseling and advocacy.

11 College students who are victims of
12 sexual assault, a very serious crime, should be
13 encouraged to call the police directly. In fact, the
14 majority of reports that come to us from college
15 campuses do come directly from college students.
16 But, we want to help remove any roadblocks that might
17 discourage victims from coming forward. And help to
18 create an environment where victims of sexual
19 violence feel encouraged and supported to report.
20 Students attending colleges and universities in New
21 York City taking their first steps towards
22 independence need to feel safe.

23 Recently, the NYPD has engaged in
24 outreach efforts encouraging local college students
25 who are victims of sexual assault to report directly

2 to the Special Victims Division's 24-hour hotline.
3 We plan to continue these efforts. We hope that
4 knowing they will be talking to a specially trained
5 investigator will encourage more students to report.
6 As you may know, the Governor recently signed into
7 law amendments to the New York State Education Law,
8 which now requires colleges to notify law enforcement
9 no later than 24 hours after the institution receives
10 a report of a violent felony or missing student. For
11 a few categories of crime, including sexual assault,
12 this requirement is made contingent upon the wishes
13 of the victim. We have already begun meeting with
14 colleges and universities as we redraft campus safety
15 MOUs to comport with the new guidelines.

16 Turning to Intro 517-A the Administration
17 supports the very laudable goals put forward by the
18 Public Advocate and the Council to provide support
19 and resources to affect its students, encourage the
20 reporting of allegations, and maintain and
21 disseminate information to the student population.
22 As currently drafted, however, there are some general
23 concerns that we ask the Council to consider. First,
24 the bill currently places primary responsibility for
25 creating an interagency task force on the Department

2 of Health and Mental Hygiene. We suggest that rather
3 than placing this responsibility on DOHMH by statute,
4 the interagency task force be constituted with the
5 lead agency being designated by the Mayor.

6 Considering the mission of my office and after
7 consultation with our colleagues and other city
8 agencies, the Police Department would be pleased to
9 accept that role.

10 Second, in order for the proposed
11 interagency task force to function efficiently, and
12 to provide guidance and clarity for its mission, we
13 suggest that Subdivisions A through C of the new
14 Administrative Code Section in the bill be combined,
15 with the task force as a whole responsible for
16 delivering information on resources and services to
17 the student population, along with its other
18 functions. The lead agency would be in a position to
19 facilitate the delivery of such information and
20 ensure that it is current.

21 Third, we strongly recommend against
22 including the development of an online tool or mobile
23 app to report incidents of sexual assault or to map
24 their locations. We think the more appropriate
25 avenue would be for the task force to undertake a

2 review of existing means of delivering information to
3 students. And identify if technology already exists
4 to facilitate the distribution of information on
5 sexual assault.

6 But perhaps most important if individuals
7 want to report a sexual assault and it is an
8 emergency, they should call 9-1-1. If they are no
9 longer in immediate danger, they should contact the
10 Special Victims Division directly. We commend the
11 City Council for highlighting this important issue.
12 We look forward to maintaining an open and ongoing
13 dialogue on the legislation, and we are ready to
14 answer any questions that you may have. Thank you.

15 CHAIRPERSON BARRON: [off mic] Thank
16 you. [on mic] Thank you. Before we have testimony
17 from our next panelists, I do want to have at this
18 time Public Advocate Letitia James make her
19 statement. Thank you.

20 PUBLIC ADVOCATE JAMES: First, let me
21 extend a warm thank you to the Chair of this
22 committee Council Member Inez Barron for today--for
23 holding today's hearing on Intros 517, a bill that my
24 office and her office have been working on for quite
25 some time. Chair Barron, I greatly appreciate you

2 agreeing to hold this hearing and thank you, your
3 staff, and the committee staff for being so helpful
4 while we've been working together on this issue. And
5 I also thank you the Administration for testifying
6 today. Nine months ago, my staff and I began
7 examining the issue of college sexual assault to
8 determine if there was a role for the City to play in
9 improving outreach, education, and prevention. After
10 many meetings with students, advocates, heads of
11 agencies, and local colleges both public and private,
12 it is my firm belief that the City of New York can
13 and should play a vital role in making meaningful
14 improvements to address this problem. Many of us
15 have heard the very chilling statistic that one in
16 five women is sexually assaulted. And reports
17 indicate that this number is even higher for college
18 women. And though this statistic is awful enough,
19 the stories and anecdotes that I've heard make this
20 point far more emphatically. When students report
21 that education about sexual assault simply does not
22 exist on campus, or that people choose to adjudicate
23 sexual assault or are woefully unqualified to
24 adjudicate justice. Or, that 84% of those who commit
25 rape do not even view their actions as constituting

2 rape. I need to say that again. Or, that 84% of
3 those who commit rape do not even view their actions
4 as constituting rape, we know that we've got a
5 problem, and we know that we can do more.

6 The bill we are hearing today is one
7 component of a three-part legislative policy and
8 budgetary proposal put forward by the office. The
9 goal of this initiative is to help provide the tools
10 for schools, and student to better address sexual
11 assault and intimate partner violence. The first
12 component of the proposal is securing a commitment
13 from all schools in the city to agree to a specific
14 baseline of information services and policy at their
15 schools. Including a department with a Rape Crisis
16 Center to provide services to students. To mandate
17 comprehensive and regularly occurring outreach and
18 education. Not only for students, but for
19 administrators, faculty, and college safety officers.
20 And to ensure that college sexual assault
21 adjudicative processes are conducted by trained,
22 impartial individuals. And that no retaliatory
23 action be taken against a student for making a claim.
24 And that no decision could be overturned without due
25 process. The bottom line is schools must agree to

2 putting in place stronger reforms to protect and
3 educate students.

4 This bill, the second component of my
5 proposal aims to provide city resources to ensure
6 that students at any college in the city regardless
7 of its resources or commitment to addressing these
8 issues will be able to access appropriate
9 information. And that any school regardless of its
10 resources will be capable of implementing meaningful
11 education and training programs for students,
12 administrators, faculty, and campus safety.

13 The third and final component of the
14 proposal is a budgetary ask to the City Council to
15 increase funding for the Rape Crisis Centers. The
16 ask is not only tot the City Council by also to the
17 Administration to increase funding for the Rape
18 Crisis Centers throughout the city. The Rape Crisis
19 Centers we are asking to play a vital role in the
20 process. And that money will be directed to help
21 establish so-called safe centers of excellence in
22 areas that lack adequate resources. These items are
23 a reflection of the immense input and assistance that
24 I've received from many inspiring advocates who work
25 on this issue, many of whom are here today who don't

2 consider themselves victims, but survivors. And
3 while this bill is just one facet of my office's
4 proposal, it's a vital one because it demonstrates
5 that we as a city take this issue seriously. And are
6 willing to use their own resources to help colleges
7 and their students to ask to address this problem.

8 I'm looking forward to hearing feedback
9 from representatives of the Administration, colleges
10 and university and advocates. And most importantly
11 students as we all hope to have a constructive
12 conversation on ways that we can improve the bill and
13 ultimately pass it into law. With that, I again
14 thank the Administration. I thank Chair Barron. I
15 thank all of the members, my colleagues in government
16 who are here today. All of the advocates and all of
17 the students who are here who have helped me and my
18 staff so dutifully, and also to strengthen this piece
19 of legislation. And I now turn the floor back to
20 Chair Barron. Thank you.

21 CHAIRPERSON BARRON: Thank you, Madam
22 Public Advocate. And we'll now continue with
23 testimony from the rest of the panel.

24 DEPUTY COMMISSIONER HERMAN: [off mic]
25 We're actually done with our testimony.

2 CHAIRPERSON BARRON: Okay, so you're
3 done.

4 DEPUTY COMMISSIONER HERMAN: [off mic] Do
5 you have any questions?

6 CHAIRPERSON BARRON: Oh, yes, we do have
7 questions. Thank you for your testimony, and in
8 October when we had our hearing, we asked the NYPD if
9 they had determined whether or not they had MOUs from
10 all of the city colleges, all of the New York City
11 colleges. And they weren't able to confirm that they
12 did have MOUs with all of the colleges. So have you
13 made that determination yet. And if so, how many
14 colleges have an MOU with the Police Department.

15 DEPUTY COMMISSIONER HERMAN: It's
16 important to note that even the colleges that have
17 MOUs with us now have to have new MOUs with us. So
18 we're starting from zero at this point because given
19 the new legislation, the State legislation, the MOU
20 needs to reflect that new legislation and talk about
21 reporting with a 24-hour period. So I would say we
22 have MOUs from some, a decent percentage, but we're
23 starting from zero.

24

25

2 CHAIRPERSON BARRON: Is there a time
3 line? Is there a deadline by which they're supposed
4 to submit them to you?

5 DEPUTY COMMISSIONER HERMAN: I don't
6 believe so. I think the legislation just says they
7 need to have an MOU with us, but we have, we--

8 CHAIRPERSON BARRON: [interposing] It
9 might be April of this year.

10 DEPUTY COMMISSIONER HERMAN: Do you
11 think? We'll check that.

12 CHAIRPERSON BARRON: Okay, so you've
13 received some?

14 DEPUTY COMMISSIONER HERMAN: No, at this
15 point--

16 CHAIRPERSON BARRON: [interposing] You
17 haven't received any?

18 DEPUTY COMMISSIONER HERMAN: We have--we
19 have-- Because we haven't sent them our template
20 yet. We have come up with a new template. We want to
21 have one for all 145 colleges. We've had some
22 initial meetings with both some private and public
23 institutions to get feedback on the template that we
24 are proposing on our draft. And within the next

2 couple of weeks we'll be sending out the new MOU and
3 asking all colleges to sign on.

4 CHAIRPERSON BARRON: So you're involving
5 the colleges now in the design of the template and
6 the--

7 DEPUTY COMMISSIONER HERMAN:
8 [interposing] Yes.

9 CHAIRPERSON BARRON: Okay, thank you.
10 Okay, good. Madam Public Advocate, do you--

11
12 PUBLIC ADVOCATE JAMES: [interposing]
13 Sure.

14 CHAIRPERSON BARRON: --have questions?

15 PUBLIC ADVOCATE JAMES: Yes. Deputy
16 Commissioner Herman, in your--your last part of your
17 testimony you indicated that--you suggested that
18 rather than placing the responsibility for creating
19 an interagency on the Department of Health and Mental
20 Hygiene that you thought it would be better suited
21 for NYPD. And my question to you is given the low
22 reporting rates, why do you think that the NYPD would
23 be a better agency as opposed to DOHMH? Given the
24 fact that most survivors are reluctant to report

2 incidents of rape and violence to the Police
3 Department?

4 DEPUTY COMMISSIONER HERMAN: Well, we're
5 talking about a particular population. We're talking
6 about college students, not the general population.
7 And first, if you look at the general population,
8 only 9% of the people who don't report to--report to
9 the police say the reason was because they thought
10 the police wouldn't do anything or couldn't do
11 anything. All the other reasons, the vast majority
12 of the reasons have nothing to do with the police.
13 They have to do with minimizing the crime thinking
14 it's not important enough. It's a personal matter.
15 They don't want someone else to get in trouble. So,
16 it has nothing to do with the police. The second
17 thing that's important to note is if you're looking
18 at this special population of college students, and
19 the reports that we have been getting of the last two
20 years from college campuses, in 2013, 80% of the
21 reports that we did get that very low number, came
22 from students directly. They didn't come from the
23 colleges. It's students reaching out directly to the
24 Police Department. In 2014, over 90% came directly
25 from students. They're either calling 911, they're

2 calling Special Victims. They're walking into a
3 precinct. So they are talking to the police. We're
4 just not getting a lot of reports generally, but
5 they're not seeing victim advocates. They're not
6 seeing the police. They're not seeing anybody. So
7 our campaign to the students that we are launching
8 and really spending a lot of time thinking about and
9 developing, is how to get students to understand that
10 unless it is an emergency when they need to call 9-1-
11 1. They can call Special Victims directly and get
12 someone who is specially trained to handle sexual
13 violence issues. And that I think will give many
14 students some comfort. I also think that many
15 students believe that by reporting to a college
16 official it's going to get to the police ultimately.
17 And they don't realize that it may never get to the
18 police unless they get it to the police. Now that we
19 have this new legislation, more reports are likely to
20 come to the police.

21 PUBLIC ADVOCATE JAMES: So the research
22 that you cited was nationally. Is there any local or
23 citywide information or research that you have done?

24 DEPUTY COMMISSIONER HERMAN: That we have
25 done to find out why students--

2 PUBLIC ADVOCATE JAMES: [interposing]

3 Correct.

4 DEPUTY COMMISSIONER HERMAN: --don't
5 report generally?

6 PUBLIC ADVOCATE JAMES: Yeah, the reason
7 why I ask is I've spoken to a number of students, and
8 they are somewhat reluctant reporting it to NYPD.
9 That's based on my anecdotal information, and the
10 conversations that I had--have had with students in a
11 number of colleges in the City of New York. And so,
12 my--and so, based upon your testimony you indicated
13 that the 9% number is based on national--

14 DEPUTY COMMISSIONER HERMAN:
15 [interposing] That's our national statistics. That's
16 right. We don't have a local national crime
17 victimization survey. So, we don't--we only have
18 anecdotal information. We've talked to students who
19 say that they don't want to report to their
20 university because they fear retaliation from their
21 university. Um, we've also talked to students who
22 are misunderstanding what police consider a crime.
23 As you said, many people who commit the offense of
24 sexual assault don't know that what they did was
25 rape. The same is true for victims who don't

2 necessarily know that what happened to them was
3 criminal. So they're not certain whether the police
4 would take it seriously, or whether they should
5 report it at all. So there are many reasons why
6 people don't report either to the police or to
7 anybody.

8 PUBLIC ADVOCATE JAMES: And would you
9 have-- Do you know whether or not the Administration
10 and/or Police Commissioner Bratton--Bratton would
11 have any objections to working with advocates and
12 students in crafting a curriculum designed for
13 schools to use for students and staff training?

14 DEPUTY COMMISSIONER HERMAN: We would
15 encourage that.

16 PUBLIC ADVOCATE JAMES: Okay.

17 DEPUTY COMMISSIONER HERMAN: That's part
18 of the mission of my office in particular is to forge
19 collaboration with non-profits and advocates. And I
20 think you've got some advocates in the room who would
21 testify that that's what we do.

22 PUBLIC ADVOCATE JAMES: And how
23 specifically has NYPD worked with schools to improve
24 the city's criminal justice response to this issue?
25 Tell me a little bit more about that.

2 DEPUTY COMMISSIONER HERMAN: How have we
3 worked with schools to improve the criminal justice
4 response?

5 PUBLIC ADVOCATE JAMES: Response. Right.

6 DEPUTY COMMISSIONER HERMAN: This MOU now
7 that we-- This new MOU now that we have the state
8 legislation requires contingent upon a victim's
9 wishes in sexual assault cases that they report
10 violent felonies and missing students within 24
11 hours. Just that we believe is going to--could
12 change the dynamic between schools that report
13 infrequently and schools that report more.

14 PUBLIC ADVOCATE JAMES: So, but the MOU
15 and maybe--

16 DEPUTY COMMISSIONER HERMAN:
17 [interposing] Encourages just prompt reporting.

18 PUBLIC ADVOCATE JAMES: Right, it just
19 encourages prompt reporting. My question is beyond
20 just the prompt reporting, which basically is an
21 understanding to the police that they are no longer
22 required. It's all contingent upon the student.
23 What is the Department doing specifically with
24 respect to addressing this issue? Are there ongoing
25 conversations?

2 DEPUTY COMMISSIONER HERMAN: Well, we've
3 been meeting with colleges about the importance of
4 not-- The MOU not only talks about prompt reporting,
5 it talks about cooperating with an investigation.
6 And that's what we've been talking about as we meet
7 with colleges and universities.

8 PUBLIC ADVOCATE JAMES: And is there--
9 You indicated I believe in your testimony that--that
10 there's a preventative effort. That you're trying to
11 educate the students in particular or just talk about
12 this issue on campus. Is there an ongoing--

13 DEPUTY COMMISSIONER HERMAN:
14 [interposing] Special Victims Division for years has
15 gone to college campuses and talked about how to be
16 safe generally giving safety tips about, you know,
17 about not leaving night life or places where you're
18 drinking alone, going in a group. In fact, we
19 developed a pamphlet with the New York Alliance
20 Against Sexual Assault and several other non-profits
21 that talk about not only how to report what services
22 are available, but ways to be as safe as possible.

23 PUBLIC ADVOCATE JAMES: Is it part of
24 orientation? Is it ongoing?

2 DEPUTY COMMISSIONER HERMAN: That's up to
3 colleges how they incorporate it. That's not
4 something we can mandate.

5 PUBLIC ADVOCATE JAMES: And have there
6 been suggestions with some of the colleges in the
7 City of New York on further educational, you know,
8 proposals such as doing it during orientation. Doing
9 it monthly--

10 DEPUTY COMMISSIONER HERMAN:
11 [interposing] I think--I think we--

12 PUBLIC ADVOCATE JAMES: --semi-annually.

13 DEPUTY COMMISSIONER HERMAN: --as we
14 confer with colleges, we talk about that, but that's
15 really in their purview. And coming from a college
16 campus myself I know that it varies campus to campus
17 whether they put it in freshman orientation. Whether
18 they talk about it later on in the semester, it's--
19 you know we can encourage, but it's their purview.

20 PUBLIC ADVOCATE JAMES: And the
21 suggestion in regards to again providing additional
22 resources to the Rape Crisis Centers, and making sure
23 that resources are available to the students. Does
24 the Administration or does the NYPD have a position
25 in regards to that proposal?

2 DEPUTY COMMISSIONER HERMAN: We haven't
3 taken an official position on that. I--you know, I
4 do think that students should have access to
5 services. We haven't taken a particular position on
6 that aspect of this bill.

7 PUBLIC ADVOCATE JAMES: And I believe the
8 Administration and the City Council is going to
9 continue to have discussions and negotiation over
10 this bill? Over the bill--

11 DEPUTY COMMISSIONER HERMAN:
12 [interposing] Yes.

13 PUBLIC ADVOCATE JAMES: --are we going to
14 continue to have discussions?

15 DEPUTY COMMISSIONER HERMAN: Oh, yes, of
16 course. Yes.

17 PUBLIC ADVOCATE JAMES: Okay, okay.
18 Thank you.

19 DEPUTY COMMISSIONER HERMAN: Sure.

20 CHAIRPERSON BARRON: I have some further
21 questions. In your comments your suggestion is that
22 the proposed interagency task force should address A
23 and C in a combined effort. And that the lead agency
24 would be in a position to facilitate the delivery of
25 such information, and ensure that it's current. Is

2 that following the suggestion or the offer that the
3 NYPD be that lead agency?

4 DEPUTY COMMISSIONER HERMAN: Yes.

5 CHAIRPERSON BARRON: Okay.

6 DEPUTY COMMISSIONER HERMAN: In other
7 words, we'd be happy to develop material in
8 coordination and collaboration with other city
9 agencies and non-profits. And keep maintaining it in
10 the most current form.

11 CHAIRPERSON BARRON: Okay. And in terms
12 of your third suggestion, you say that, If
13 individuals want to report a sexual assault, and it
14 is an emergency they should call 9-1-1. If they are
15 no longer in immediate danger, they should contact
16 the Special Victims Division directly. Why do we
17 need to have that intermediary step or another step
18 that people are not as familiar with perhaps? Why
19 can't they just call 9-1-1 directly and be--they'll
20 refer it to?

21 DEPUTY COMMISSIONER HERMAN: They can
22 always call 9-1-1--

23 CHAIRPERSON BARRON: [interposing] Okay.

24 DEPUTY COMMISSIONER HERMAN: --directly.
25 What's happening and has happened traditionally on

2 college campuses is that there is naturally a
3 relationship that develops between a university and
4 their local precinct. And for these kinds of calls,
5 if it's an emergency it should go to 9-1-1. If it's
6 not an emergency, I think students particularly in
7 this day and age where students are very familiar
8 with the term Special Victims Division would take
9 some comfort knowing that they could call them
10 directly if they want to. But if they walk into a
11 precinct, if they call 9-1-1, however, they contact
12 us, they'll get to the right resource.

13 CHAIRPERSON BARRON: And in terms of the
14 phrase "affirmative consent"--

15 DEPUTY COMMISSIONER HERMAN: Uh-huh.

16 CHAIRPERSON BARRON: --I believe the
17 Governor has said consent is clear knowing and
18 voluntary. Consent is active, not passive. How can
19 we--how can we assert that affirmative consent was
20 given? Is it at some point yes, and at some point
21 no. And how are we going to-- It's to me a very
22 complex issue.

23 DEPUTY COMMISSIONER HERMAN: It is a very
24 complex issue, which is really why we think it
25 belongs in the hands of police to investigate. It's

2 a very complicated crime. That standard has really
3 nothing-- That--that belief that there should be
4 affirmative consent at every stage does not really
5 track criminal law. So if a college wants to create
6 a climate and a culture where that's how students
7 behave with either other, that's something that the
8 governor is suggesting. And that's something for
9 colleges to think about and work on, but that's not
10 really something that comes into play when you're
11 talking about a criminal complaint. It's not--I mean
12 it's not the criminal standard. It's a--

13 CHAIRPERSON BARRON: [interposing] What
14 is the criminal standard? Do you want to talk about
15 that.

16 DEPUTY CHIEF OSGOOD: In the State of Ne
17 York-- I'm Deputy Chief Mike Osgood, Special
18 Victims. In the State of New York to commit a sex
19 crime you need two components in general. You need a
20 sexual contact and you need lack of consent. So lack
21 of consent occurs several ways. It can occur by
22 force where the offender uses force directly or he
23 uses it indirectly to commit the sexual act. It can
24 be done--it can be done by coercion, very forceful
25 coercion. It can be done too, if the--if the victim

2 is unconscious. That's self-evident. It can be
3 done, too, if the victim is in a state of stupor
4 where the victim is incapable of communicating
5 unwillingness. So, that's the--that's in essence the
6 legal standard in the State of New York. It has two
7 components: sexual contact and it must also be a
8 lack of consent. And the key part to that it's
9 complex. It's complex investigating these cases.
10 I've done 40,000 of them now in the last five years.
11 They're complex. Legal human sexuality is complex.
12 Illegal human sexuality is even more complex.
13 They're very difficult cases to resolve.

14 DEPUTY COMMISSIONER HERMAN: We could
15 just say the framework is slightly different when
16 you're analyzing it for whether a crime has occurred.
17 Whether the law has been violated. So this notion of
18 consent at every stage is a campus cultural
19 intention. It's a way of getting students to behave
20 a certain way with each other. It's a different
21 standard when you shift over to criminal justice.

22 CHAIRPERSON BARRON: So the standards
23 might be different?

24 DEPUTY COMMISSIONER HERMAN: Yeah, yes.

2 CHAIRPERSON BARRON: So a person accused
3 of a crime can be found not guilty or--in one
4 instance but not in another?

5 DEPUTY COMMISSIONER HERMAN: Well, it
6 also depends on whether campuses are going to
7 incorporate the affirmative ascent protocols into
8 their disciplinary procedures, or just have them be
9 sort of climate and cultural affirmations by students
10 that we pledge that we will behave a certain way. I
11 don't know that all campuses are going to have that
12 be their disciplinary process.

13 CHAIRPERSON BARRON: So what might be an
14 offense on one campus might not be an offense on
15 another campus?

16 DEPUTY COMMISSIONER HERMAN: Uh-huh,
17 internally. You're talking internally.

18 CHAIRPERSON BARRON: Right.

19 DEPUTY COMMISSIONER HERMAN: That's right
20 where it's the same--

21 CHAIRPERSON BARRON: [interposing] Yes.

22 DEPUTY COMMISSIONER HERMAN: --offense
23 whether it's on one campus or another campus would be
24 treated the same way by the police.

2 CHAIRPERSON BARRON: Okay. Do any of my
3 colleagues have any further questions?

4 COUNCIL MEMBER CUMBO: Yes, yes.

5 CHAIRPERSON BARRON: Okay, Council Member
6 Cumbo.

7 COUNCIL MEMBER CUMBO: Thank you, Madam
8 Chair, and I want to also thank your Public Advocate
9 Letitia James. This is very historical in nature,
10 and I'm very proud to be a part of it. And also I'm
11 very happy to see so many of the students that have
12 participated in the process of getting us here. And
13 they've demonstrated incredible courage, tenacity,
14 bravery, and openness to assist so many other
15 generations of young people coming behind them. My
16 question and, of course, no one piece of legislation
17 can establish or cure all things. But I wanted to
18 ask, one of the thing that came up in the hearings
19 that was very interesting to me was that in number
20 four when it talks about an analysis of the
21 legislation, it says, A web or mobile-based
22 application that enables students to report sexual
23 assaults to appropriate authorities. One of the
24 things that came out during the hearing was that many
25 students actually feared who those appropriate

2 authorities were. And that often in some ways that
3 they could also be partaking in incidences or issues
4 of sexual assault. So when it comes to potentially
5 professors and/or security, and all of these other
6 individuals that are hired in the capacity for safety
7 as it pertains to preventing sexual assault. But if
8 those same individuals are either creating an
9 environment or hiding or facilitating this type of
10 behavior, what can students do in terms of knowing
11 that there's another authority or way that they can
12 address this?

13 DEPUTY COMMISSIONER HERMAN: Well, we--
14 the NYPD and the City of New York, all of the
15 agencies who are here today we believe the
16 appropriate authority to report to is the NYPD.

17 COUNCIL MEMBER CUMBO: And you would then
18 encourage students not to report--

19 DEPUTY COMMISSIONER HERMAN:
20 [interposing] No, I wouldn't encourage them not to
21 report internally, but the appropriate authority is
22 the NYPD, and then you have a choice about-- You
23 have a choice about whether you want to report to the
24 NYPD. You have a choice about whether you want to
25 report to you R.A. or your dean of students or you

2 dean of counseling. It's all your choice. But if
3 you come to the NYPD, you have experienced
4 investigators who have been trained in how to
5 investigate what Chief Osgood referred as probably
6 the most complex crime to investigate that there is.
7 So you're going to get that, and you're going to get
8 a criminal justice system that is less interested in
9 the public image of the school, or the dynamics of
10 confidentiality or not on campus. All of that. It's
11 a professional investigation that will be conducted
12 by trained investigators.

13 COUNCIL MEMBER CUMBO: Will it be -- In
14 terms of the analysis of legislation, will it be that
15 you are actually going to provide students with what
16 you would recommend to be the best way to go about
17 doing this? So like you said, you could report
18 internally. You could go to the NYPD, but will you
19 be advising them that professionally and in the case
20 of an investigation that the best point of contact
21 for you would be the NYPD. Or, would you give
22 students the opportunity to say you could go this
23 way, or you could that way?

24 DEPUTY COMMISSIONER HERMAN: Students
25 have options, and those options are going to

2 continue. We will tell them the benefits of calling
3 the police, but they have the option not to tell
4 anybody. They have the option to go one direction or
5 the other.

6 COUNCIL MEMBER CUMBO: Uh-huh.

7 DEPUTY COMMISSIONER HERMAN: But we will
8 tell them the benefits of calling the Police
9 Department.

10 COUNCIL MEMBER CUMBO: Okay. I guess my
11 concern with it is I just would want in terms of the
12 purposes of an investigation for students to make all
13 of the right choices, and to know what those right
14 choices are early on. So that their investigation
15 moving forward is not compromised or further
16 complicated.

17 DEPUTY COMMISSIONER HERMAN: That is--
18 that is our desire as well. I think that where it
19 gets complicate--and I think you'll hear this from
20 other advocates--you want students to make choices.
21 You want any victim of crime to make choices all
22 along the way. Particularly with sexual assault
23 where victims feel very disempowered, and need to
24 have choices going forward. They do need
25 information, though. They need to know that if

2 they're going to have a rape kit done, they need to
3 do that within 96 hours. And that it's better if
4 they don't take a shower. But even if they have
5 taken a shower, they should go within 96 hours. And
6 that decision to get a rape kit conducted does mean
7 that they have to go forward with a prosecution.
8 They can still say that's it. I just wanted to
9 preserve my options. So it's information like that
10 along with what happens if you call the police. What
11 is likely to happen going forward that we want to
12 make sure students have.

13 COUNCIL MEMBER CUMBO: Uh-huh, and all
14 that will be outlined?

15 DEPUTY COMMISSIONER HERMAN: Yes.

16 COUNCIL MEMBER CUMBO: Okay.

17 DEPUTY COMMISSIONER HERMAN: As well as
18 the resources and services that are available to
19 students. I think college campuses often are sort of
20 little bubbles where students tend to think that the
21 only resources that are available to them are within
22 the walls of the college campus. And they need to
23 know affirmatively that there are Rape Crisis
24 Centers, and that there are rape counselors and
25 victim advocates that they can reach and access. And

2 we will be giving them that information as we have
3 been.

4 COUNCIL MEMBER CUMBO: And here it also
5 talks about the Department of Health and Mental
6 Hygiene and the Mayor's Office to Combat Domestic
7 Violence will work to establish an education program
8 for sexual assault prevention and response. That
9 includes affirmative consent education. Wanted to
10 know is that specifically to the students or will
11 something different happen as it pertains to staff,
12 as it pertains to security personnel, as it pertains
13 to the Administration? Will they also be a part of
14 that as well?

15 DEPUTY COMMISSIONER HERMAN: Be a part of
16 the creation or the--?

17 COUNCIL MEMBER CUMBO: Education in terms
18 of--

19 DEPUTY COMMISSIONER HERMAN:
20 [interposing] Training?

21 COUNCIL MEMBER CUMBO: That sort of
22 thing.

23 DEPUTY COMMISSIONER HERMAN: My hope
24 would be that--that all of those parties would have
25 access to training and information. And I think

2 you've seen that our recommendation is that it's
3 affirmative consent among others. That this is a
4 strategy that they can choose to accept or not
5 accept. There are plenty of things they can do. The
6 Governor is certainly advocating that colleges use
7 that. But we're talking about how to prevent sexual
8 assault, and how to respond appropriately--

9 COUNCIL MEMBER CUMBO: [interposing]
10 Right.

11 DEPUTY COMMISSIONER HERMAN: --to sexual
12 assault, both parts. And as I said earlier when
13 Public Advocate James asked, we would hope to work
14 with non-profits in creating these materials. And
15 making sure that they are as up-to-date and as user
16 friendly as possible.

17 COUNCIL MEMBER CUMBO: But the Public
18 Advocate also brought up an interesting point, which
19 I think is so important in terms of I remember the
20 first week of college is always the slipperiest slope
21 probably than the entire time.

22 DEPUTY COMMISSIONER HERMAN:
23 [interposing] Actually, I think it's the first six
24 weeks.

2 COUNCIL MEMBER CUMBO: It's the first six
3 weeks, right?

4 DEPUTY COMMISSIONER HERMAN: It's the
5 first six weeks. If you can get through that, the
6 risk goes down considerably.

7 COUNCIL MEMBER CUMBO: That's right and
8 so she brought up the point in terms of what these
9 types of discussions and education go in at
10 orientation or would the schools utilize it as maybe
11 mid-semester, or throughout the year or periodically.
12 Whereas, if we know that first week or those first
13 six weeks are probably the most challenging, what if--
14 - Or, what is there anything that we can do to have
15 that education take place in the very beginning?

16 DEPUTY COMMISSIONER HERMAN: We can
17 encourage that, and that's what we'll be doing. You
18 know, we will encourage that there's education during
19 orientation. That there's education prior to
20 orientation. My only point was that it's up to them
21 when they do it, but we can certainly encourage that
22 and we will.

23 COUNCIL MEMBER CUMBO: Has there also--
24 and this is my final question--has there also been
25 discussion in terms of some of the things that we

2 heard at press conferences and rallies would be how
3 those individuals that initiated a sexual assault,
4 how they would then be treated or punished on campus.
5 Is there any--has there been any discussion in terms
6 of if someone has-- If it's been confirmed that they
7 have participated in a sexual assault, some sort of
8 universal way of how the college campus has to treat
9 that? Because we heard everything from individuals
10 would write an essay about it, or they would sit out
11 for a class or a game or something like that. But is
12 there something more universal being discussed in
13 terms of if it is confirmed that a sexual assault did
14 happen, how a school has to maintain that? So that
15 that victim doesn't have to continue to know that no
16 justice was done on a college campus. But still have
17 to interact with the victimizer on a regular basis?

18 DEPUTY COMMISSIONER HERMAN: I think
19 you're talking about very, very significant problems
20 that is really a university and a college level
21 conversation. It's not a Police Department of a DOH
22 or a city government conversation. It's a city and
23 university, a city college and university
24 conversation.

25 COUNCIL MEMBER CUMBO: Okay, thank you.

2 CHAIRPERSON BARRON: Thank you. Just a
3 few questions, and then I'm going to go back again to
4 the Public Advocate and ask questions. So, the
5 legislation that talks about designing a curriculum.
6 Is the NYPD in support of designing that curriculum?
7 And if so, how would it address the issue of
8 affirmative consent if it's going to be a standard
9 curriculum that you're being--that you're offering?

10 DEPUTY COMMISSIONER HERMAN: So we would--
11 --we are in favor of having a task force of--an
12 interagency task force involving non-profits,
13 involving representatives of college campuses.
14 Everything that you've proposed having them be part
15 of the task force. We are in favor of designing a
16 curriculum that could be offered to-- I don't think
17 that we can mandate that anybody use it, or request
18 training from us. But a curriculum that we offer,
19 and I don't--I don't--I can't comment really yet. I
20 would want more input from everybody on how we would
21 handle affirmative consent as one of many, or it?
22 Or, you know, the only one, the best one. I would
23 want to do a little more research on that.

24 CHAIRPERSON BARRON: And in terms of the
25 MOUs that the colleges are going to be submitting, I

2 did not know until now that taking a shower does not
3 preclude collection of forensic evidence, which might
4 be of value, and you have 96 hours. Is that
5 information already told to colleges, and do students
6 already know that? Or do they have to go to a Rape
7 Crisis Center and then they're given that
8 information? I think that that's something t hat
9 might be very helpful for students to know at the
10 outset as they're pondering whether or not they
11 should--what they should do.

12 DEPUTY COMMISSIONER HERMAN: Right, I
13 think--I think the information that gets to students
14 is very uneven across the city. Some colleges give
15 out information like that, and I'm sure some don't.
16 And some can look at a Rape Crisis Center's website
17 and see that. You might wash away much of the
18 evidence, but you might still have some.

19 CHAIRPERSON BARRON: Okay, good. Public
20 Advocate Letitia James.

21 PUBLIC ADVOCATE JAMES: All right, Deputy
22 Commissioner Herman, I'm trying to get a better
23 understanding of the affirmative consent standard
24 that the Governor mentioned. I was at the press
25

2 conference, and the MOU that you are negotiating only
3 speaks really to the issue of--

4 DEPUTY COMMISSIONER HERMAN:

5 [interposing] Two issues.

6 PUBLIC ADVOCATE JAMES: Two issues.

7 DEPUTY COMMISSIONER HERMAN: Prompt
8 reporting--

9 PUBLIC ADVOCATE JAMES: Prompt reporting.

10 DEPUTY COMMISSIONER HERMAN: --and
11 cooperation.

12 PUBLIC ADVOCATE JAMES: But it doesn't
13 incorporate the issue of affirmative consent--

14 DEPUTY COMMISSIONER HERMAN:

15 [interposing] No.

16 PUBLIC ADVOCATE JAMES: --in an
17 adjudicative process on campuses?

18 DEPUTY COMMISSIONER HERMAN: No, it has
19 the--it has no--we have no authority for them to
20 agree to the Police Department that--that they have
21 this kind of internal disciplinary process.

22 PUBLIC ADVOCATE JAMES: So that's
23 interesting, and so--and as far as you know, do you
24 know if the Governor of the State of New York has
25 issued a program bill to the State Legislature to

2 change the standard with respect to consent in the
3 Criminal Code?

4 DEPUTY COMMISSIONER HERMAN: In the
5 criminal--I don't. I know of nothing like that.

6 PUBLIC ADVOCATE JAMES: So he did mention
7 affirmative consent. I think there was a couple of--

8 DEPUTY COMMISSIONER HERMAN:
9 [interposing] I think he's encouraging-- You know,
10 at first he started talking about SUNY colleges--

11 PUBLIC ADVOCATE JAMES: [interposing] So
12 there was nothing--

13 DEPUTY COMMISSIONER HERMAN: --and then
14 he started talking about--

15 PUBLIC ADVOCATE JAMES: [interposing]
16 Right.

17 DEPUTY COMMISSIONER HERMAN: --beyond
18 that, but I don't know that he has the authority or
19 has, you know, proposed--

20 PUBLIC ADVOCATE JAMES: [interposing]
21 Proposed to change the standard.

22 DEPUTY COMMISSIONER HERMAN: --that--that
23 it be in the internal disciplinary--

24 PUBLIC ADVOCATE JAMES: [interposing]
25 Interesting.

2 DEPUTY COMMISSIONER HERMAN: --hearings
3 no.

4 PUBLIC ADVOCATE JAMES: And/or to change
5 the code of the State of New York.

6 DEPUTY COMMISSIONER HERMAN: The Criminal
7 Code.

8 PUBLIC ADVOCATE JAMES: The Criminal Code
9 of the State of New York?

10 DEPUTY COMMISSIONER HERMAN: No.

11 PUBLIC ADVOCATE JAMES: No. Okay, so it
12 was just encouraging words?

13 DEPUTY COMMISSIONER HERMAN: Well, I
14 don't know. I don't know.

15 PUBLIC ADVOCATE JAMES: Okay. Two, you
16 also indicated again the-- Um, you just restated the
17 fact that the MOU basically goes to provisions, and
18 you did indicate that you would be willing to work
19 with college campuses in regards to curriculum. The
20 reason why in the bill we suggested an act is because
21 NYPD is embracing technology, and we also recognize
22 that, you know, given the nature of college campuses
23 they, too, embrace technology. And we recognize that
24 a vast--the overwhelming number of college students
25 now, technology is just part of their life.

2 DEPUTY COMMISSIONER HERMAN: Uh-huh.

3 PUBLIC ADVOCATE JAMES: And so that's why
4 we suggested incorporating it into the bill the use
5 of alerts, apps, and things like that. And so, what
6 is the position of the Administration with respect
7 to--and also data tracking and then mapping?

8 DEPUTY COMMISSIONER HERMAN: So two

9 PUBLIC ADVOCATE JAMES: [interposing]
10 Yeah.

11 DEPUTY COMMISSIONER HERMAN: --to this.

12 The first part has to do with a question that was
13 asked earlier, which we agree with that I think Chair
14 Barron asked. We wouldn't want any confusion at all
15 about 9-1-1 being what you do in an emergency. You
16 call 9-1-1, and the students who have those apps
17 they're all walking around with cell phones, and they
18 can call 9-1-1 in an emergency. In a non-emergency
19 situation, there are all kinds of things they can do.
20 They can contact people on campus. They can contact
21 the Rape Crisis Center. They can call and we think
22 it's important that they know that they can call the
23 Special Victims Division directly. There are lots of
24 ways to disseminate information to students. And
25 what we're proposing is that this task force look at

2 that. What are all the ways that exist currently to
3 get information effectively to students? And then
4 see if there is something that-- Maybe it is an app,
5 but I'd hate to require that it's an app if there's
6 another distribution method that could be as or more
7 effective. So we'd like the task force to take this
8 on as an assignment, and look at it in conjunction
9 with representatives from college campuses, students,
10 non-profits everybody else and say what's the best
11 way to get these messages to college students? When,
12 you know, is it a poster that says call 9-1-1 in an
13 emergency? Call the Special Victims Division directly
14 in a non-emergency or a you have choices campaign.
15 What's the--what's the best way to get this
16 information? So, we'd like to take that on.

17 PUBLIC ADVOCATE JAMES: And the task
18 force will also make a recommendation with regards to
19 who or what is the lead agency? Because I seriously
20 question whether or not NYPD should be the lead
21 agency based upon my conversations with a number of
22 students in the city.

23 DEPUTY COMMISSIONER HERMAN: Our
24 recommendation as per the testimony is that rather
25 than designating a lead agency that the legislation

2 ask the Mayor to designate the lead agency and
3 representatives on the task force.

4 PUBLIC ADVOCATE JAMES: Based on the
5 recommendations from the task force?

6 DEPUTY COMMISSIONER HERMAN: No, based on
7 consultation with all members, all the city agencies
8 who are here as well who have all conferred with each
9 other, and all believe the NYPD has the most
10 expertise in this area. It is the most appropriate
11 to coordinate it. Not do it solely, but coordinate
12 the resources that they bring to the table.

13 PUBLIC ADVOCATE JAMES: And with all due
14 respect to all of the agencies, I also--I would hope
15 that the consultation be done with the survivors
16 themselves as well as with college campuses. I
17 think, you know, we in the City of New York
18 government often times talks to one another. But we
19 need to go outside our box, and we need to rewrite
20 the rules. And we really need to talk to the
21 survivors. They know it best, and I defer to them,
22 and what I've been told is they would prefer another
23 agency.

24 DEPUTY COMMISSIONER HERMAN: Uh-huh.

25 PUBLIC ADVOCATE JAMES: Thank you.

2 DEPUTY COMMISSIONER HERMAN: Can I read
3 you the--the statement on the Governor's legislation
4 so to answer your question a little better. The
5 definition of affirmative consent to sexual activity:
6 Each college and university shall adopt a uniform
7 definition of affirmative consent in their code of
8 student conduct. Or a similar document governing
9 student behavior. So that's the document that
10 creates the campus culture that can be incorporated
11 into a disciplinary system.

12 PUBLIC ADVOCATE JAMES: Thank you.

13 CHAIRPERSON BARRON: And one final
14 question. Hypothetically, would there be any due
15 process issues if the State were to adopt affirmative
16 consent as a standard for sexual assault into the
17 criminal law?

18 DEPUTY COMMISSIONER HERMAN: I'd have to
19 look at that. That's a--that's a good research
20 question.

21 CHAIRPERSON BARRON: Okay, great. Thank
22 you so much for your testimony.

23 DEPUTY COMMISSIONER HERMAN: Thank you.

24

25

2 CHAIRPERSON BARRON: Thank you. And
3 we'll now call our next panel. I'm going to ask
4 Shahreen Laskar of CUNY to please come forward.

5 [pause]

6 CHAIRPERSON BARRON: Would you raise your
7 right hand, please. Do you affirm to tell the truth,
8 the whole truth, and nothing but the truth in your
9 testimony before this committee, and to respond
10 honestly to council member questions?

11 SHAHREEN LASKAR: I do.

12 CHAIRPERSON BARRON: Thank you.

13 [pause, background comments]

14 CHAIRPERSON BARRON: You may begin.

15 SHAHREEN LASKAR: Good morning, Chair
16 Barron, Council Members and Public Advocate James.
17 My name is Shahreen Laskar. I'm a Student Life
18 Specialist from the CUNY Central Office of Student
19 Affairs. On behalf of the City University of New
20 York, I am pleased to read the following statement
21 into the record: We write to express CUNY's support
22 for your efforts to reduce college and university
23 sexual assault. And to offer CUNY's comments on the
24 proposed local law to provide information and
25 services regarding sexual assault to college and

2 university students. CUNY welcomes the establishment
3 of a city wide task force that would bring together
4 experts from relevant city agencies with college and
5 university students, faculty and administrators to
6 share best practices, establish collaborations, and
7 identify ways to improve city services and agency
8 response to campus sexual assault.

9 We look forward to participating in and
10 contributing to such a task force. CUNY agrees that
11 it is critically important that all college and
12 university students have ready and convenient access
13 to up-to-date information about available resources
14 including Rape Crisis Centers, hospitals with New
15 York States Department of Health approved sexual
16 assault and forensic examiner programs. And help
17 lines for those who have experienced sexual assault.

18 CUNY's Title IX websites for the
19 university and each campus include lists of such
20 information from the New York City Alliance Against
21 Sexual Assault and the Mayor's Office to Combat
22 Domestic Violence, among others. We support using
23 online tools and/or mobile applications to allow
24 students convenient access to a wide variety of
25 sexual assault related resources and information. We

2 are uncertain how using an online tool or mobile
3 application for students to report or map sexual
4 assault incidents would coordinate with 9-1-1. And
5 how such information would be communicated to
6 colleges and universities.

7 CUNY strongly supports collaboration
8 among city agencies, service providers, and colleges
9 and universities to evolve evidence-based educational
10 programs, to address student sexual assault
11 prevention and response. It is our understanding
12 that there is no consensus--consensus as to which
13 sexual violence education and prevention programs and
14 approaches can demonstrate practice based
15 effectiveness. The Center for Disease Control
16 cautions that evidence of effective sexual violence
17 prevention strategies is emerging. In light of this,
18 we recommend that such collaborations use care and
19 academic rigor in developing any such programs. We
20 look forward to continuing to work with the Offices
21 of the Public Advocate, the Council and the mayoral
22 agencies, as well as our sister New York City based
23 colleges and universities to protect and support our
24 students by reducing campus sexual assault. Thank
25 you.

2 CHAIRPERSON BARRON: Thank you so much.

3 We do appreciate you coming to represent CUNY. We
4 know that this was re-scheduled hearing, and the date
5 conflicted with pre-existing responsibilities at
6 CUNY. So we do appreciate that, and we will be in
7 touch with CUNY. Thank you.

8 SHAHREEN LASKAR: Thank you.

9 CHAIRPERSON BARRON: And would you leave
10 copies of your testimony please at the desk. Is
11 there anyone still in the audience from the Mayor's
12 Office or did they all leave together? And no one
13 else remaining from the agencies? Oh, interesting.
14 Okay. Thank you. We'll now call the next panel.
15 Thank you. Julianne Verde from Planned Parenthood of
16 NYC; Kristin Gallagher from the Sexual Law Committee
17 New York City Bar; Mary Haviland from the City
18 Alliance Against Sexual Assault; and Saswati Sarkar
19 from the New York City Alliance Against Sexual
20 Assault. If you would all come forward, please.

21 [pause, background noise]

22 CHAIRPERSON BARRON: Is there a fourth
23 person? If you would raise your right hand, please.
24 Do you affirm to tell the truth, the whole truth, and
25 nothing but the truth in your testimony before this

2 committee, and to respond honestly to council member
3 questions? Thank you. You may begin.

4 KRISTIN GALLAGHER: [off mic] Good
5 morning everyone. My name is--

6 CHAIRPERSON BARRON: [off mic] Would you
7 press that button?

8 KRISTIN GALLAGHER: Better? Okay. Good
9 morning everyone. My name is Kristin Gallagher, and
10 I am a member of the Sex and Law Committee of the New
11 York City Bar Association. I'm testifying today on
12 behalf of the Sex and Law Committee. We thank the
13 Committee on Higher Education for this opportunity.
14 Our committee--our committee collectively represents
15 a broad cross-section of the legal community
16 including civil rights attorneys, public defense
17 attorneys, prosecutors, and attorneys with expertise
18 in public health policy, education, and childhood
19 development. My testimony today is based on the
20 expertise of members.

21 First, we commend the Committee on Higher
22 Education for taking this vital step to reduce sexual
23 assault on college campuses. However, while our
24 committee does support the passage of Intro No. 517-
25 A, we additionally urge the Council to prioritize

2 pursuing a comprehensive age-appropriation--age-
3 appropriate sex education plan that engages all New
4 York City students. It is our position that to
5 prevent sexual violence before it ever starts, we
6 must connect norms of sexual violence with the need
7 to prepare young people to engage in healthy
8 relationships from an early age. Sexual violence and
9 harassment start early. One out of ten high school
10 students reports being hit, slammed into something,
11 or injured with an object or weapon by someone they
12 were dating. The same percentage of students report
13 being forcibly kissed, touched or made to engage in
14 sexual intercourse. These alarming statistics have
15 wide implications for our communities, public health,
16 and the future of our young people.

17 To be sure, a problem as prevalent and
18 deeply rooted as sexual violence requires a multi-
19 dimensional, multi-sector response. At the core of
20 any policy, response should be a comprehensive sex
21 education program that reaches all of our students,
22 and reaches them early. Cities across the country
23 including Chicago and Washington, D.C. are leading
24 the movement by requiring and implementing
25 comprehensive sex education programs in schools from

2 kindergarten through 12th grade. New York, however,
3 is being left behind.

4 Accordingly, the Sex and Law Committee of
5 the New York City Bar Association recommends that the
6 City Council not only pursue the educational program
7 as currently outlined in paragraph B of the proposed
8 bill. But that the City Council go a crucial step
9 further. We urge the Council to actively work with
10 the Mayor's Office to finally establish and implement
11 a plan that guarantees that all New York City youth
12 will receive medically accurate, comprehensive,
13 developmentally appropriate sexual education from
14 kindergarten through 12th grade. Such a curriculum
15 should reflect the National Sexual--Sexuality
16 Education Standards, and cover healthy relationships
17 and healthy decision-making, body image, and self-
18 esteem, gender, sexual orientation and gender
19 identity. The benefits of delaying sexual activity,
20 risk behaviors, and prevention methods. Strategies
21 for preventing, recognizing, and addressing bullying
22 and sexual violence, as well as the use of technology
23 and social media in intimate relationships.

24 In conclusion, for the foregoing reasons,
25 the Sex and Law Committee asks that the Council pass

2 No. 517-A. Further, we respectfully request that the
3 Council take steps now to ensure the implementation
4 of a plan that will finally provide all New York City
5 students with the educational opportunities they so
6 desperately need to keep them both healthy safe. Our
7 youth and our communities deserve nothing less.
8 Thank you.

9 [pause]

10 JULIANNE VERDE: Okay. Is that on?
11 Okay. Good morning. I'm Julianne Verde, Director of
12 Government Relations at Planned Parenthood of New
13 York City. I'm pleased to be here today to provide
14 testimony and support of the New York City Campus
15 Safety Act. As a sexual and reproductive healthcare
16 provider, we see 50,000 patients annually in our four
17 health centers located throughout New York City.
18 PPNYC works to meet the needs of survivors in all of
19 our clinical services, as well as education and
20 advocacy work. Our medical forums include non-
21 judgmental screening questions for intimate partner
22 violence and sexual and reproductive wellbeing. We
23 also provide on-site social workers as well as
24 referrals to nearby Family Justice Centers where
25 additional care is needed. In addition to our

2 clinical services PPNYC has a robust education
3 department providing both youth and adult education
4 programs to more than 25,000 young adults--young
5 people, adults and professionals across New York City
6 annually. Our programs aim to provide tools to help
7 our participants lead sexually healthy, safe, and
8 responsible lives.

9 PPNYC has been proud to stand with
10 student lead--student activists leading this historic
11 work and to offer our support as a leading
12 reproductive healthcare provider. For us, the
13 intersections of gender-based violence and
14 reproductive health are clear. Sexual assault is a
15 matter of public health and safety. Survivors of
16 assault frequently face physical and/or mental trauma
17 and can be put at risk for sexually transmitted
18 infections or forced pregnancy. College survivors
19 also suffer rates of PTSD, depression and drug or
20 alcohol use.

21 In October, we joined with student
22 activists at the Carry that Weight Day of Action
23 showing support for student survivors of sexual
24 assault and intimate partner violence. Also, this
25 past year PPNYC launched a local chapter of Planned

2 Parenthood Generation Action, a network of young
3 organizers and activists across the country who are
4 organizing with their communities to mobilize
5 activists for reproductive freedom. PP Gen students--
6 -PP Gen Action students across New York City campuses
7 have been joining the movement against sexual
8 assault, fighting to make the campuses safer for all
9 people.

10 PPNYC strongly supports measures to
11 combat assault and gender-based violence at New York
12 City colleges. An estimated one in four and 3% of--
13 one in four women and 3% of men will experience an
14 attempted or completed rape while in college. And
15 yet, we know that only a small--only an extremely
16 small percentage of assaults are reported to
17 authorities, and even fewer ever face conviction
18 [bell]. When sexualize violence becomes so
19 normalized that a survivor doesn't feel safe to go to
20 their school administrators, a larger cultural change
21 is needed. There must be stronger support mechanisms
22 in place so that survivors feel safe reporting an
23 assault. And that once a report is filed, survivors
24 are made confident in the measures of accountability.

2 The need for action on sexual assault in
3 our education system is urgent. New York State
4 currently has more colleges under federal
5 investigation for Title IX violations and sexual
6 violence cases mishandling than any other state.
7 With approximately 110 colleges and universities
8 located in New York City alone, the New York City
9 Campus Safety Act would go far in meeting the needs
10 for stronger campus resources and student supportive
11 services. The act would put in place meaningful
12 changes to ensure resources are made more easily
13 available to those that need them, and tackle a
14 larger culture that allows rape to be too easily
15 dismissed. PPNYC is especially pleased that the New
16 York City Campus Safety Act includes an education
17 component to establish an education program for
18 students, faculty and campus safety officers and
19 administrators of New York City colleges and
20 universities. It is clear that such resources are
21 crucial for students to better identify sexual
22 assault and intimate partner violence. And feel
23 equipped to support others who have faced or continue
24 to face such abuse.

2 In order to best meet the needs of campus
3 communities, PPNYC recommends all educational
4 resources be culturally competent and LGBTQ inclusive
5 with materials that cover the full range of sexual
6 and reproductive health services. Gender-based
7 violence and bullying of LGBTQ students is inherently
8 linked, and we cannot address sexual assault without
9 also pushing for greater tolerance of all identities.
10 All students must be taught about consent and what a
11 healthy relationship looks like. And must be given
12 adequate resources to prevent and respond to gender-
13 based assault. Unfortunately, students are often
14 taught that sexual responsibility lies on the
15 shoulders of only one gender. As a result, sexual
16 violence is rampant. We understand that these
17 conversations can start early enough, which is why
18 PPNYC firmly believes that the fight to end sexual
19 assault and intimate partner violence must first
20 include efforts to improve sexual health education
21 starting many years before students even think about
22 going to college or entering into intimate partner
23 relationships.

24 Comprehensive sex education must teach
25 not just the basic prevention lessons, but also

2 provides students the skills to build healthy
3 relationships and caring communities. And empowers
4 students to make the best decisions that are right
5 for them. Our education programs teach young people
6 about the importance of communication and respect of
7 one another through consent. Comprehensive Sex
8 Education in every school for every student K through
9 12 could help decrease incidents of assault and abuse
10 in the long run. The Campus Safety Act will connect
11 campus community members to resources to better
12 address the needs of survivors. We applaud the City
13 Council's commitment to increasing access to sexual
14 assault services in colleges and universities across
15 New York City. And urge the Council to pass this
16 introduction. In addition, we urge the New York City
17 Department of Education to ensure comprehensive
18 medically accurate sexual health education as
19 provided to every student each year from grades K
20 through 12. Thank you for the opportunity to
21 testify.

22 MARY HAVILAND: Good morning. I'm not
23 going to read my testimony because I think a lot of
24 it has been talked about already here. So I'm going
25 to sort of skim some points that I think haven't been

2 talked about. My name is Mary Haviland. I'm the
3 Executive Director the New York City Alliance Against
4 Sexual Assault. The mission of the Alliance is to
5 prevent sexual violence and reduce the harm it causes
6 through education, research and advocacy. As such,
7 we have the largest training institute for sexual
8 assault forensic examiners. In fact, I just came
9 from the Justice--the Family Justice Center in
10 Manhattan where that training is taking place. And
11 we're training 26 medical professionals to be sexual
12 assault forensic examiners in the Family Justice
13 Center. We also train Human Services professionals
14 in sexual assault, and we-- For the last five years,
15 we have been a Center of Excellence, one of two in
16 the state that provides technical assistance on the
17 prevention of sexual assault statewide. We are
18 conducting two research projects at the moment, and
19 we have new funding to provide a referral hub, and
20 ombudsman type advocacy for survivors in New York
21 City.

22 I want to thank the students citywide for
23 bringing this issue so strongly to the forefront. I
24 really think that as people have mentioned today-- As
25 the Public Advocate has mentioned and others who are

2 listening have mentioned they really have been in the
3 forefront with incredible bravery and persistence on
4 this issue. And I don't think we would be here today
5 if it--if it weren't for them. I want to thank the
6 Chair of the Committee, Councilwoman Barron for
7 calling this hearing. Thank you so much, and I also
8 want to thank the Public Advocate for doing such
9 careful research of the last six months. Or, maybe
10 even more on this issue for reaching out to the
11 Alliance, and many other people to talk about what
12 some of the best solutions might be.

13 We've talked about a few recent
14 developments in this area. I think that--I think the
15 panel is very aware of some of the federal
16 innovations that, or--and reports and things that
17 have happened in the last year. So I won't mention
18 them, but I am going to turn over my testimony to
19 Saswati Sarkar, who is a staff person at the
20 Alliance. She's our Program Manager in Prevention,
21 and she'll talk a little more about those, and their
22 impact on college campuses. We talked about--
23 Commissioner--Deputy Commissioner Herman talked about
24 the legislation that was passed in the last
25 legislative session, which requires campuses to

2 report violent felonies and missing persons to the
3 police within 24 hours. It should be noted that
4 language was added to that--to that legislation to
5 make it clear that this decision--that the decision
6 to report to the police rests with victims. And that
7 that would remain--that that would take--that would
8 be the case in several crimes including sexual
9 assault.

10 And then as people have stated, SUNY and
11 CUNY have both passed new sets of policies on sexual
12 assault. Their provisions, among other things,
13 provide for a bill of rights to be available to all
14 students that both parties affirmatively consent to
15 sexual activity, or it's deemed non-consensual. That
16 there be amnesty from punishment for the use of
17 alcohol when reporting sexual assault. And enhanced
18 training for school personnel including university
19 police. And campus climate surveys, which assess
20 general awareness of sexual assault, and knowledge of
21 new provisions.

22 On January 17th, the Governor announced
23 in a press conference at NYU that he was proposing
24 legislation that these policies, the SUNY and CUNY
25 policies be applied to private universities

2 statewide. And he's including this bill with the
3 budget meaning that he is very intensely interested
4 in seeing it pass. And importantly, as I mentioned
5 before, the Public Advocate has been spearheading
6 discussions on campus sexual assault with the
7 students, with the City Council, with advocates and
8 policymakers. In order to come up with a
9 comprehensive set of recommendations for moving
10 forward on campus sexual assault.

11 Finally, I want to go into one issues,
12 which might appear trans-central [sic], but, in fact,
13 isn't. It speaks to the capacity of the Rape Crisis
14 Network to respond to campus sexual assault. And
15 that it is, and I don't know how many of you are
16 aware of it, but there have been serious changes in
17 funding over the last six months at the state level.
18 And the implications of these funds--these funding
19 changes are that we starting April 1st with the new
20 state budget we're at risk of losing over \$3 million
21 in services funding. If the current recommendations
22 in the budget are followed through with, we will lose
23 about \$3 million in services money. And this amounts
24 to about a 42% decrease, which could mean reaching--
25 Could mean not reaching a total of--as many as 37,000

2 victims statewide. Furthermore, as of April 1, 2015,
3 73% of New York State counties will lose sexual
4 violence prevention programs because of a cut in CDC
5 funds to the state. In New York City that means--
6 that translates into 13 out of 17 rape crises will
7 cease their prevention activities as a result of
8 these cuts.

9 So based on these recent developments,
10 I'd like to make the following recommendations: We
11 strongly support the Public Advocate's suggested
12 legislation, which proposes enhanced services and
13 information for students as well as training and
14 capacity building for colleges and universities on
15 sexual assault. We actually propose that a sexual--a
16 campus sexual assault back-up center be created in a
17 not-for-profit sexual assault community that could
18 provide both of these services. A call center as
19 well as a training--a training center. There's a
20 genuine need for a centralized call center that can
21 assist students who have been sexually assaulted both
22 on and off campus.

23 In the immediate aftermath of sexual
24 assault, the call center would provide crisis
25 intervention counsel, an assessment of safety, a

2 referral to the closest Center of Excellence. Which
3 I think you know is a certified emergency room
4 hospital that can provide a multi-disciplinary
5 response to sexual assault. And I'll talk about--a
6 little bit more about that. The referral would take
7 place, of course, only if the victim wanted that
8 referral to take place. And, the Center of
9 Excellence would be the location where a victim of
10 sexual assault could obtain a physical exam and would
11 have contact with a rape crisis advocate. We are
12 suggesting that this back-up center must understand
13 the various campus processes for dealing with the
14 issue, as well as the effects of trauma. So that it
15 is capable of presenting the full range of options to
16 a student survivor and in a manner that can be
17 understood at the time.

18 Secondly, we are experiencing that New
19 York colleges and universities are reaching out to
20 rape crisis programs, law enforcement, and
21 prosecutors for assistance in addressing sexual
22 assault on their campuses. Colleges and universities
23 are requesting assistance with areas as diverse as
24 improving their investigation of complaints, trauma
25 centers, and approaches to working with survivors.

2 Creating fair and independent adjudication processes,
3 applying standards such as affirmative consent,
4 mentally incapacitated or physically helpless.
5 Informing students about issues of sexual assault,
6 and developing prevention programs such as bystander
7 intervention to stop potential violence. We believe
8 that a back-up center would have to incorporate a
9 multi-disciplinary response that includes trained
10 trauma counselors, law enforcement, prosecutors and
11 OCME, the Office of the Chief Medical Examiner. It
12 also requires an expertise in college response.

13 We have a couple of important suggestions
14 regarding the legislation. One is we would suggest
15 that the agency that might be picked to be an
16 administrator of these funds would be the
17 coordinator--the Criminal Justice Coordinator's
18 Office, who is now responsible for the major sexual
19 assault contracts in the City. And have developed
20 over the years an expertise in sexual assault. They
21 are responsible for the HHC SART Network, and they
22 are also responsible for the Sexual Assault
23 Initiative. And they are also responsible the Dove
24 Initiative. The second recommendation I'd like to
25 make is that we think that the Chair--the task force,

2 which is an excellent idea, should be chaired by a
3 city agency and a not-for-profit expert organization
4 in the field of sexual assault.

5 Let me just comment for a second on the
6 issue of reporting. There is sort of a difference of
7 opinion about this issue in the field. But we are of
8 the opinion that the victims should remain in control
9 of whether or not his or her sexual assault is
10 reported to the police. And that this decision
11 should not rest with the university unless there is a
12 very--there is very compelling evidence that other
13 students are indirect immediate danger. We do,
14 however, believe that every effort should be made to
15 support a company or otherwise make sure that a
16 survivor gets to a hospital safe Center of Excellence
17 where he or she can be met with a multi-disciplinary
18 team that can most accurately brief her on her
19 options. Him or her on her options. There is
20 important clinical and research evidence that multi-
21 disciplinary approaches are the most effective in
22 responding to sexual assault. And that the responses
23 are better, and I have some sort of support for that
24 in my testimony if you want to look at the details.
25 But when advocates are present during emergency care,

2 victims experience less distress from contact with
3 the police and medical personnel. And there are
4 fewer follow-up psychological and physical health
5 issues. So, we are suggesting that there be some
6 sort of immediate link for college students to be
7 able to make their way to a safe Center of Excellence
8 where we have created a structure so that there is an
9 immediate response. Within 30 minutes, there is an
10 immediate response of a multi-disciplinary team to
11 help that survivor. I also am aware of an app in
12 Washington, D.C. called Ask, which actually provides
13 the local resources to students on their phone. And
14 we--it's something the Alliance has been considering
15 for a long time, and would really love to do. But we
16 haven't had the funding to do that.

17 Another recommendation is that we are--
18 because of the funding cuts and the instability of
19 the state funding, we are recommending that--the rape
20 crisis fund--that some rape crisis-funding come
21 through--through New York City. In addition, as the
22 Public Advocate has mentioned, there's a disparity of
23 access to services in the Outer Boroughs with fewer
24 Rape Crisis Centers in Brooklyn and the Bronx, as
25 well as fewer hospitals that are certified to provide

2 quality crisis intervention. So we're recommending
3 that the New York City budget include funds for Rape
4 Crisis Centers. That two additional hospitals in
5 Brooklyn and the Bronx be added to the current 18
6 that have Center of Excellence status. And finally,
7 that an additional rape crisis program be developed
8 in Brooklyn and Bronx to respond to the new Center of
9 Excellence. This will allow for increased services
10 and assistance to college campuses. And I just want
11 to turn over the mic to Seswati who is going to talk
12 a little bit about the prevention--the kinds of
13 prevention curricula, and training that could be
14 provided out of our back-up center for the college
15 campuses.

16 SASWATI SARKAR: Thank you, Mary. Good
17 morning Chair Barron, Public Advocate James, and the
18 committee members. My name is Saswati and I'm the
19 Prevention Program Manager at the New York City
20 Alliance Against Sexual Assault. The Alliance is a
21 New York State Department of Health Designated Center
22 of Excellence in primary prevention that is dedicated
23 to eliminating sexual violence through research,
24 advocacy, and education. I would like to applaud and
25 thank the City agencies, the student activists who

2 are here today and have been behind this movement, as
3 well as the Public Advocate for keeping this front
4 and center in our discussion and address campus
5 sexual assault in a really timely manner.

6 In support of the Public Advocate's
7 proposed legislation Bill 517-A, first and foremost I
8 would like to draw attention to the need for
9 including diverse campus-based communities including
10 student population as well as LGBTQ population,
11 immigrant population, and international students who
12 form a big part of the campus population. And often
13 times their voices are missing in many of the
14 conversations happening around the city. And I would
15 recommend that these communities, or the
16 representatives from these communities be included in
17 the task force that has been proposed.

18 Secondly, with regards to providing
19 prevention education in support of the Public
20 Advocate's legislation, I would also like to propose
21 the creation of a campus sexual assault back-up
22 center. And suggest that the sexual assault
23 community be involved as part of that effort. The
24 purpose of the campus sexual assault back-up center
25 would be to provide prevention, education, training,

2 support and capacity building to the campus
3 population to the universities as well as the task
4 force as appropriate.

5 I would also like also like to recommend
6 the following in order for the prevention education
7 to be more dynamic and comprehensive. Prevention
8 programs as we know from CDC data and the work that
9 has been done by advocates around the country should
10 be comprehensive, and go beyond specific curriculum
11 or just offering information at orientation. Or,
12 even creating one-size-fit-all module that we have
13 been seeing that campuses have been offering. This
14 kind of program has shown not to change norms, shift
15 behaviors or even promote bystander behavior.
16 Prevention education must be designed to saturate
17 campus with multiple competence including educational
18 pieces, curriculum based education or events,
19 awareness programs, peer-led programs. It has to be
20 dynamic and should have multiple competence, and
21 should be provided throughout the school year instead
22 of just at the time of orientation. It should also
23 be interactive, and not instructional that allows
24 participants to engaged and their life experiences.
25 We also recommend considering evidence informed

2 prevention curriculum many of which are DOH approved.
3 And many of which are evidence informed including
4 bringing in the bystander into the campus
5 environment.

6 We also recommend that campus policy
7 should include mandatory sensitivity and resource
8 training related to sexual assault for students, for
9 faculty and staff. Sensitivity training must address
10 factors that affect sexual violence survivors
11 including immigrant survivors with immigration
12 status, sexual orientation, cultural and religious
13 factors. It should also talk about effects of sexual
14 violence on survivors and co-survivors,
15 confidentiality policies on and off campus, reporting
16 procedure, and adjudication. Also ways to handle
17 disclosure as a peer or ethical staff. [sic] It
18 should also address what constitutes rape as well as
19 affirmative consent, and ways student population and
20 campus population can be active for a social
21 bystanders.

22 We recognize that prevention programs are
23 mostly housed in college and universities, and which
24 leaves out campus housing, clubs, and reprogramming,
25 which are a critical part of the campus community.

2 And we recommend integrating prevention programs into
3 the facilities that are linked with the campus to
4 ensure a fuller and a pro-active prevention
5 programming. Furthermore, we recommend that
6 prevention messaging should be integrated in a wide
7 array of campus events and course work throughout the
8 curriculum. [sic]. And prevention programming
9 should be provided throughout the school year, and
10 not just during the freshman orientation. And I
11 really want to underscore this piece as a--as a
12 really critical point in our discussion.
13 Additionally, mandatory courses and peer-implemented
14 training programs need to be implemented for male
15 athletes addressing hyper-masculine peer norms that
16 support and facilitate sexual assault.

17 Finally, although we haven't talked as
18 much about it, but I feel that as a sexual assault
19 advocate and also a program working on sexual
20 assault, it is really critical to engage campuses.
21 And be urged to conduct and publish annual campus
22 climate surveys to measure the extent and nature of
23 the problem. As well as assess the effectiveness of
24 the intervention and response programs that are being
25 currently implemented. The report should be made

2 available to new and incoming students to help them
3 make informed decisions when selecting safe campuses
4 to pursue higher education. Thank you very much for
5 this opportunity to provide testimony, and I welcome
6 any follow-up questions.

7 [pause]

8 CHAIRPERSON BARRON: I want to thank the
9 panel for their presentation, for the testimony, and
10 I just have a few questions. In terms of the
11 affirmative consent, what does the data show the
12 effectiveness of having that kind of policy in
13 whatever degree it exists and how it's defined? What
14 does the data show in terms of that helping to
15 prevent sexual assault?

16 MARY HAVILAND: So the affirmative
17 consent Standard is extremely new. So we don't
18 really have a track record yet on what--what it's
19 going to be like implementation. And you raised some
20 very interesting points that actually are being
21 raised in the sexual assault community. And we've
22 had one citywide discussion on it where we invited
23 counsel to SUNY and a prosecutor and somebody from
24 Legal Momentum to discuss actually what they thought,
25 how they thought affirmative consent was going to be

2 implemented. The closest similarity we have in
3 current law is No Means No.

4 CHAIRPERSON BARRON: Right.

5 MARY HAVILAND: And the No Means No
6 Statute there is-- I know from prosecutors. I'm not
7 a prosecutor so I'm not an expert in this, but I am
8 an attorney. And from what I gather from prosecutors
9 is that to implement the No Means No Law, they do
10 have to do a very careful interview and ask some
11 difficult questions, some intrusive questions of when
12 no was said, or if it wasn't said, how it was
13 expressed at multiple stages of the--of the sexual
14 activity. So it's not like we haven't had some
15 experience with this. The thing that I think is the
16 most exciting about affirmative consent with the
17 caveat that we have to be very careful of due
18 process. And we have to be very careful of
19 protecting accuser's rights. And I'm completely
20 respectful of that. But the thing that I think is
21 exciting about affirmative consent is that the No
22 Means No Law kind of assumes in our culture that
23 people want to have sex until they say no. And the
24 opposite is that people want to have sex when they
25 say yes. And I think that's an exciting development.

2 CHAIRPERSON BARRON: Thank you. Public
3 Advocate James.

4 PUBLIC ADVOCATE JAMES: Thank you. So in
5 the context of sexual assault, we've primarily--
6 Previously, the conversation has been on crime and
7 punishments. And the students have introduced to me
8 the concept of restorative justice. Can anyone speak
9 to the issue of restorative justice in the area of
10 sexual assault? And how it would possibly--possibly
11 work in the adjudicative process on college campuses?

12 MARY HAVILAND: Well, I--I--

13 PUBLIC ADVOCATE JAMES: [interposing]
14 That's assuming that individuals do not want to go
15 forward in the traditional criminal just--

16 MARY HAVILAND: [interposing] Criminal
17 justice system?

18 PUBLIC ADVOCATE JAMES: Yes.

19 MARY HAVILAND: So, I'm not an expert in
20 this. However, when I was doing domestic violence
21 work, which was up until 2006, we had serious
22 discussions about restorative justice and its
23 application to domestic violence. One of the things
24 about restorative justice that has to be carefully
25 considered is the dynamic of power and control, and

2 consent, that parties consent to the process. And
3 that the dynamic of power and control is not
4 replicated in the restorative justice process itself.
5 Because then--because otherwise a survivor or a
6 victim of a sexual assault or a domestic violence
7 crime will not receive justice out of that process if
8 there is any sense of intimidation or being unsafe as
9 a result of the process. Or, not having the support
10 that they need in that process. There is a project
11 out of Vera Institute called Common Justice, which is
12 working with people who have committed lower level
13 crimes. They are not working on domestic violence
14 right at--they have decided not to work on domestic
15 violence. There is also a group, which I cannot
16 remember the name of, that was working within the--
17 the activist community to bring restorative justice
18 around sexual assault when it occurred in their
19 community. And it was an all volunteer project, and
20 I haven't--I listened to them talk about their
21 project, and it's extremely interesting. But, I
22 haven't heard recent information about the outcomes
23 of their cases.

24 PUBLIC ADVOCATE JAMES: Thank you for
25 mentioning the disparities in access to healthcare,

2 which is an issue that I've focused on particularly
3 in the quote, unquote Outer Boroughs. It
4 particularly applies in the case of sexual assault,
5 and the fact that we--When I say we, you know,
6 Brooklyn is just part of my DNA. So in the Borough
7 of Brooklyn and the Bronx, there's a lack of access
8 to sexual assault clinics, Rape Crisis Centers. And
9 so, I'll be hoping working--I will be working with
10 the City Council, primarily the Women's Caucus to try
11 to address that disparity. But I'm really concerned
12 about the \$3 million hit to not-for-profits in this
13 area, as well as the lack--the cut in funding from
14 the CDC. Can you tell me on the federal level, on
15 the state level are there any efforts to restore any
16 of those funds so that we will not see-- I think you
17 quote 13 of the 17 possibly being closed and/or
18 impacted by these cuts? What can we do, and what
19 efforts are being done on the national level, and on
20 a state level to restore these funds?

21 Notwithstanding the tea parties are in control and
22 Congress is just a really--a big hole at this point?

23 MARY HAVILAND: So let me start with the
24 CDC funding. The CDC funding resulted in part from
25 just a decrease of prevention funding, but it also

2 resulted from the fact that nationwide the dollar
3 [sic] formula changed to favor smaller states. The
4 small states were receiving almost nothing for
5 prevention. They were receiving \$50,000. It wasn't
6 enough to do anything. So, the bigger states, Texas,
7 California and New York lost in this formula, and
8 that was--that was what most recently happened with
9 the CDC funding. So now, there's only a million
10 dollars in prevention funding that was distributed
11 this summer to six regional centers to do prevention.
12 Previously, there had been 50 organizations in the
13 state contracted to do prevention. So we went from
14 50 to 6. In 2008-2009, we had \$2.5 million for
15 prevention and we now have one.

16 So that is something that we are trying
17 to address in the state budget. The Alliance has
18 been collaborating with the New York State Coalition
19 Against Sexual Assault. We've been working with a
20 working group of advocates from all over the state,
21 one from Finger Lakes, from Syracuse from Troy and
22 Albany to try to--to negotiate with the Governor and
23 try to impress on the Governor the importance of
24 this--of--of the cuts of these funds. He did not
25 introduce a new cut, which he did last year. He did

2 not introduce a new cut to the services money, but he
3 did not increase it. And so now we are working on
4 the legislative side to try to get it increased.

5 PUBLIC ADVOCATE JAMES: I would think
6 that this would be an additional point in the Woman's
7 Equality Act. So it's point number 11 to restore the
8 funds. So thank you.

9 CHAIRPERSON BARRON: Thank you. We've
10 been joined by Council Member Ydanis Rodriguez.
11 Okay, but we want to thank the panel for their
12 presentation and testimony. Thank you so much.

13 MARY HAVILAND: Thank you.

14 CHAIRPERSON BARRON: And we'll call the
15 next panel. [background comments] Stephanie Nilva
16 Julia Crane from No Red Tape of Columbia University;
17 Zoe Ridolfi-Starr, also No Red Tape; and Emily May
18 from Hollaback.

19 [background comments, pause]

20 CHAIRPERSON BARRON: Please raise your
21 right hand. Please raise your right hand. I'd like
22 to swear you in. Do you affirm to tell the truth,
23 the whole truth, and nothing but the truth in your
24 testimony before this committee, and to answer
25 member's question honestly?

2 PANEL MEMBERS: Yes, we do.

3 CHAIRPERSON BARRON: Thank you. You may
4 begin.

5 EMILY MAY: [off mic] Do you mind if I
6 go? [on mic] Hi. My name is Emily May. I the Co-
7 Founder and Executive Director of Hollaback. I hate
8 to testify and run, but I have a hard stop at 12:15
9 just to let you guys know. So Hollaback works to
10 address sexual harassment in public spaces, and that
11 includes college campuses. It started right here in
12 New York City, and since has scaled to 84 cities, 25
13 countries, and 14 different languages. We are also
14 here today as one of the lead organizers of the Carry
15 that Weight Campaign along with our awesome team over
16 here. And for those of you who don't know, the Carry
17 That Weight Campaign is a national campaign inspired
18 by Emma Sulkowicz, a Columbia student who really
19 boldly is carrying her mattress, her dorm mattress
20 with her everywhere she goes as long as her rapist
21 continues to attend Columbia.

22 On the 29th, October 29th, of last year,
23 the Carry That Weight National Day of Action inspired
24 150 universities nationwide including most of the New
25 York City based academic institutions to carry

2 mattresses in support of this campaign. On behalf of
3 both Hollaback and the Carry that Weight Campaign, we
4 stand in support of Introduction 517-A. But, I
5 particularly today want to speak to the online
6 reporting component of the bill, which if enacted, as
7 you know, would enable students to report instances
8 of sexual assault to the appropriate authorities.
9 And give students guidance regarding when and how
10 that should be done.

11 Here is why this piece of that bill is
12 transformative, and I know there are a lot of
13 question on it. But I want you guys to listen to
14 this. So in 2012, Hollaback did a national research
15 study, and found that 55% of college administrators
16 said that their current students-- Their current
17 systems. I'm sorry, to report and address campus
18 sexual assault were not sufficient. Students for
19 this part, of course, realized this, too. When asked
20 by the AAUW how to address campus harassment and
21 assault, 57% of students said they would like their
22 college to offer a confidential web based reporting
23 system for submitting complaints. It was the highest
24 ranked solution by far, and yet few colleges offer
25 it. The reason that we found in our research is that

2 these colleges are scared of exposing additional
3 harassment and assault on their campuses because they
4 don't want to be identified as the quote, unquote
5 "rape school."

6 And this is where I think the Council
7 plays a really critical role. Students need this
8 platform, and anonymously administrators admit that
9 they need it, too. Yet, still from a business
10 perspective, universities and distanced and advised
11 not to implement anything like this. I think the
12 Council has a critical opportunity here to fill that
13 gap. And, to ensure that every student has the
14 option to report harassment, and assault in a safe,
15 anonymous and secure way.

16 In anticipation of this bill, Hollaback
17 has already started working on an app that will meet
18 the goals identified in this bill. By collecting
19 students' report, this app works outside the
20 university system to really create influence. It
21 cuts through the red tape to give students the
22 ability to share their reports directly with
23 administrators. The app features a map of reports
24 alongside local resources like our critical Rape
25 Crisis Centers here in New York. It will have a

2 built-in evaluation tool to alert students when they
3 have enough data to be statistically significant.
4 And provides resources for student leaders to
5 organize on their campuses [buzzer] including Student
6 Bill of Rights that Carry that Weight has developed.
7 And resources for bystanders to intervene when they
8 see harassment happening.

9 We want to thank the Council for
10 coordinating this hearing, and the Public Advocate
11 Tish James for tirelessly reaching out not just to
12 us, but also to students for feedback on this bill.
13 I think we have a key opportunity to make the day,
14 the day that New York City boldly decided to make New
15 York City's colleges a safe learning environment for
16 us all. The students of New York City are counting
17 on us. Thank you.

18 CHAIRPERSON BARRON: Thank you.

19 STEPHANIE NILVA: Good morning. Thank
20 you to the committee and to all members of the
21 committee, which are present and to the Public
22 Advocate for holding this hearing. Day One is the
23 only organization New York that devotes its full
24 resources to addressing the experience--the
25 experiences of young people 24 years of age and

2 younger with intimate partner violence and sexual
3 assault. We're honored to be here to share some of
4 the information we've acquired in our over one decade
5 of experience serving those clients. This is a
6 critical moment to have this hearing. This has been
7 at a crisis level on college sexual assault for many,
8 many years. And many of the terrific organizations
9 in this room have been doing this work for decades.

10 And thanks to a lot of the media
11 attention we want to make sure that this attention
12 not just for the issue of sexual assault on college
13 campuses, but also intimate partner violence. People
14 shouldn't be able to read the news and think, Well,
15 if it weren't for fraternities and alcohol, none of
16 this would be happening. This is not something
17 isolated to our ability to picture that one
18 interaction. Instead, the vast majority of sexual
19 assaults are occurring within intimate partner
20 relationships. People are known to the abusers.
21 They are into intimate relationships, and we have to
22 address this issue globally. In schools, on campuses
23 and in community-based setting Day One gives youth 24
24 years of age and under and youth serving
25 professionals the tools to recognize safe or

2 unhealthy relationships and identify the resources
3 that can build safe relationships for them.

4 We provide this education for over 4,000
5 youth every year, over 1,000 professionals in New
6 York City. Some of those workshops address sexual
7 assault. Some of them address consent and coercion.
8 I think of that as where sexual--The health class
9 that you got in high school addressing safe sex falls
10 off [buzzer] because no one tells you in high school
11 what to do. They tell you how to use a condom
12 possibly depending on your school, but not
13 necessarily what to do when your partner refuses to
14 use one. So those are the issues that Day One is
15 bringing up in classrooms.

16 We also help young survivors cope with
17 trauma through both individual and group counseling,
18 and also direct legal services. So if young people
19 need protective orders, we're going to be there to
20 take them to court, or to deal out of the court
21 system if that's the--if that's the thing that the
22 survivor wants. And that might include a school-
23 based response if that's something the survivor
24 chooses to be the most optimal and safe recourse for
25 them. Sexual assault and intimate partner violence,

2 which I'm going to say IPV, among young people of
3 college age is far more pervasive than is often
4 suspected. And 60% of college students report that
5 the abuse--that their sexual abuse occurred with the
6 concept--within the context of a dating relationship.
7 Entering college can be an escalating factor. We
8 should keep in mind that these are young people that
9 these relationships carry-- These are high school
10 students five minutes later. So these are--these are
11 issues that are coming up in high school. And the
12 high school age young people age 16 to 24 is the age
13 that experiences more domestic violence than any
14 other age group. We have to start younger, and we
15 also have to address this at the college level.

16 Abuse in an intimate relationship
17 interrupts or derails young people's academic
18 experience and their careers. Survivors can
19 experience Post-Traumatic Stress Disorder, higher
20 levels of truancy and attrition from school. Lost
21 work opportunities and lost economic stability. The
22 proposed bill is a fantastic starting point if
23 calls attention to the crisis on college campuses,
24 and it ensures-- It identifies areas for concrete
25 improvement, but also it indicates that the

2 legislation not only makes a tangible impact, but
3 also communicates that these legislators that New
4 York City, that our academic institutions are
5 prioritizing this issue. And that's of critical
6 importance.

7 Since 2003, Day One has been delivering
8 professional trainings for youth and youth serving
9 professionals throughout New York City. We provide
10 leadership activities for students on multiple
11 college campuses, and have collaborated with the City
12 Department of Health and Education, the NYPD, HRA,
13 the Mayor's Office to Combat Domestic Violence, and
14 the Public Advocate's Office on awareness, outreach,
15 and education project. We've most recently been
16 deliver Title IX trainings now that the academic
17 institutions are stepping forward and recognizing
18 that they need to put more attention into this issue.

19 Day One has over a decade of experience
20 delivering these curricula for teachers, social
21 workers, parents, lawyers and other professionals in
22 hospitals within ACS. We have recent funding in
23 which we'll be training child protective workers as
24 well as DOE school safety officers. Those are people
25 that are on the front lines of this experience, and

2 identifying and interrupting these cycles of abuse.
3 We also have statewide funding for the first time
4 that will train law enforcement, and for the first
5 time not just for Day One, but for anyone in the
6 state to direct dating violence and sexual assault
7 trainings for law enforcement including judges,
8 police, district attorneys across the state on this
9 issue.

10 We agree with the Alliance's position on
11 the education for all students continuing throughout
12 school, not just moving beyond just orientation. We
13 want to make sure that there are materials available
14 to all students. One of the things you received are
15 samples of Day One's guides. You have four or five
16 of them in front of you. We have I think nine, and
17 these are available for young people. They've been
18 vetted by young people, and they make an enormous
19 impact. Tens of thousands of those reached youth
20 every year, and those piece of information can save a
21 life when young people can identify their experiences
22 within them.

23 The trainings also that should be
24 occurring at the college level should be delivered by
25 or in conjunction with sexual assault and domestic

2 violence experts. This is not something that a lot
3 of the schools are taking advantage of the situation
4 and saying like great. We're on it. We're going to
5 have our health department, you know, deliver these
6 trainings. Or someone in our social science who
7 taught a domestic violence class. This is something
8 that their expert providers have been working on this
9 for years and years. And it should be incorporated
10 into any process of delivering education at the
11 college level. We want to make sure that messaging
12 that delivered to this age groups and to these
13 academic institutions includes not just issues of
14 sexual assault, but goes farther to include
15 technologic--technology abuse. That might
16 incorporate issues around sexting, stalking, sexual
17 harassment that's occurring in a technological
18 context.

19 We support the addition of the new
20 Chapter 17 to the Administrative Code, and we hope
21 that the enactment of any legislation will include
22 the participation of local expert programs who bring
23 the extensive hands-on experience that working with
24 young people in this area of intimate partner abuse.
25 We would be happy to contribute technical assistance,

2 materials, and curricula, which would enhance all of
3 the goals of this committee. Thank you very much,
4 and we look forward to partnering with this committee
5 and the Public Advocate's Office on developing
6 survivor centered youth focused policies that will
7 lead to safer environments for New York City's
8 students.

9 CHAIRPERSON BARRON: Thank you.

10 JULIA CRANE: Hello. My name is Julia
11 Crane. I'm a first year student at Barnard College of
12 Columbia University. I'm a member of No Red Tape, an
13 organization of survivors and allies fighting to end
14 sexual violence and rape culture at Columbia
15 University and beyond. In October, we helped plan a
16 National Day of Action with the Carry that Weight
17 Campaign where Public Advocate James spoke to a crowd
18 of hundreds of students along with Planned Parenthood
19 New York City, Hollaback and others who are also here
20 today. She demonstrated her support for survivors of
21 sexual violence, called on Columbia administrators to
22 hold rapists accountable, and voiced her commitment
23 to doing anything within her power to reduce college
24 sexual assault. It was a powerful moment for
25 everyone there, but especially for the many survivors

2 of violence who were watching. Who had been
3 struggling against our schools for too long and
4 desperately needed the support of leaders the Public
5 Advocate to make our campuses safe.

6 Public Advocate James's speech along with
7 the proposal we are discussing today strike a very
8 personal cord for me. Moving to New York City was a
9 dream come true. I came here ready for an adventure,
10 ready to explore everything that the city and college
11 life had to offer. It's been about five months since
12 I came to college, and it's been about three and a
13 half months since I was sexually assaulted. After my
14 assault, I became deeply depressed, and often
15 crippled by anxiety. I feel--I felt like I was
16 drowning in memories of my assault, which made
17 focusing on my school work and taking part in student
18 life especially difficult. I still can't sleep
19 through the night. This is the first time I've
20 publicly spoken out about my assault. [applause]
21 And as nervous as I am to be speaking all of you
22 about what happened to me, I recognize how important
23 it is to share my story. Without survivors at
24 Columbia speaking out before me or support from
25 dedicated public officials like Public Advocate

2 James, I probably would have struggled in silence
3 [buzzer] and wouldn't have received the same kind of
4 support in my healing process. I am grateful to the
5 people who let me know that I am not alone in my
6 experiences, and that they believe and they care.

7 Experiences like mine are all too common
8 and they demonstrate why this proposal is so
9 important. Research by the Department of Justice
10 shows that one in five young women will be sexually
11 assaulted while in college. And young men in trans
12 students also experience violent at alarming rates.
13 The consent education I received from Columbia and
14 Barnard was completely insufficient and many students
15 struggle to understand consent, and recognize sexual
16 violence when it happens to them and their peers.
17 Many survivors seek support from their professors.
18 Yet, because of a lack of training, professors often
19 don't know how to respond. Administrators and staff
20 who interact with students also lack sufficient
21 training to recognize students in crisis, and provide
22 them the necessary support and accommodations.

23 Public Advocate James' proposal
24 emphasizes the importance of increased education and
25 training for everyone on campus, not just students

2 but faculty, administrators and campus safety. By
3 providing these services, the city can help to ensure
4 that students attending any school in the city will
5 have appropriate education and curriculum
6 irrespective of their school's resources. This could
7 have a huge impact on preventing future violence from
8 occurring, and making sure that no one has to go
9 through what I went through. As an activist, I was
10 lucky to have known where to go for resources, but
11 many survivors have no idea where to go for help.
12 Public Advocate James' proposal to provide
13 information to students about resources in the city
14 will help ensure that survivors like me can get help
15 when they need it most.

16 The disciplinary process at Columbia
17 University is infamous for mistreating and re-
18 traumatizing survivors. One senior administrator
19 often states that Columbia's policy is the best in
20 the nation and that our school has zero tolerance for
21 sexual violence. However, their actions do not
22 reflect this. Cases drag on for months because the
23 university doesn't adhere to its own guideline of
24 completing the adjudication process within 60 days.
25 This process, which can be extremely re-traumatizing

2 for survivors becomes all-consuming. Survivors are
3 asked inappropriate and insensitive questions by a
4 panel of student life administrators who have no
5 professional expertise in sexual violence whatsoever.
6 Yet, are tasked with deciding whether or not they are
7 telling the truth. Additionally, deans act as the
8 final arbiters of these cases despite a clear
9 conflict of interest in protecting the school's
10 reputation, and bringing in alumni donations. Thus,
11 they treat cases of rape with egregiously weak
12 sanctions.

13 Columbia students found responsible for
14 rape have been punished with reflection essays, and
15 one semester suspensions including multiple times in
16 the last two months. In all the records, we have
17 found no one has ever been expelled for rape. On top
18 of that, serial rapists are continually left off the
19 hook because Columbia's policy bars the use of prior
20 reports of violence made against them as evidence.
21 Many of these problems stem from the overall lack of
22 appropriate training and professional expertise in
23 the nuances of sexual violence for all people
24 involved with the reporting process, including
25 investigators, hearing panelists, and sanctioning

2 officers. Which leads to the complete mishandling of
3 cases while fully addressing these issues will
4 require a lot more work. Public Advocate James'
5 proposal is a crucial first step.

6 I am so grateful to Public Advocate James
7 for holding this hearing and prioritizing the needs
8 and voices of survivors in this bill. Your proposals
9 will provide invaluable resources to students
10 throughout the city, and much needed education and
11 training to prevent future acts of violence from
12 occurring. With your help and the help of other
13 public officials, we can fight to end violence on
14 campuses to ensure that rape is not a part of the
15 college experience. I hope that by sharing my story
16 today, I can help let other survivors know that they
17 are not alone. And to help people understand why
18 legislation like this is so important. Thank you.

19 CHAIRPERSON BARRON: Thank you to the
20 panel for coming, and sharing your testimony. Oh,
21 one more. I'm sorry.

22 ZOE RIDOLFI-STARR: My name is Zoe
23 Ridolfi-Starr. I'm a senior at Columbia University.
24 I'm the lead complainant in the Title IX Complaint
25 against Columbia University and Barnard College, as

2 well as a member of No Red Tape along with my friend
3 Julia. And a Co-Director the National Carry That
4 Weight Campaign. I wasn't planning on testifying,
5 but I wanted to respond to some of the concerns
6 brought up by the city agencies in the first
7 testimony. These are concerns that we've raised with
8 the Public Advocate's Office, and discussed
9 thoroughly. But I want to make sure that they're
10 stated on the record so that everyone can understand
11 the students' perspective on why increasing the role
12 of the NYPD and expanding the authority of law
13 enforcement is not an appropriate or trauma-informed
14 approach to addressing students' needs on this issue.

15 We are very concerned about expanding the
16 role of law enforcement in campus sexual violence
17 reporting protocols. Because we believe that it
18 would deter survivors from reporting or coming
19 forward to seek help. I can speak from personal
20 experience. When I went with my best friend to
21 report her sexual assault to the NYPD, we had a
22 completely horrific experience. One of the NYPD
23 officers actually came out while she was being
24 questions for the third time that evening and told me
25 that for every single rape I've had, I've had 20 that

2 are total bullshit. Excuse my profanity. That's a
3 quote from him. And he told me that he thought my
4 friend was lying because she couldn't remember the
5 eye color her rapist. And he wouldn't stop smoking
6 in the car when we were driving around, and, you
7 know, details, and details and details of completely
8 inappropriate and terribly insensitive treatment.
9 Eventually, she decided not to pursue her case
10 because of the way that she was treated.
11 Additionally, another young woman that I helped
12 report to the police had a better experience because
13 she was able to go directly to the SVU, although it
14 was still long and drawn out and difficult. But
15 ultimately was told by the prosecutor that there just
16 wasn't enough to go on. And that they wouldn't be
17 taking her case.

18 Of all of the students through Columbia's
19 programming that we offer, and through the National
20 Network of Survivors that we helped coordinate, we
21 have seen one student who felt satisfied with their
22 experience with the NYPD reporting sexual or dating
23 violence through a college campus related incident.
24 Beyond that, students who are from minority
25 backgrounds particularly racial and ethnic minorities

2 or LGBTQ individuals are particularly wary of
3 trusting the law enforcement especially given recent
4 incidents regarding Eric Garner's case. And other
5 kind of violence and abuse that marginalized
6 communities have historically and currently
7 experience at the hands of NYPD officers. Beyond
8 that, you know, the NYPD doesn't have any
9 professional expertise in developing educational
10 programming or in working with youth or in prevention
11 materials. Beyond that fact that their own protocols
12 demonstrate a lack of sensitivity and training, and
13 understanding of the nuances of consent and healthy
14 relationships. They don't have any experience
15 developing this kind of programming. So the idea of
16 allowing them--of giving them the responsibility to
17 chair this task force would grossly misplace that
18 trust. And would sort of steer the task force away
19 from the goals, which are articulated for it in this
20 legislation. So we are adamant that the options
21 available to survivors through their colleges and
22 universities must continue to exist as a separate
23 option. It should not take a subordinate position to
24 criminal justice options. And that the task force
25 and any other agencies or initiatives coming out of

2 this piece of legislation must be spearheaded by
3 departments or agencies within the city government
4 that are better suited to handle these. And that
5 have better relationships with students and young
6 people, particularly survivors of violence and/or
7 non-profit agencies with professional expertise and a
8 demonstrated commitment work on these issues.

9 CHAIRPERSON BARRON: Thank you. Thank
10 you very much. I'm glad that--I'm glad that you all
11 have shared your testimony. In terms of the young
12 lady, the person that you accompanied to the
13 precinct, when she went to the precinct was she not
14 immediately directed to the Special Victims Unit?

15 ZOE RIDOLFI-STARR: No. At first they
16 came to her dorm room, and they interviewed her for
17 an hour and a half in the hallway of her dorm
18 building. And then she went to the local precinct
19 and they interviewed her for another hour there. And
20 then around 1:00 a.m. we went to SVU finally where
21 she had to repeat everything she had already stated
22 two times.

23 CHAIRPERSON BARRON: That's interesting.

24 STEPHANIE NILVA: [off mic] Can I also
25 please-- [sic]

2 CHAIRPERSON BARRON: Yes.

3 STEPHANIE NILVA: In Day One's Experience
4 also the survivors that we work with when they go to
5 police precincts to report either intimate partner
6 violence or sexual assault, we've heard examples of--
7 Because the domestic violence police officers, which
8 are supposed to be in every precinct, aren't there
9 all the time. So they're not necessarily doing to be
10 there, and I would echo everything that you just
11 heard around the expansion of NYPD participation.
12 Because it should absolutely be an option. It just
13 can't be the increased and only or pressured option.
14 This is a group that while well intentioned in many
15 instances, is not specially trained on these issues.
16 And even the domestic violence police--the police in
17 general are not necessarily youth friend. What I
18 described as Day One's clients' experience is often
19 that you will have a lot of distrust and
20 condescension to survivors of abuse of all kinds.
21 And then you add on if you're dealing with young
22 people. And then add on additional identities to
23 that picture whether it's young people of color,
24 immigrants, LGBTQ populations. And you're going to
25 get more reluctance to come forward, and more

2 distrust by the authorities that are supposed to be
3 in the helping position. So we've had clients that
4 are interviewed in public spaces about sexual
5 assault, and experienced very similar intimidations
6 to what you've just heard. And it does not make them
7 want to come back. And sometimes there is some quirk
8 where they land with a good person, and maybe that
9 case goes forward to a certain degree. But there's a
10 lot of examples, many, many more instances where
11 they're intimidated and encouraged to not come
12 forward. And they go back, and they tell every
13 student in their school I had a horrible experience,
14 understandably. And don't go down this road.

15 CHAIRPERSON BARRON: Thank you. I do
16 want to commend Ms. Crane for coming forward for your
17 courage. For your understanding that this is such a
18 critical issue, and that you're willing to share your
19 story as testimony first hand of what it was that was
20 experienced. What should Columbia have done after
21 you reported to them that was missing. And also what
22 is the range of consequences that they have listed,
23 if any, as to what's the most severe that can be a
24 consequence for someone who is found to have

2 committed this crime? But what's the general range
3 of what has happened?

4 JULIA CRANE: I just want to clarify that
5 I haven't reported to the University because--

6 CHAIRPERSON BARRON: [interposing] Oh,
7 okay.

8 JULIA CRANE: Yes. So one of the many
9 reasons is that survivors often don't report to
10 Columbia or other schools is because they hear about
11 like we've spoken how bad other people's experiences
12 are. But I think Zoe can maybe talk to more
13 specifics.

14 CHAIRPERSON BARRON: Okay.

15 ZOE RIDOLFI-STARR: Yeah. So in terms of
16 the range of sanctions that are available, they look
17 at--

18 CHAIRPERSON BARRON: [interposing] Can
19 you get a little closer to the mic?

20 ZOE RIDOLFI-STARR: Yes. In terms of the
21 range of sanctions that are available within
22 Columbia's written policy, it goes from everything
23 from educational workshops and programming to
24 expulsion. However, we know that as far as all of
25 the cases that we have tracked and seen in the last

2 decade or so, and we've been collecting evidence as
3 much as possible, we have seen zero instances of
4 expulsion. The most severe penalty we've ever seen
5 meted out was a two-year suspension, and that was for
6 a case of sexual violence, domestic violence, severe
7 abuse and stalking. All of that amounted to a two-
8 year suspension. So that person ultimately was
9 allowed to graduate from Columbia University.
10 Typically, for sexual assault and IPV, Intimate
11 Partner Violence cases, we're seeing one, two, and
12 occasionally three-semester suspension. But
13 sometimes they're as weak as a reflective essay.

14 CHAIRPERSON BARRON: Okay, and for those
15 who decide not to report to the Police Department,
16 what is it that you would like to see the colleges--
17 What kind of end result would you want to see from
18 the colleges? Yes.

19 STEPHANIE NILVA: I think what's most
20 important is that survivors have options. They need
21 to be able to choose what is the solution for them
22 that is going to prioritize their safety. And that
23 can be both physical and emotional. So Day One works
24 with clients who may decide to go through the civil
25 justice system, the criminal justice system. They

2 want to get a protective order from Family Court,
3 maybe Criminal Court. Sometimes they want to go
4 through their school process and get a campus
5 protective order, which has-- Which is limited by
6 the physical boundaries of the campus. And sometimes
7 they want to get counseling and nothing else. There
8 are a lot of-- There are several options for young
9 people. I don't think any of them are perfect. I
10 think that all we can do is work closely with
11 survivors to determine if they don't choose to
12 report-- What we want to do is encourage them to
13 report if they are going to get a positive result.
14 If they're going to get what's going to work best for
15 them.

16 CHAIRPERSON BARRON: Okay.

17 ZOE RIDOLFI-STARR: I just--

18 CHAIRPERSON BARRON: Yes.

19 ZOE RIDOLFI-STARR: I just want to echo
20 that input and add that I think often times survivors
21 just don't want to have to interact with that person,
22 and in campus communities particularly in New York
23 City those of--those campuses, which are residential.
24 Like CUNY doesn't have this as much because many
25 people live off campus. But residential communities

2 where you eat at school. You sleep at school. You
3 work, you live. Your entire life is in like a four-
4 block radius. It becomes incredibly difficult to
5 function as a human being when, you know, everywhere
6 you turn, every single moment of your day you're
7 looking out to see if my rapist behind me.

8 CHAIRPERSON BARRON: Yes.

9 ZOE RIDOLFI-STARR: Is my rapist behind
10 me? Is my rapist in this dining hall? Is my rapist
11 in this library. And for me, you know, I chose not
12 to report to the police after seeing how--how they
13 treated my friend, and I chose not to report to the
14 school after hearing about how they did everything.
15 But if I could have had any system that would have
16 worked for me, I just would have wanted long-term
17 counseling and support. And for that person to just
18 be gone. I just don't--wouldn't have wanted to have
19 to interact with him ever. But I think that being
20 presented with those options clearly, and also
21 knowing that those systems work well, is the most
22 important first step and we're a long way from that.

23 CHAIRPERSON BARRON: Thank you. We'll
24 have questions from the Public Advocate followed by
25 Council Member Rodriguez's questions.

2 PUBLIC ADVOCATE JAMES: Thank you, Madam
3 Chair. First to Zoe and Stephanie, thank you for
4 your advocacy and thank you for all that you have
5 done. I want to thank in particular Zoe and--Zoe and
6 Julia for inviting me to the National Day of Action,
7 and although the idea of carrying a mattress around
8 everyday would be a challenge for me, I'm going to
9 carry that weight. I'm going to continue to voice
10 this issues and continue to raise awareness in
11 government in our halls of government from the State
12 House to this House. And so I thank you. And I
13 thank you, Ms. Crane for refusing to live in silence,
14 and for refusing to accept the title of victim. And
15 for standing up and speaking about your experience,
16 and no longer being captive by fear. But, in fact,
17 motivated by strength. So, I really want to thank
18 all of you. And thank you, Zoe for disabusing me of
19 the notion that the Police Department would be an
20 appropriate agency to report complaints of instances
21 of sexual assault. And I guess I really want to ask
22 all of you. The Deputy Commissioner talked about
23 national research. She said based on national
24 research only 9% of students cite the reason for not
25 reporting as the police only cite 9% of students.

2 Failure to report to the police often has nothing to
3 do with the police. And she went on to give
4 statistics in general.

5 Do you--what's your position with regards
6 to the stats that she cited? And talk a little bit
7 about the fact that she said the statistics indicated
8 only 25% of students don't report because they think
9 these incidents are a personal matter. Twenty
10 percent fear reprisal. Twelve percent fear the
11 incident was--incident was--did not feel the incident
12 was important enough to report. Ten percent don't
13 want the offender to get in trouble. Four percent
14 have reported to an alternative official, and 31%
15 cite other reasons. But more specifically, they
16 don't believe that the police--that it's based on
17 anything that the police have or have not done.

18 STEPHANIE NILVA: Sure. I think what we
19 need to examine, and that when looking at statistics
20 like those is what are the messages we're sending to
21 survivors. It's important that-- I think that many
22 young people don't think about-- I'm aware. I know
23 that young people don't think, Oh, this thing just
24 happened to me. I'm going to go to court. You know,
25 I can hire a lawyer. They don't know that that's an

2 option available to them. They don't know whether it
3 costs money. They're allowed to be there. Are their
4 parents going to find out? There are so many reasons
5 young people do not automatically go there. For some
6 of Day One's existence, we have lawyer's on staff and
7 not counselors. And, you know, we started with two
8 people. [laughs] So that explains that.
9 Eventually, we added counselors. I promise you
10 there's a huge difference between young people coming
11 forward and saying I want to talk to somebody about
12 what happens to me.

13 And I want to go to court about it. I
14 want to talk to a lawyer. That's not the way they
15 think, and I put the police in the same category if
16 not more so. There's one study that found that less
17 than three percent of young people will report dating
18 violence or sexual assault to an authority figure.
19 Less than 3%. So what is the message that we're
20 sending to young people about whether this is a good
21 idea? Should you go down this road, and what's the
22 reception you're going to get? You're hearing
23 directly from young people about what that reception
24 is. So I think that when you add on the fact that we
25 have messaged out in the universe that this a

2 shameful experience. That survivors are to blame for
3 their own assaults. And that if you come here, you
4 will be shamed and questioned, and held up to
5 mistrust and your academic and career plans will be
6 negatively affected by something that someone else
7 brought upon you.

8 Then there's no--it's not a surprise to
9 me that people don't choose to go to the police. I
10 think that if-- So I think that if we had a system
11 in the kind of fuzzy beautiful ideal world where
12 young people had the message that if you go to the
13 police, you're going to get a thoughtful and
14 sensitive response. You are going to get someone who
15 is going to listen to you, and trust what's coming at
16 you despite-- Having to do with your age, your
17 gender, your ethnic makeup, whatever it is that
18 they're-- Whatever messages they're bringing on you.
19 Then you'd have a different outcome. So I think
20 that it doesn't surprise me that 10%-- In fact, I
21 think it's high that, you know, that 10% would, you
22 know, only name the police as, you know, sort of
23 that's not the issue. I think it's not the issue
24 because it doesn't even occur to them to go there.

2 We have don't have PSAs saying this is where you're
3 going to get help.

4 ZOE RIDOLFI-STARR: Another fact I think
5 is when you look at the other kinds of categories and
6 those statistics that she articulated like thinking
7 that it's a personal matter or that the survivor
8 would not be believed, often times those negative
9 messages come from the police. For example, in the
10 case of my friend, she was told that her experience
11 was consensual because she had consented to one type
12 of sexual activity. But, you know, not the
13 subsequent kind of sexual activity that he forced
14 upon here. And, you know, that kind of experience is
15 all too common. And so, when we're thinking about
16 whether survivors choose to report. Like they may
17 cite the reason not specifically as the police. But
18 when we're thinking about where these messages are
19 coming from about what constitutes violence. What do
20 we actually consider serious enough or dangerous
21 enough to actually report to the police. We have to
22 actually look at what kinds of cases prosecutors
23 actually take up. And very rarely are those the
24 kinds of cases that actually look like what students
25 like me and Julia and the many other survivors on our

2 campuses are experience. So that definitely affects
3 the perception of how people understand their own
4 experiences and whether or not they come forward to
5 the police. Additionally, their definition of
6 consent is seriously different from what most
7 universities apply and what Governor Cuomo is
8 planning to require all universities--

9 PUBLIC ADVOCATE JAMES: [interposing]
10 Right.

11 ZOE RIDOLFI-STARR: --to comply with. So
12 having them be responsible for both training on these
13 definitions of consent through prevention
14 programming. But also through being a primary sort
15 of responder to these, there will be a fundamental
16 tension in that. Because universities are going to
17 be saying this is what consent should be looking
18 like. And police--the police force has a much more
19 restrictive definition, which will result in, you
20 know, serious gaps in understanding, implementation
21 and enforcement.

22 PUBLIC ADVOCATE JAMES: Since the
23 Governor's announcement, has anything changed? Has
24 anything changed on the campus? And two, has in your

2 adjudicative process have they incorporated
3 affirmative consent. And that's my last question.

4 ZOE RIDOLFI-STARR: The incorporation of
5 affirmative consent is complicated to measure. They
6 have written it into the policy yes, which is great.
7 But the question is that, how do students get held
8 accountable to that standard? And because there are
9 so many intricacies within the investigation and
10 adjudication process. And so many places along the
11 line where the decision makers are shielded from any
12 kind of transparency. And are--these decisions are
13 being made by people who lack really professional
14 expertise. And who have a pretty clear conflict of
15 interest in terms of protecting the image and
16 reputation and fundraising capacity of the school.

17 It has made it very difficult to ensure
18 that students are actually being held to the standard
19 of affirmative consent. For example, when a student
20 has violated that standard, and then is found guilty
21 or responsible, as our school calls it, for violating
22 that standard what happens? In my opinion, they
23 should be expelled, right. But if you allow the dean
24 of their school to make that decision, the dean who
25 may also supervise their fraternity, or their

2 athletics program. And who has relationships with
3 alumni, it becomes so complicated for them to make
4 that decision. And they also lack any actual
5 training, and knowledge about the dynamics and
6 dimensions of sexual and dating violence prevention
7 and response.

8 That we see even though this standard has
9 been written into the policy, we lack the kind of
10 structural ability to be holding students accountable
11 to that standard. And beyond that, we lack any
12 meaningful prevention programming to be educating
13 students about what that standard means in practice.
14 What do you actually say it's determined whether you
15 have affirmative consent in way that isn't awkward.
16 That actually is significant to students. And we
17 have really no models for that either through
18 prevention programming or through media
19 representations. And so, until we get both the
20 prevention and education programming as well as
21 structural mechanisms for holding students
22 accountable to affirmative consent policy, it isn't
23 going to mean much in practice.

24 CHAIRPERSON BARRON: Thank you. We've
25 been joined by Council Member Jumanne Williams and at

2 this time we'll have questions from Council Member
3 Rodriguez.

4 COUNCIL MEMBER RODRIGUEZ: Thank you,
5 Chairman and Public Advocate. First of all, thank
6 you for having the courage to come here and share
7 with us your experience. And as father of two
8 daughters eight years old and two years old, we
9 always dream that, you know, the future generation
10 should be living in a better society. We adults have
11 failed, you know, not only to your own--especially
12 your own woman. Because what happens in any
13 particular college is something that is happening in
14 our society nationwide. Unfortunately, we have not
15 been able to stop that cycle that we have been living
16 for so many decades. As someone, you know, have
17 seven sisters and more than 15 nieces and nephews.

18 Being a teacher for more than 13 years
19 before elected [sic] at the high school, I can say
20 that we have lived so many cases where a student or
21 someone close to us have lived those similar
22 experiences. My only thing that I can say is that,
23 you know, sometimes things happen in our life, and it
24 will mark you forever. But, you know, many of us are
25 here because we also lived something in our life that

2 was not the best thing to happen to us. And we build
3 from that particular cases. Like I lived years in
4 poverty, and because I lived those years in poverty,
5 I am committed to always be there fighting for social
6 justice. As I also want to pass those values to my
7 daughters, too. So what I hope is that also you will
8 be starting now also to continue being the voice for
9 the voiceless.

10 First, I would like to add my name on
11 this great deal. I hope that we will change the way
12 we--on how we report to the city. I hope also at the
13 college level we should be able to follow similar
14 reporting methods as we have in the DOE in which
15 anyone who works at the DOE, even though it is not a
16 perfect place, but they are mandated to report. So,
17 if anyone at the DOE regardless if it's their own
18 daughter or no. But when anyone lives through that
19 experience if that individual speaks to any staff
20 person at the college, that is the person's role is
21 to report directly to a division that is not public
22 safety. That should not be the vice president. That
23 should be whatever division we should have at the
24 city independent from the college. So that they can

2 be more up front when it comes to following up and
3 identifying the resources.

4 So again, that's how we have it. I know
5 at the DOE if a teacher is approached or the
6 custodian is approached because something happened to
7 any particular student, that custodian they don't go
8 to the principal. That custodian doesn't go to the
9 head of the--of the custodian office or to the social
10 worker. They are mandated to call the Investigation
11 Department at the DOE. So I hope that we can see
12 similar changes happening also at the college level.
13 That, you know, we can be able to change and improve
14 the way on how victims report these cases. So that
15 they have to be followed up. Unfortunately at the
16 college level most of the college level a student
17 goes to the Public Safety. And it is up to that
18 person to decide what is a follow up, and I think
19 that that should be changed. Thank you.

20 JULIA CRANE: I just wanted to touch
21 briefly on the issue of mandatory reporting.
22 Mandatory reporting, as you articulated, requires
23 that any employee or staff member or a university or
24 education institutions reports and instance of
25 gender-based misconduct that they become aware of.

2 As you explained, in public schools that operates
3 through an external agency like separate from the
4 school. At college and universities there is
5 mandatory reporting protocol, but those reports have
6 to be filed up basically to the Title IX coordinator
7 or to the office responsible for investigation and
8 adjudicating those claims. Student advocates, and I
9 think your organization may agree with this, but
10 correct me if I'm wrong, tend to try not to increase
11 mandatory reporting protocols because that takes away
12 agency from survivors in that process. So rather
13 than increasing-- Rather than establishing a system
14 where if I talk to a professor about my assault, then
15 all of a sudden I don't have a choice. And that
16 report is being sent to a city agency that's going to
17 be investigating. That would really scare me, and
18 that would have deterred me from seeking help from
19 people that otherwise I might have been able to reach
20 out. Instead of that, I think a more appropriate
21 response. I mean it would be meaningful to have an
22 agency like that outside of the university body
23 certainly. But to mandate that reports made to staff
24 members, any level be directed there immediately
25 would absolutely deter reporting by students. And

2 would make it harder for students to get access to
3 help and resources particularly in moments of crisis
4 when they might confused. Or, not really able to
5 process or thinking clearly about sort of what lines
6 of communication and reporting would look like. So
7 instead of that, offering more options and making
8 those options more clearly laid out ahead of time
9 through continuous education, longstanding and
10 comprehensive access to explanation of resources.
11 Lots and lots of education and messaging around what
12 these different agencies do, and what options are
13 available. And how to best seek resources, and where
14 you can go for help would do more to encourage
15 students to come forward. And better facilitate the
16 process of accessing service in moments of crisis.

17 CHAIRPERSON BARRON: Thank you, and
18 certainly we do know that the distinction is that at
19 the DOE level, we're talking about minors. So we're
20 talking about being mandated reporters because these
21 are children who are minors. Council Member
22 Williams.

23 COUNCIL MEMBER WILLIAMS: Well, thank you
24 Madam Chair. Thank you for having this hearing.
25 Thank you Public Advocate James for the bill. I'd

2 like to also add my name to it. Obviously, this is
3 an extremely important topic to discuss. I'm sorry I
4 wasn't here earlier. I was at another hearing that I
5 had to prepare for a vote. But it's important for me
6 as a male to always be present at these hearings, and
7 these calls for action. Thank you again for being
8 brave and coming forward and speaking up. And
9 showing-- Making sure that people understand that
10 the shame shouldn't be on the victim, but the person
11 who actually did the crime. And I think that's very
12 important to continue to show that strength.
13 Unfortunately, I believe if it wasn't viewed as a
14 female issue, a lot more would be done. And so it's
15 always important to me to try to be as present as
16 possible. So I missed most of the testimony. I
17 apologize, but I want to make sure I'm just raising
18 my voice in support and thank you. Hopefully, you
19 will continue doing what you're doing. And I'm sure
20 you know the power of what you're doing, but there's
21 a lot-- There are some young women somewhere who are
22 going to see you, and it's going to give them the
23 strength to come forward, and you should know that
24 whether you hear from them or not that they're out
25 there. So thank you very much.

2 CHAIRPERSON BARRON: Thank you.

3 ZOE RIDOLFI-STARR: Thank you.

4 CHAIRPERSON BARRON: Thank you so much
5 for your testimony, and with the testimony this
6 hearing is adjourned. [gavel]

7 JULIA CRANE: Thank you.

8 PUBLIC ADVOCATE JAMES: Oh, Madam Chair,
9 I'm having a Town Hall Meeting on Sexual Assault,
10 February 12th at the New School.

11 CHAIRPERSON BARRON: Oh, okay.

12 PUBLIC ADVOCATE JAMES: Thank you, a
13 shout out.

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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 February 8, 2015