

STATEMENT OF

**SUSAN HERMAN
DEPUTY COMMISSIONER, COLLABORATIVE POLICING
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL
HIGHER EDUCATION COMMITTEE
February 4, 2015**

Good morning, Public Advocate James, Chair Barron and members of the Council. I am Susan Herman, the NYPD's Deputy Commissioner, Collaborative Policing. The mission of Collaborative Policing is to strengthen our partnerships on public safety initiatives with City agencies, non-profits and community based organizations. Within this framework, we have a particular focus on improving the NYPD's response to victims of crime. Having taught full-time at both the graduate and undergraduate level, and served for several years as the Executive Director of the National Center for Victims of Crime, in Washington DC, the topic of sexual assault on college campuses is one I am particularly familiar with and eager to address.

I am joined today by Deputy Chief Michael Osgood, Commanding Officer of the Special Victims Division, as well as representatives of the Department of Health and Mental Hygiene, the Mayor's Office to Combat Domestic Violence, the Mayor's Office of Criminal Justice, and the Health and Hospitals Corporation. On behalf of Police Commissioner William J. Bratton, I am pleased to be here today to discuss Intro. 517-A, a bill which seeks to reduce college sexual assault. The bill requires the delivery of information to college students in New York City, and the creation of an interagency task force to improve City services and agency response to sexual assaults on college campuses.

According to the Department of Justice, women between 18 and 24 years old are more likely to be raped than anyone else in this country.¹ The CDC has found that 43% of women will experience some form of sexual violence during their lifetime. Men are also victims of sexual assault and rape, but it's been historically difficult to capture true statistics because men report at a lower rate than women; approximately 1.7% of men will be raped in their lifetime, with almost one in four experiencing some kind of sexual violence.² Nearly 20% of female students have reported that they have been the victim of sexual assault, which includes both rape, attempted and threatened rape, and other sexual assaults.³ The majority of these crimes were committed by a person the student knows. Eighty percent of these women never contacted law enforcement.

¹ *Rape and Sexual Assault Victimization Among College-Age Females, 1995-2013*, Langton, L. and Sinozich, S., US Department of Justice, Special Report, page 1.

² *Prevalence and Characteristics of Sexual Violence, Stalking, and Intimate Partner Violence Victimization*, Breiding, M., Smith, S., Basile, K., Walters, M., Chen, J., Merrick, M., Division of Violence Prevention, National Center for Injury Prevention, Centers for Disease Control and Prevention, 2011, table 1.

³ *Rape and Sexual Assault Victimization, supra.*, page 14, Appendix 1.

Low reporting rates are a problem in New York City too. In 2013, the NYPD's Special Victims Division received only 12 reports of sexual assaults that occurred on college campuses, which included crimes ranging from forcible touching to first degree rape; in 2014, there were 20 incidents reported, 5 of which were rape.

Some try to explain this by saying that students don't report to the police because they fear or don't like law enforcement. In fact, the failure to report to the police often has nothing to do with the police. Based on national research, only 9% of students cite the reason for not reporting as "the police would not or could not do anything to help." The more revealing statistics indicate over 25% of students don't report because they think that these incidents are a "personal matter," 20% of students fear reprisal, 12% did not feel the incident was important enough to report, 10% don't want the offender to get in trouble with the law, 4% have reported to an alternate official, and 31% cite some other reason.⁴ While there are many reasons students don't report to law enforcement, it is also particularly disturbing that, according to national data, fewer than one in five female victims of sexual assault are receiving assistance from a victim services agency⁵, where there are counselors especially trained to provide supportive counseling and advocacy.

College students who are victims of sexual assault, a very serious crime, should be encouraged to call the police directly. The NYPD wants to help remove any roadblocks that might discourage victims from coming forward and create an environment where victims of sexual violence feel encouraged and supported to report. Students attending colleges and universities in New York City, taking their first steps towards independence, need to feel safe.

The NYPD has recently engaged in outreach efforts, encouraging local college students who are victims of sexual assault to report directly to the Division's 24-hour hotline. We plan to continue these efforts. We hope that knowing they will be talking to a specially trained investigator will encourage more students to report.

As you may know, the Governor recently signed into law amendments to the New York State Education law, which now requires colleges to notify law enforcement no later than twenty-four hours after the institution receives a report of a violent felony, or missing student. For a few categories of crime, including sexual assault, this requirement is made contingent upon the wishes of the victim. We have already begun meeting with colleges and universities as we re-draft campus safety memoranda of understanding (MOUs) to comport with the new guidelines.

Turning to Intro. 517-A, the Administration supports the very laudable goals put forward by the Public Advocate and the Council: to provide support and resources to affected students, encourage the reporting of allegations, and maintain and disseminate information to the student population. As currently drafted, however, there are some general concerns that we ask the Council to consider:

⁴ *Rape and Sexual Assault Victimization, supra.*, page 9, table 8.

⁵ *Rape and Sexual Assault Victimization, supra.*, page 9, table 9.

- **First, the bill currently places primary responsibility for creating an interagency task force on the Department of Health and Mental Hygiene. We suggest that rather than placing this responsibility on DOHMH by statute, the interagency task force be constituted with the lead agency being designated by the Mayor. Considering the mission of my office, and after consultation with our colleagues in other City agencies, the Police Department would be pleased to accept that role.**
- **Second, in order for the proposed interagency task force to function efficiently and to provide guidance and clarity for its mission, we suggest that subdivisions (a) through (c) of the new Administrative Code Section in the bill be combined, with the task force as a whole responsible for delivering information on resources and services to the student population, along with its other functions. The lead agency would be in a position to facilitate the delivery of such information and ensure that it is current.**
- **Third, we strongly recommend against including the development of an online tool or mobile application to report incidents of sexual assault or to map their locations. We think the more appropriate avenue would be for the task force to undertake a review of existing means of delivering information to students, and identify if technology already exists to facilitate the distribution of information on sexual assault. And perhaps most important, if individuals want to report a sexual assault and it is an emergency, they should call 911. If they are no longer in immediate danger, they should contact the Special Victims Division directly.**

We commend the City Council for highlighting this important issue and look forward to maintaining an open and ongoing dialogue on this legislation. We are ready to answer any questions that you may have.

**TESTIMONY OF KRISTIN GALLAGHER AND MELISSA LEE
MEMBERS, SEX AND LAW COMMITTEE
OF THE NEW YORK CITY BAR ASSOCIATION**

**NEW YORK CITY COUNCIL
COMMITTEE ON HIGHER EDUCATION
HEARING ON PROPOSED INT. NO. 517-A,
IN RELATION TO INFORMATION AND CITY SERVICES
TO REDUCE COLLEGE SEXUAL ASSAULT**

February 4, 2015

My name is Kristin Gallagher, and I am a member of the Sex and Law Committee of the New York City Bar Association. I am testifying today on behalf of the Sex and Law Committee. We thank the Committee on Higher Education for this opportunity. Our Committee collectively represents a broad cross-section of the legal community, including civil rights attorneys, public defense attorneys, prosecutors, and attorneys with expertise in public health policy, education, and childhood development. My testimony today is based on the expertise of our members.

First, we commend the Committee on Higher Education for taking this vital step to reduce sexual assault on college campuses. However, while our committee does support the passage of Int. No. 517-A, we additionally urge the Council to prioritize pursuing a comprehensive, age-appropriate sex education plan that engages all New York City students. It is our position that, to prevent sexual violence before it ever starts, we must connect norms of sexual violence with the need to prepare young people to engage in healthy relationships from an early age.

Sexual violence and harassment start early. One out of 10 high school students reports being hit, slammed into something, or injured with an object or weapon by someone they were dating.¹ The same percentage of students report being forcibly kissed, touched or made to engage in sexual intercourse.² These alarming statistics have wide implications for our communities, public health, and the future of our young people.

¹ Centers for Disease Control and Prevention, "Youth Risk Behavior Surveillance- United States, 2013", Morbidity and Mortality Weekly Report, 63:4, June 13, 2014 at 10, <http://www.cdc.gov/mmwr/pdf/ss/ss6304.pdf>.

² *Id.* at 11.

To be sure, a problem as prevalent and deeply rooted as sexual violence requires a multi-dimensional, multi-sector response. At the core of *any* policy response should be a comprehensive sex education program that reaches *all* of our students, and reaches them early.

Cities across the country, including Chicago and Washington DC, are leading the movement by requiring and implementing comprehensive sex education programs in schools from Kindergarten through 12th Grade. New York, however, is being left behind.

Accordingly, the Sex and Law Committee of the New York City Bar Association recommends that the City Council not only pursue the educational program as currently outlined in paragraph (b) of the proposed bill, but that the City Council go a crucial step further. We urge the Council to actively work with the Mayor's Office to finally establish and implement a plan that guarantees that all New York City youth will receive medically-accurate, comprehensive, developmentally appropriate sexuality education from Kindergarten through the 12th Grade. Such a curriculum should reflect the National Sexuality Education Standards³ and cover (i) healthy relationships and healthy decision-making; (ii) body image and self-esteem; (iii) gender, sexual orientation, and gender identity; (iv) the benefits of delaying sexual activity; (v) risk behaviors and prevention methods; (vi) strategies for preventing, recognizing, and addressing bullying and sexual violence; and (vii) the use of technology and social media in intimate relationships.

In conclusion, for the foregoing reasons, the Sex and Law Committee asks that the Council pass Int. No. 517-A. Further, we respectfully request that the Council take steps now to ensure the implementation of a plan that will finally provide *all* New York City students with the educational opportunities they so desperately need to keep them both healthy and safe. Our youth and our communities deserve nothing less.

³ Released in 2012, the National Sexuality Education Standards establish a thorough catalog of essential sex education content. The standards promote healthy relationship-building skills as one of seven fundamental components to a comprehensive sex education curriculum. Lessons focus not only on physical development, pregnancy, and STIs, but also on safety, respect and consent, sexual decision-making, self-efficacy, sexual orientation and gender identity, and awareness about cultural messages that reinforce gender norms and sexual violence. These curricular standards are essential to challenging societal messages that implicitly and explicitly condone misogyny, homophobia, transphobia, and the violence and sexualized bullying that too often result. Further, the learning is age-appropriate and cumulative so that all students from kindergarten through high school are receiving and building on information that is right for their level of cognitive and social development. *See* National Sexuality Education Standards, <http://www.futureofsexed.org/documents/josh-fose-standards-web.pdf>.

TESTIMONY OF STEPHANIE NILVA, EXECUTIVE DIRECTOR OF DAY ONE
Committee on Higher Education Hearing
February 4, 2015

Thank you to Public Advocate Letitia James, Council Member Gibson, Chairperson Barron, and Council Members Vacca, Cabrera, Williams, Cumbo and Rodriguez for holding this hearing on this critical issue of delivering information and city services to survivors of sexual assault on campus.

I appreciate the opportunity to speak with you today.

Day One is the only New York organization devoting its full resources to addressing the experience of young people 24 and under dealing with dating violence or sexual assault. We are honored to be here and share some of the information we've gained while educating and assisting tens of thousands of young people in New York City.

In schools, on campuses, and in community based settings, Day One gives youth - 24 years of age and under - and youth-serving adults the tools to recognize the signs of an unhealthy relationship and identify resources that can help increase safety. We provide this education to 4,000 youth and 1000 youth-serving professionals per year. Day One also helps young survivors cope with trauma by providing free services, including individual and group counseling, legal assistance and representation in court to obtain orders of protection.

Sexual assault and intimate partner violence among young people of college age is far more pervasive than is often suspected. Sixty percent of college students that report sexual abuse are assaulted within a dating relationship. In the experiences of many of our clients, starting to attend college can be an escalating factor in prior abusive relationships that spill over from high school, where one in three youth is affected by dating abuse. The risk of danger in the relationship increases as an abusive partner starts to perceive a loss of control.

Abuse in an intimate relationship often interrupts or derails young people's development, education, and career planning. Survivors can experience post-traumatic stress disorder and higher rates of truancy and attrition from school, lost work opportunities, and long-term economic instability.

The proposed bill calls attention to the crisis on college campuses and identifies concrete areas for improvement. The legislation makes a tangible impact on youth while communicating that the issue is a priority that is of critical importance to the city, its academic institutions and our legislators.

- Young people must be made aware of the services available – providing students with lists of service providers and hotlines ensures that in an emergency they have a resource available for themselves or a friend in crisis.
- An effective mobile app can also increase awareness of the risk of sexual assault on campus, offer resources and equip youth with resources to support a friend.
- Additional education of youth and professionals in school settings is critical to ensuring we are creating the safe learning environments we want for youth in our city.
- Creating a Task Force of city agencies will help coordinate both services and accountability systems for both survivors and perpetrators of harm.

Since 2003, Day One has been delivering professional trainings for youth and youth-serving professionals throughout New York City. We have provided leadership activities for students on multiple college campuses and have collaborated with the Departments of Health and Education, the NYPD, HRA, the Mayor's Office to Combat Domestic Violence and the Public Advocate's Office on awareness, outreach and education projects.

Day One is the only organization in New York focusing its full resources on the issue of dating violence among youth. We have over a decade of experience delivering curricula for teachers, social workers, parents, lawyers as well as professionals in hospitals and within ACS. With recent funding, we will be training child protective workers and DOE school safety officers about commercial sexual exploitation of youth as well as intimate partner violence. We will also be delivering the first-ever statewide trainings for law enforcement, including police, judges and prosecutors, about dating violence among youth.

We support the addition of a new Chapter 17 related to Sexual Assault service to the Administrative Code. We also hope that the enactment of any legislation will include the participation of local expert programs who bring extensive hands on experience of working directly with young people in the area of intimate partner violence. We would be happy to contribute technical assistance, materials and curricula, which would enhance the goals of this committee and this hearing.

We look forward to partnering with the City Council and the Public Advocate's office to support the development of survivor-centered, youth-focused policies, which will lead to safer learning environments for the city's students.

WRITTEN TESTIMONY FOR THE RECORD

CITY UNIVERSITY OF NEW YORK TITLE IX WORKING GROUP

Jane Sovern, Deputy General Counsel

Jennifer Rubain, University Dean for Recruitment and Diversity

Paulette Dalpes, Deputy to the Vice Chancellor for Student Affairs

for

NEW YORK CITY COUNCIL HIGHER EDUCATION HEARING

Intro 517-A: Information and City Services to reduce college sexual assault

February 4, 2015

Good Morning Chair Barron, Council Members, and Public Advocate James,

We write to express CUNY's support for your efforts to reduce college and university sexual assault, and to offer CUNY's comments on the proposed Local Law to provide information and services regarding sexual assault to college and university students.

CUNY welcomes the establishment of a City-wide task force that would bring together experts from relevant City agencies with college and university students, faculty, and administrators to share best practices, establish collaborations, and identify ways to improve city services and agency response to campus sexual assault. We look forward to participating in and contributing to such a task force.

CUNY agrees that it is critically important that all college and University students have ready and convenient access to up to date information about available resources, including rape crisis centers, hospitals with NYS DOH-approved sexual assault forensic examiner (SAFE) programs, and helplines for those who have experienced sexual assault. CUNY's Title IX websites for the University and each campus include lists of such information from the New York City Alliance Against Sexual Assault (lists of rape crisis centers, victims' hotlines/referral services, and SAFE hospitals) and the Mayor's Office to Combat Domestic Violence (Family Justice Centers and other resources for victims of domestic/intimate partner violence), among others. (See <http://www1.cuny.edu/sites/titleix/resources/campus/university/>)

We support using online tools and/or mobile applications to allow students convenient access to a wide variety of sexual assault related resources and information. We are uncertain how using an online tool or mobile application for students to report or map sexual assault

incidents would coordinate with 911, and how such information would be communicated to colleges and universities.

CUNY strongly supports collaboration among city agencies, service providers, and colleges and universities to develop evidence-based educational programs to address student sexual assault prevention and response. It is our understanding that there is no consensus as to which sexual violence education and prevention programs and approaches can demonstrate practice-based effectiveness. The Centers for Disease Control cautions that evidence of effective sexual violence prevention strategies is “emerging” <http://www.cdc.gov/violenceprevention/rpe/> . In light of this, we recommend that such collaborations use care and academic rigor in developing any such programs.

We look forward to continuing to work with the offices of the Public Advocate, the Council, and the mayoral agencies, as well as our sister New York City based colleges and universities to protect and support our students by reducing campus sexual assault.

Planned Parenthood of New York City

**Planned Parenthood of New York City
Testimony on The New York City Campus Safety Act
February 4, 2015**

Good afternoon. I am Julienne Verdi, Director of Government Relations at Planned Parenthood of New York City (PPNYC). I am pleased to be here today to provide testimony in support of Proposed Int. #517, the New York City Campus Safety Act. Planned Parenthood of New York City thanks the Chair of the New York City Council Committee on Higher Education, the Honorable Council Member ~~Roberto~~ Inez Barron ~~Roberto~~, for his leadership in convening this hearing. We'd also like to thank Speaker Melissa Mark-Viverito, Public Advocate Letitia James, the Committee on Higher Education and the entire City Council for their dedication to these issues, and we welcome the opportunity to discuss ways we can improve sexual assault services for all college students in New York City.

As a sexual and reproductive health care provider, we see 50,000 patients annually in our four health centers located throughout New York City. We are also proud to announce that a new health care center in Queens is under construction and is due to open in May of 2015. PPNYC provides sexual and reproductive health services including birth control; emergency contraception; gynecological care (including cervical and breast cancer screenings); colposcopy; male reproductive health exams; testing, counseling, and treatment for sexually transmitted infections; the HPV vaccine; HIV testing and counseling; pregnancy testing, options counseling (including adoption) and abortion. PPNYC works to meet the needs of survivors in all of our clinical services as well as education and advocacy work. Our medical history forms include nonjudgemental screening questions for intimate partner violence and sexual and reproductive wellbeing. All of our services take this screening into account, and we provide onsite social workers, as well as referrals to nearby family justice centers or additional care as needed. Our staff assesses for level of danger and immediacy of support needed and offers care accordingly. In addition to our clinical services, PPNYC has a robust education department, providing both youth and adult education programs to more than 25,000 young people, adults and professionals across New York City annually. Our programs aim to provide tools to help our participants lead sexually healthy, safe and responsible lives. All of our health curricula include a healthy relationship and consent component and seek to create an affirming space for all members of our community to thrive.

PPNYC has been proud to stand with the student activists leading this historic work and to offer our support as a leading reproductive healthcare provider. For us, the intersections of gender-based violence and reproductive health are clear. Sexual assault is a matter of public health and safety. Survivors of assault frequently face physical and/or mental trauma and can be put at risk of sexually transmitted infections or forced pregnancy. College survivors also suffer high rates of post-traumatic stress disorder (PTSD), depression, and drug or alcohol abuse.¹ On October 29, 2014, we joined with student activists at the "Carry that Weight Day of Action," showing support for student survivors of sexual assault and intimate partner violence. Also, this past year, PPNYC launched a local chapter of Planned Parenthood Generation Action, a network of young organizers and activists across the country who are organizing within their communities to mobilize advocates for reproductive freedom. PP Generation Action students across New York City campuses have been joining the movement against sexual assault, fighting to make their campus communities safer for all people.

¹ The Campus Sexual Assault (CSA) Study: Christopher P. Krebs, Ph.D. ; Christine H. Lindquist, Ph.D.; Tara D. Warner, M.A. ; Bonnie S. Fisher, Ph.D.; Sandra L. Martin, Ph.D. Retrieved at: <https://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>

Planned Parenthood of New York City

PPNYC strongly supports measures to combat sexual assault and gender based violence at New York City colleges. An estimated one in four women and 3% of men will experience an attempted and/or completed rape while at college.² That means a woman has roughly the same likelihood of contracting the flu in an average year as experiencing sexual assault while at college. And yet, we know that only an extremely small percentage of assaults, less than 5%, are reported to authorities. Even fewer assaults ever face conviction. There is a significant gap between the epidemic we know is happening nationwide and the institutional response that is sorely needed. When sexualized violence becomes so normalized that a survivor doesn't feel safe to go to their school administrators, a larger cultural change is needed. According to the Rape, Abuse, and Incest National Network, most survivors know their attackers and most people who commit acts of sexual assault are repeat offenders. There must be stronger support mechanisms in place so that survivors feel safe reporting an assault, and so that once a report is filed, survivors are made confident in the measures of accountability.

The need for action on sexual assault in our educational system is urgent. New York State currently has more colleges under federal investigation for Title IX violations and sexual violence case mishandling than any other state. With approximately 110 colleges and universities located in New York City alone, the New York City Campus Safety Act would go far in meeting the need for stronger campus resources and student supportive services. The Act would put in place meaningful changes to ensure resources are made more easily available to those who need them and tackle a larger culture that allows rape to be too easily dismissed.

PPNYC applauds the New York City Campus Safety Act's measures to enhance services and information available to sexual assault survivors across New York City colleges. These steps include a web-based app to identify sexual assault locations, a list of all hospitals with sexual assault forensic examiner programs, an assault helpline, and connecting students to a list of all community-based rape crisis centers.

PPNYC is especially pleased that the NYC Campus Safety Act includes an education component whereby the Mayor's Office to Combat Domestic Violence, along with local rape crisis centers, would together establish an education program for students, faculty, campus safety officers and administrators of New York City's colleges and universities. The programming would include "affirmative consent education, bystander intervention, disclosure training, offender education, and material to educate individuals adjudicating or otherwise making determinations of internal college or university proceedings to address claims of sexual assault." Bystander intervention teaches awareness tools to identify, assess and take action in cases of assault or sexual violence. In other words, students and administrators would learn elements of positive and healthy relationships, as well as receive a skills-building component to develop confidence and communication in order to manage sensitive situations. It is clear that such resources are crucial for students to better identify sexual assault and intimate partner violence and feel equipped to support others who have faced or continue to face such abuse. 58% of college students say they don't know what to do to help someone who is a victim of dating abuse.³

²"Sexual Assault Statistics:" <http://www.campussafetymagazine.com/article/Sexual-Assault-Statistics-and-Myths>

³ "43% of College Women Experience Violence and Abusive Dating Behaviors": Retrieved from:<http://www.loveisrespect.org/43-college-women-experience-violence-and-abusive-dating-behaviors>

Planned Parenthood of New York City

In order to best meet the needs of campus communities, PPNYC recommends all educational resources be culturally competent and LGBTQ inclusive with materials that cover the full range of sexual and reproductive health services. No one, regardless of gender identity/expression, sexual orientation, or sexual identification should be made to feel unsafe or uncomfortable in seeking out the support they need. Gender-based violence and bullying of LGBTQ students are inherently linked, and we cannot address sexual assault without also pushing for greater tolerance of all identities.

All students must be taught about consent and what a healthy relationship looks like, and must be given adequate resources to prevent and respond to gender-based assault. Unfortunately, students are currently often taught that sexual responsibility lies on the shoulders of only one gender. As a result, sexual violence is rampant. We understand that these conversations can't start early enough, which is why PPNYC firmly believes that the fight to end sexual assault and intimate partner violence must include efforts to improve sexual health education, starting many years before students even think about going to college or entering into intimate relationships.

Our experience as a sexual health education and service provider shows us firsthand the gaps that remain in New York City's sexual health education, which has a significant impact on young people's health, well-being, and future sexual relationships. As the largest metropolitan area in the United States, New York City has an opportunity to become a leader in comprehensive sexual education. Comprehensive sexual education must teach not just the basic prevention lessons, but also provide students the skills to build healthy relationships and caring communities, and empower students to make the best decisions that are right for them. Our education programs teach young people about the importance of communication and respect of one another through consent. Too often we provide young people with sexual health facts and figures without contextual tools to meaningfully apply this information to their everyday lives. Comprehensive sexual education in every school, for every student K-12, could help decrease incidents of assault and abuse in the long run.

The Campus Safety Act will connect campus community members to resources to better address the needs of survivors. Providing greater educational materials for students and administrators adjudicating assault claims could mean the difference of a survivor no longer having to face their attacker in the dormitory halls every day. We applaud the City Council's commitment to increasing access to sexual assault services in colleges and universities across New York City and urge the Council to pass Proposed Int. No 517-A. In addition, we urge the New York City Department of Education to ensure comprehensive, medically accurate sexual health education is provided to every student each year from grades K-12.

Thank you for the opportunity to testify on this important issue and I would be happy to take any questions or provide additional information.

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Since 1916, Planned Parenthood of New York City (PPNYC) has been an advocate for and provider of reproductive health services and education for New Yorkers. Through a threefold mission of clinical services, education, and advocacy, PPNYC is bringing better health and more fulfilling lives to each new generation of New Yorkers. As a voice for sexual and reproductive health equity, PPNYC supports legislation and policies to ensure that all New Yorkers—and, in fact, people around the world—will have access to the full range of reproductive health care services and information.



**New York City Alliance
Against Sexual Assault**

**Intervention in Campus Sexual Assault Testimony
By Mary Haviland, Esq., Executive Director
February 4, 2015**

My name is Mary Haviland and I am Executive Director of the New York City Alliance Against Sexual Assault. The mission of the Alliance is to prevent sexual violence and reduce the harm it causes through education, research and advocacy. As such, we have a the largest Training Institute for sexual assault forensic examiners and human service professionals and for the last five years have been one of two Centers of Excellence in New York State on the prevention of this violence. We are conducting two research evaluation projects and have new funding to provide a referral hub and ombudsman type advocacy for survivors in New York City.

Addressing campus sexual violence requires new thinking and creative solutions to a problem that is affecting as many as one in 5 women on campus and as we saw from the Penn State case, an important number of men and boys. There are over 200 colleges and universities in New York State and as many college students in NYC as the population of the city of Boston. As of this month, the U. S. Department of Education Office on Civil Rights is investigating eleven New York State schools for Title IX violations, 3 of which are in New York City (Hunter College, Barnard and Pace). I am going first talk about recent developments in campus

sexual assault and then the Alliance Prevention Program manager and I will discuss the Public Advocate's very needed New York City Council legislation.

First, there is a set of principles upon which there is almost universal agreement. They are:

1. Closed systems that rely only on internal campus procedures for resolving sexual violence cases do not offer survivors support, opportunity for healing or access to just punishment for the offender.
2. There must be transparent policies defining sexual assault and describing where and how to report. These policies must provide clear information about which campus employees can take confidential reports, what disciplinary actions will take place and what precautions a campus will take to ensure the on-going safety of the survivor.
3. There must be sufficient information provided to students about sources of assistance both on and off campus, how to access immediate crisis intervention services, what their rights are on campus to safety, adjudication of their cases, and remedies available through adjudication
4. Victim-centered techniques of interviewing and trauma informed counseling must be employed in working with students who report violence. Survivors must be informed of all of their options, their right to be assisted in reporting to local law enforcement (as per the Clery) and their legal rights in the local jurisdiction.
5. Investigation and adjudication procedures for sexual violence must be uniform for all students on campus (in other words, no special procedures for individual departments such as athletics and others). These procedures must be prompt, fair

and impartial and training must be provided for all personnel engaged in this process.

6. There must be clear penalties to hold perpetrators accountable and to ensure that campuses are safe.

7. Finally, a promising practice employed by some campuses is to create a Coordinated Community Response Task Force that includes the Title IX Coordinator, the Counseling or Health Center which provides services to survivors, Campus Safety, the Dean of Students or person who oversees the adjudication process and local resources such as rape crisis centers, law enforcement and prosecutors.

Recognizing that all colleges are not adhering to these principles, there are efforts underway at the federal, state and city level to improve the response to sexual assault. Recent developments are:

1. There have been several major federal developments in the last year which my colleague Saswati will discuss in more detail. The Campus Sexual Violence Elimination Act (SAVE) was included in recent Violence Against Women Act introducing among other things prevention education on campus for the first time. Two influential reports were released; the White House Report entitled "Not Alone" and Senator Claire McCaskill's report based on 440 surveys of the U.S. colleges and universities on sexual assault response. Senators McCaskill, Gillibrand and others have drafted the Campus Accountability and Safety Act which requires: the designation of Confidential Advisors by colleges and universities; minimum training standards; a survey of every student in the U.S.;

uniform disciplinary procedures on each campus; and MOU's with local law enforcement.

2. In new York State, last legislative session, a bill was passed called the Campus Safety Act which requires colleges or universities to report all violent felonies to the police within 24 hours. Language from the Clery Act was added to the bill to ensure that it would be understood that this decision rests with the victim in cases of sexual assault.
3. SUNY and then CUNY passed new sets of policies on sexual assault. Among their provisions, these policies provide for: a bill of rights to be available to all students, that both parties affirmatively consent to sexual activity or it is deemed non-consensual, amnesty from punishment for use of alcohol in reporting situations, enhanced training for school personnel including University Police and campus climate surveys which assess general awareness of sexual assault and knowledge of new policy provisions among other provisions. On January 17th, the Governor proposed legislation that would apply these policies to private universities state-wide and he is including this bill with the budget package to ensure passage.
4. Importantly, the Public Advocate has been spear-heading discussions on campus sexual assault with students, the City Council, advocates and policy makers in order to come up with a comprehensive set of recommendations for moving forward on campus sexual assault including the legislation which is the subject of these hearings.

5. Finally, one issue which relates to the rape crisis network at large is that we are at risk of losing over \$3 million in services funding at the state level between last year's budget and the 2015/16 state budget. This amounts to a 42% decrease and could mean 37,000 victims state-wide would lose access to services. Furthermore, as of April 1, 2015, 73% of NYS counties will lose sexual violence prevention programs because of a cut in Centers for Disease Control funds to the state. In New York City, 13 out of 17 rape crisis programs will cease their prevention activities because of this cut.

Based on these recent developments, the Alliance is making the following **recommendations:**

1. The Alliance strongly supports the Public Advocate's suggested legislation which proposes enhanced services and information for students as well as training and capacity building for colleges and universities on sexual assault. The Alliance proposes the creation of a Campus Sexual Assault Back-Up Center in the non-profit sexual assault community that could provide both services.

First, as highlighted by the Public Advocate, there is a genuine need for a centralized call center that can assist students who have been sexually assaulted both on-and-off campus. In the immediate aftermath of a sexual assault, the call center would provide crisis intervention counseling, an assessment of safety issues, a referral to the closest Center of Excellence (if desired by the victim) for a physical exam and a referral to a rape crisis center. This center must understand the various campus processes for dealing with the issue as well as

the effects of sexual trauma so that it is capable of presenting the full range of options to a student survivor in a manner that can be understood.

Secondly, NYC colleges and universities are reaching out to rape crisis programs, law enforcement and prosecutors for assistance in addressing sexual assault on their campuses. College/Universities are requesting assistance with areas as diverse as: improving their investigation of complaints; trauma-centered approaches to working with survivors; creating fair and independent adjudications processes; applying standards such as affirmative consent, mentally incapacitated or physically helpless; informing students about issues of sexual assault; and developing prevention programs such as bystanders intervention to stop potential violence.

The Alliance Prevention Program Manager, Saswati Sarkar is going to talk about these training and technical assistance needs in more detail. Before she does, I would like to briefly suggest two more recommendations.

2. First, with regard to university reporting of violent felonies to law enforcement.

This is an issue that needs further discussion because there differing opinions on this. The Alliance is of the opinion that the victim should remain in control of whether or not his or her sexual assault is reported to the police and that this decision should not rest with the University unless there is very compelling evidence that other students are in danger. However, we do believe that every effort should be made to support, accompany or otherwise make sure that a survivor gets to a hospital SAFE Center of Excellence where he or she can be met with a Multi-disciplinary team that can most accurately brief her on her options.

There is important clinical and research evidence that multidisciplinary approaches are most effective in responding to sexual assault.¹ This is defined as a response from law enforcement, a sexual assault forensic examiner, a prosecutor, the Medical Examiner (DNA analysis) and a rape crisis advocate. When advocates are present during emergency care, victims experience less distress from contact with police and medical personnel as well as fewer follow-up psychological and physical health issues. Psychological outcomes were improved as well with advocate assisted survivors approximately 30% less likely to blame themselves and 25% more likely to seek further help.² For this reason, we believe that SAFE Centers of Excellence are the best source of care for student survivors of sexual assault.

3. Because of the funding cuts outlined above, all of the 17 rape crisis centers in New York City are struggling at a time when they are experiencing increased demand for their services. In addition, there is a disparity of access to services in the outer boroughs with fewer rape crisis centers in Brooklyn and the Bronx as well as fewer hospitals that are certified to provide quality crisis intervention. As a result, the Alliance is recommending that the New York City budget include funds for rape crisis centers, that two additional hospitals in Brooklyn and the Bronx be added to the current 18 that have the capacity to respond to sexual assault victims and finally, that an additional rape crisis program be developed in Brooklyn and the Bronx. This will allow for increased services and assistance to college campuses.

¹ Campbell, R. (2006). Rape survivors' experiences with the legal and medical systems: Do rape victim advocates make a difference? *Violence Against Women*, 12, 30-45.

² *ibid.*

**Preventing Sexual Assault on College Campuses – Testimony
By Saswati Sarkar, Prevention Program Manager**

My name is Saswati Sarkar and I am the prevention program manager at the New York City Alliance Against Sexual Assault. The Alliance is a New York State Department of Health (NYS DOH) designated Center of Excellence in Primary Prevention dedicated to eliminating sexual violence through advocacy, research, policy education and public awareness. Our experience in this leadership role has contributed to shaping New York State's (NYS) primary prevention plan by serving on the NYS DOH's Sexual Violence Primary Prevention Committee, strengthening NYS's leadership in primary prevention of sexual violence, supporting sexual violence and rape crisis programs statewide to implement evidence-based and promising prevention programming as well as serving as the "go-to" organization in New York City for connecting programs and resources and facilitating meaningful partnerships.

The White House Taskforce to Protect Students From Sexual Assault was certainly a catalyst for significant attention and a renewed call to action to end sexual violence on college campuses. However, this realization is falling at a difficult time, as eleven colleges in New York State, including 3 NYC colleges are now the subjects of Title IX sexual violence investigations for the alleged mishandling of sexual assault cases, as of January 7, 2015³. With as many students in NYC as the population of Boston, NYC is at higher risk for sexual assault than many of the other

³<http://www.capitalnewyork.com/sites/default/files/2015.01.07%20List%20of%2094%20postsec%20institutions%20that%20have%20pending%20Title%20IX%20sexual%20violence%20investigations.pdf>

counties in the state. For example, CUNY alone has 480,000 students; and with 1 in 5 women on campuses experiencing sexual violence⁴, there are potentially 48,000 female students experiencing sexual violence with a possible 33% reporting or a mere 15,800 students seeking sexual assault services. Victims often choose not to report for a variety of reasons including misperceptions about what constitutes rape or sexual assault, lack of knowledge about disclosure process and available services, absence of transparent campus adjudication process, mistrust in law enforcement and criminal justice system, and continued impunity and lack of accountability for perpetrators. For student populations from marginalized communities including LGBTQ and immigrant community, additionally the fear of discrimination, being judged and stereotyped along with lack of culturally sensitive resources often contribute to underreporting. However self-blame, shame, fear of being blamed or disbelieved are often underlying societal factors preventing disclosures among campus-based populations and perpetrating sexual assault across our campus communities. Addressing societal conditions that shape and mediate behavior that leads to sexual violence and silence survivors are stepping-stones for preventing sexual violence and enabling safe learning environment for campus-based populations.

The VAWA amendments to the Clery Act, Title IX recommendations, the White House Report entitled “Not Alone” as well as the Campus Accountability and Safety Act drafted by Senators McCaskill, Gillibrand et al., underscore the need for comprehensive prevention programming on college campuses to promote healthy environments and reduce the likelihood or frequency of sexual violence from

⁴ White House Task Force to Protect Students from Sexual Assault (April 2014). NOT ALONE: The First Report of the White House Task Force to Protect Students From Sexual Assault. Retrieved October 24, 2014 from http://www.whitehouse.gov/sites/default/files/docs/report_0.pdf.

occurring. Comprehensive prevention programming requires more than just providing incoming students with information at orientation, or offering a “program-in-box”⁵ or a ‘one-size-fits-all’ module of prevention education. This is because, often times these programs fail to change behavior, shift social norms or promote bystander behavior. Promising prevention programming underscores the value of saturating campus community with a range of ongoing prevention strategies that are: ⁶

- Designed to provide interactive instruction, such as role-play rather than just presenting information or other forms of passive instruction
- Include multiple components such as curriculum-based education, social-media campaigns, awareness sessions, peer-education etc.
- Tailored to fit within cultural beliefs and practices of the campus population
- Appropriately timed, i.e., focused on addressing the risk factors and/or behaviors before they develop, rather than intervening after the problem behavior has developed.
- Structured to engage participants sufficiently for the program to have a meaningful effect.
- Geared to provide opportunities for the participant to foster positive relationships (e.g., peer relationships to support disclosure).

⁵ http://www.calcasa.org/wp-content/uploads/2010/12/CALCASA_140303_StatReport_ExecSum_3k.pdf

⁶ http://www.mentoring.org/downloads/mentoring_4.pdf

- Able to articulate how or why the program/ strategy is likely to produce the intended behavior-changes (his factor enhances buy-in or credibility in the program success)

The Alliance strongly supports the Public Advocate's suggested legislation, which recommends enhanced training and capacity building for colleges and universities on sexual assault; and hence proposes the creation of a Campus Sexual Assault Back-Up Center that could provide technical assistance, training and capacity building expertise to colleges and universities to strengthen and support existing campus infrastructure and programming related to sexual violence prevention and response. **Based on Public Advocate's suggested legislation, the Alliance is making the following recommendations:**

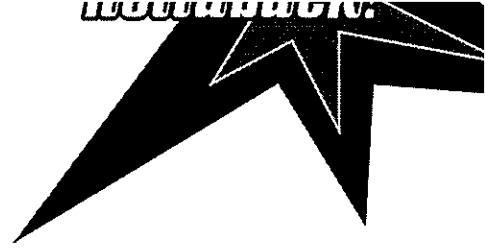
1. Campus policies should include mandatory sensitivity and resource training related to sexual assault for students, faculty and staff. Sensitivity trainings should address factors that affects sexual violence survivors (including immigration status, sexual orientation, cultural and religious factors); effects of sexual violence, confidentiality policies, reporting process and how to handle disclosures as a peer or, a faculty/ staff etc.
2. Prevention programs are mostly housed in the College/ University, which often leaves out campus housings, clubs, Greek programming that are also crucial part of campus communities. Integrating prevention programs into other facilities linked to the college/university such as campus housing and Greek programming can be an effective way of reinforcing pro-active bystander behavior and strong peer-norms related sexual assault prevention.

3. Prevention messages need to be integrated into a wide array of campus events and course work through the academic year
4. Prevention programs should be provided throughout the academic school year for all students and staff and not just during freshman orientation or sexual assault awareness month.
5. Mandatory coach-implemented educational programs need to be implemented for male athletes addressing hyper-masculine peer norms that support/facilitate sexual assault⁷.
6. Finally, campuses should be urged to conduct and publish annual campus climate surveys to measure the extent and nature of the problem, assess the effectiveness of existing campus-based prevention and response strategies, and help the campus community to understand the scope of the problem on their campus. The reports should also be made available to new and incoming students to help them make informed decisions when selecting safe campuses to pursue higher education.

In short, campuses need to implement thoughtful campus-wide ongoing primary prevention programs that can break the cycle of violence and address sexual violence before it happens.

⁷ Centers for Disease Control and Prevention (2014). Preventing sexual violence on college campuses: Lessons from research and practice. Retrieved [date] from <https://www.notalone.gov/schools/>

testimony
NYC Council Hearing
Sexual Assault and Harassment at Higher
Education Institutions
February 4, 2015



My name is Emily May, and I am the co-founder and executive director of *Hollaback!*, a New York City based organization that works to end sexual harassment in public space – including college campuses.

We are also here today as one of the lead organizers of #carrythatweight, a national campaign inspired by Emma Sulkowicz, a Columbia student who is boldly carrying a dorm mattress with her everywhere she goes as long as her rapist continues to attend Columbia University. On October 29th of last year, the #carrythatweight National Day of Action inspired students at 150 universities nationwide – including most NYC-based institutions -- to carry their mattresses in support of the campaign.

On behalf of both *Hollaback!* and the #carrythatweight campaign, we stand in support of LS 1738, in its entirety. I particularly want to speak to the online reporting component of the bill today, which if enacted, would enable students to report incidents of sexual assault to the appropriate authorities and give students guidance regarding when and how that should be done.

Here's why this piece of the bill is transformative: in 2012 *Hollaback!* did a national research study and found that 55% of college administrators said that current systems to report and address campus harassment are not sufficient. Students – for their part – realize this too. When asked by the AAUW how to address campus harassment and assault, 57% of students said they would like their college to offer a confidential web-based reporting platform for submitting complaints. It was the highest ranked solution by far, and yet, few colleges offer it. The reason? They are scared that exposing additional harassment and assault on their campuses will make them “the rape school.”

This is where the government comes in. Students need this platform, and when asked anonymously administrators can admit it is critical. Yet still, from a business perspective universities are disincentivized to implement it. The NYC Council has a critical opportunity here to fill that gap – and ensure that every student has the option to report harassment and assault in a safe, anonymous, and secure way.

In anticipation of the passage of this bill, *Hollaback!* has already started working on an app that will meet the goal identified in this bill. By collecting student's reports, this app works outside the university system to create influence, and cuts through red tape to give students the ability to share their reports directly with administrators. The app features a map of reports alongside local resources, like rape crisis centers. It will have a built-in evaluation tool to alert students when they have enough data to be statistically significant – and it will provide resources for student leaders to organize on their campuses, including a student bill of rights that #carrythatweight has developed, and resources and for bystanders to intervene when they see harassment happening.

We want to thank the Council for coordinating this important hearing, and Public Advocate Tish James for tirelessly reaching out to students for their feedback on this bill. Now, let's make today the day that New York City boldly decided to make New York City's colleges safe learning environments for all. The students of New York City are counting on us.

Thank you.

2/4/2013

Organization: No Red Tape of Columbia University

Contact: noredtapecu@gmail.com

Speaker Name: Julia Crain

Testimony on Int #517A

Hello, my name is Julia Crain. I am a first year student at Barnard College of Columbia University. I'm a member of No Red Tape, an organization of survivors and allies fighting to end sexual violence and rape culture at Columbia University and beyond.

In October, we helped plan a National Day of Action with the Carry That Weight campaign, where Public Advocate James spoke to a crowd of hundreds of students. She demonstrated her support for survivors of sexual violence, called on Columbia administrators to hold rapists accountable, and voiced her commitment to doing anything within her power to reduce college sexual assault. It was a powerful moment for everyone there, but especially for the many survivors of violence who were watching who have been struggling against our schools for too long and desperately need the support of leaders, like the Public Advocate, to make our campuses safer.

Public Advocate James' speech, along with the proposal we are discussing today, strike a very personal chord for me. Moving to NYC was a dream come true. I came here ready for an adventure, ready to explore everything the city and college life had to offer. It's been about 5 months since I came to college. It's been 3 ½ months since I was sexually assaulted. After my assault, I became deeply depressed and crippled by anxiety. I felt like I was drowning in memories of my assault, which made focusing on my school work and taking part in student life especially difficult. I still can't sleep through the night. This is the first time I have publicly spoken out about my assault. And as nervous as I am to be speaking to all of you about what happened to me, I recognize how important it is to share my story. Without survivors at Columbia speaking out before me or support from dedicated public officials like Public Advocate James, I probably would have struggled in silence and wouldn't have received the same kind of support in my healing process. I am grateful to the people who let me know that I am not alone in my experiences and that they believe me and they care.

Experiences like mine are all too common, and they demonstrate why this proposal is so important. Research by the Department of Justice shows that 1 in 5 young women will be sexually assaulted while in college, and young men and trans* students also experience violence at alarming rates. The consent education I received from Columbia and Barnard was completely insufficient, and many students struggle to understand consent and recognize sexual violence when it happens to them or their peers. Many survivors seek support from professors, yet because of a lack of training, professors often don't know how to respond. Administrators and staff who interact with students also lack sufficient training to recognize students in crisis and provide them the necessary support and accommodations. Public Advocate James' proposal emphasizes the importance of increased education and training for everyone on campus—not just students, but faculty, administrators and

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

The disciplinary process at Columbia University is infamous for mistreating and retraumatizing survivors. One senior administrator often states that Columbia's policy is the "best in the nation" and that our school has "zero tolerance" for sexual violence. However, their actions do not reflect this. Cases drag on for months because the university doesn't adhere to its own guideline of completing the adjudication process within 60 days. This process, which can be extremely re-traumatizing for survivors, becomes all-consuming. Survivors are asked inappropriate and insensitive questions by a panel of student-life administrators, who have no professional expertise in sexual violence whatsoever yet are tasked with deciding whether or not they are telling the truth. Additionally, Deans act as the final arbiters of these cases, despite a clear conflict of interest in protecting the school's reputation and bringing in alumni donations. Thus, they treat cases of rape with egregiously weak sanctions. Columbia students found responsible for rape have been punished with reflection essays and one-semester suspensions, including multiple times in the last two months. In all the records we have found, no one has ever been expelled for rape from Columbia University. On top of that, serial rapists are continually let off the hook because Columbia's policy bars the use of prior reports of violence made against them as evidence. Many of these problems stem from the overall lack of appropriate training and professional expertise in the nuances of sexual violence for all people involved with the reporting process, including investigators, hearing panelists, and sanctioning officers, which leads to the complete mishandling of cases. While fully addressing these issues will require a lot more work, Public Advocate James' proposal is a crucial first step.

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



DISTRICT ATTORNEY
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N.Y. 10013
(212) 335-9000

CYRUS R. VANCE, JR.
DISTRICT ATTORNEY

January 15, 2015

To: The Addressees Listed Below

Re: Proposed Int. No. 517-A – In relation to information and city services to reduce college sexual assaults

I am writing in support of Proposed Int. No. 517-A, which would increase information and services available to college and university students in New York City regarding sexual assault.

I want to urge the City Council, however, to work with the city's five District Attorney's Offices when implementing any education program related to sexual assault prevention and response. Last October, I submitted written testimony to the Committee on Higher Education for its hearing on "Oversight – Sexual Assault on College Campuses," which I have attached to this letter. I hope you will consider my testimony when discussing this bill.

In my testimony, I noted that while New York's criminal law has a very specific definition of what constitutes sexual assault, colleges and universities have widely varying definitions. It is critically important for students and staff to understand these differences, and for students to be aware of and understand their rights under the criminal justice system. To protect students and bring justice to victims of sexual assault, I believe this information must be included in any education program established pursuant to this legislation.

I look forward to working with the City Council and the Public Advocates Office on ways to better protect students from sexual assault. Thank you.

Sincerely,

Cyrus R. Vance, Jr.

Encl.

I believe this information must be included in any education program established pursuant to this legislation.

To:

The Honorable Letitia James
Public Advocate for the City of New York
1 Centre Street, 15th Floor
New York, NY 10007

The Honorable Melissa Mark-Viverito
Speaker, New York City Council
250 Broadway, Suite 1856
New York, NY 10007

The Honorable Inez Barron
Chairperson, Committee on Higher Education
New York City Council
250 Broadway, Suite 1823
New York, NY 10007

The Honorable Vanessa Gibson
New York City Council
250 Broadway, Suite 1770
New York, NY 10007

The Honorable Margaret Chin
New York City Council
250 Broadway, Suite 1804
New York, NY 10007

The Honorable Costa Constantinides
New York City Council
250 Broadway, Suite 1808
New York, NY 10007

The Honorable Laurie Cumbo
New York City Council
250 Broadway, Suite 1792
New York, NY 10007

The Honorable Peter Koo
New York City Council
250 Broadway, Suite 1847
New York, NY 10007

The Honorable Brad Lander
New York City Council
250 Broadway, Suite 1751
New York, NY 10007

The Honorable Rosie Mendez
New York City Council
250 Broadway, Suite 1734
New York, NY 10007



Cyrus R. Vance, Jr.

New York County District Attorney

Testimony Before the New York City Council Committee on Higher Education

“Oversight – Sexual Assault on New York City College Campuses”

Monday, October 27, 2014

I thank the New York City Council Committee on Higher Education for allowing me to submit testimony regarding the extremely important issue of sexual assault on college campuses.

In order to bring justice to survivors, we must do all we can to eliminate sexual assaults on college and university campuses. But we must do it in a way that also safeguards basic due process rights. That’s why it is critical that any sexual assault – a very serious crime – is reported to law enforcement. If there is a homicide that took place on a college campus, law enforcement would handle that investigation; it would not go through a college disciplinary proceeding. Sexual assaults should be no different.

What constitutes a sexual assault is defined very specifically under New York’s criminal law, while colleges and universities have widely varying definitions. Therefore, an incident that a college may determine to be a sexual assault may not meet the legal definition of criminal sexual assault. Additionally, the standard of proof in criminal law is proof beyond

a reasonable doubt; most colleges only require a lower burden of proof: a preponderance of the evidence.

I appreciate any effort to standardize colleges' definitions of sexual assault, but I hope that any definition that is adopted at least tracks New York's penal code. If there are differences with the criminal code, students must be made aware of those differences.

I urge colleges to educate students not just about what constitutes sexual assault, but also about their rights under the criminal justice system. It is critically important for their health, as well as to preserve evidence should there be a prosecution.

Students also should know the important differences between a criminal justice proceeding and a college disciplinary procedure. In sexual assault cases, like many other violent crimes, evidence collection is crucial. Using its subpoena power, law enforcement has the ability to collect physical and medical evidence – evidence that disappears if it is not collected quickly. My office sees cases where a student is unhappy with his or her college's proceeding, and then takes the case to us after a significant period of time has passed since the alleged assault. But by that time, important medical and physical evidence, such as blood and DNA, is no longer available. In addition, law enforcement can collect other important types of evidence, such as text messages and emails that may play an important role in bringing justice to the victims or exonerating the innocent.

Colleges do not have subpoena power, and therefore, their ability to determine the guilt or innocence of an accused individual is severely limited.

The criminal justice system also has the ability to issue orders of protection that may last beyond the students' graduation. Although colleges can issue "stay-away orders," those orders are not valid after the perpetrator's graduation, and are unenforceable by the police.

From a law enforcement perspective, reporting campus sexual violence to the police can help us protect the larger public. As we know, sexual offenders are often recidivists. If an offender sexually assaults a person on campus and no report is made, law enforcement cannot identify repetitive criminal behaviors should the same offender commit a subsequent attack off-campus.

Recognizing the importance of educating college staff and students on these issues, my Office's Sex Crimes Unit, for years, has been conducting trainings for college staff on topics including New York's sexual assault laws, what students should do if a sexual assault occurs, the role of my Office in these cases and the services we offer to victims, and safety tips for students. I urge college staff to educate students about this important information.

Finally, I want to impress upon the Committee the need for real, hard data about the prevalence of the problem of sexual assaults on college campuses. We need to conduct surveys that use a randomly selected group of students rather than relying on online surveys, whose participants are self-selecting. The survey's questions must also be clearly defined as to what constitutes sexual assault and lack of consent.

Once again, thank you for the opportunity to participate in this discussion, and I look forward to working with the New York City Council, state lawmakers, and the Governor on ways we can better protect our students from sexual assault.

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/4/15

(PLEASE PRINT)

Name: Stephanie Milva

Address: PO Box 1507

I represent: Day One

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Saswati Sarkar

Address: 32 Broadway NY

I represent: New York City Alliance Against Sexual Assault

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/5/2015

(PLEASE PRINT)

Name: Shahreen Laskar

Address: 555 West 57th St.

I represent: CUNY

Address: 555 West 57th St.

Appearance Card

I intend to appear and speak on Int. No. 517A Res. No. _____

in favor in opposition

Date: 2-4-15

(PLEASE PRINT)

Name: Kristin Gallagher

Address: 42 West 44th St NY, NY 10036

I represent: Sex + Law Committee NYC Bar Assoc.

Address: 42 West 41th St NY, NY 10036

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: EMILY MAY

Address: 30 3RD AVE 800B BROOKLYN

I represent: HULLABACK

Address: _____

*(need to leave
by noon if
possible)*

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 517A Res. No. _____

in favor in opposition

Date: 2/4

(PLEASE PRINT)

Name: Julia Crain

Address: Columbia University - 2990 Broadway

I represent: No Red Tape at Columbia University

Address: _____

11001
possible)

Appearance Card



I intend to appear and speak on Int. No. 517A Res. No. _____

in favor in opposition

Date: 2/14

(PLEASE PRINT)

Name: Zoe Ridolfi-Starv

Address: 2920 Broadway

I represent: No Red Tape - Columbia Univ.

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mary Haviarid

Address: 32 Broadway

I represent: New York City Alliance Against Sexual Assault

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/4/15

(PLEASE PRINT)

Name: Susan Herman, Deputy Commissioner, Collaborative

Address: Pol. C. H. - NYPS

I represent: NYPS

Address: _____

Please complete this card and return to the Sergeant-at-Arms

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/4/15

(PLEASE PRINT)

Name: Deputy Chief Michael Osgood, NYPD Special Victims

Address: DIVISION

I represent: NYPD

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/4/11

(PLEASE PRINT)

Name: Michael Osgood, Dep Chief

Address: 1 Police Plaza

I represent: NYPD SUB

Address: 1 Police Plaza

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Julienne Verdi

Address: _____

I represent: Planned Parenthood of NYC

Address: 26 Bleecker St NY NY 10012