

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON WOMEN & GENDER EQUITY

Jointly with

COMMITTEE ON EDUCATION

And

COMMITTEE ON HIGHER EDUCATION

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April 30, 2019

Start: 1:30 p.m.

Recess: 5:56 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Mark Treyger
Chairperson

Helen K. Rosenthal
Chairperson

Inez Barron
Chairperson

COUNCIL MEMBERS:

Alicka Ampry-Samuel
Joseph C. Borelli
Justin L. Brannan
Robert E. Cornegy, Jr.
Daniel Dromm

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

COUNCIL MEMBERS:

Barry S. Grodenchik
Ben Kallos
Andy L. King
Brad S. Lander
Stephen T. Levin
Mark Levine
Ydanis A. Rodriguez
Deborah L. Rose
Rafael Salamanca, Jr.
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Jacqueline Ebanks
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Bridget Barbera
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Kenyatte Reid

Michelle Anderson
CUNY President

Rodney Pepe-Souvenir
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Brittany Brathwaite
Girls for Gender Equity

Umu Kaba [sp?]
Girls for Gender Equity

Andrea Gonzales
Girls for Gender Equity

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

Kate McDonough
Dignity in Schools Campaign

Emma Roth
ACLU Women's Rights Project

Abigail Delgado

Alya Logan [sp?]
NYCLU Teen Activist Project

Maryam Mohammed
Planned Parenthood

Sofia Quintero
Girls Inc. NYC

Sarah Axelson
Women's Sports Foundation

Elizabeth Flores Amaya
Women's Sports Foundation

Sandy Vivas
Women's Sports Foundation

Diane Milutinovich
Women's Sports Foundation

Amanda Reynoso-Palley
Day One

Juliet Baringea [sp?]
Anti-Violence Project

Charlotte Casen
New York Law School Cyber Harassment

Nastia Gorodilova
New York City Alliance Against Sexual Assault

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

Greg Waltman
G1 Quantum

Mario Gene [sp?]
Bus Driver

Marie Percalis [sp?]
Bus Driver

Wanda Rosario
Bus Driver

Ron Schneider [sp?]
Attorney

2 CHAIRPERSON ROSENTHAL: There's a lot
3 going on up here. Good afternoon, everyone, with
4 apologies for our late start, but thank you for
5 joining us today. I want to welcome Council Members
6 Rodriguez, Cornegy, Dr. Eugene, Council Member King,
7 Council Member Grodenchik, Danny Dromm, Council
8 Member Dromm, former Chair of the Committee on
9 Education. Of course, we'll hear opening statements
10 from Council Member Treyger, Chair of the Committee
11 on Education, Council Member Barron, Chair of the
12 Committee on Higher Education, and I want to welcome
13 Council Member Alicka Ampry-Samuel as well. Have I
14 missed anyone? No. Good afternoon and welcome to
15 our oversight hearing on Title IX and Gender
16 Discrimination in New York City schools. I'm Council
17 Member Helen Rosenthal, Chair of the Committee on
18 Women and Gender Equity. Today I am joined by
19 Council Member Treyger and Council Member Barron.
20 Thank you for your leadership in co-chairing this
21 very important hearing. Before we begin, I do want
22 to recognize that this is the first hearing for the
23 Committee on Women and Gender Equity since our
24 Committee's name was amended to include the term
25 "gender equity." Gender identities, according to

2 their-- gender equity means fairness of treatment for
3 all sexes, genders, and gender identities according
4 to their respective needs. This name change better
5 reflects the committee's work and focus which aspires
6 to be a part of the fight for justice and rights for
7 all. As education is meant to be our great
8 equalizer, it is fitting that our first hearing will
9 consider how gender discrimination can be an obstacle
10 to achieving educational potential in our schools.
11 Gender discrimination in school is real. It creates
12 an environment that is not conducive to learning for
13 anyone. Title IX protections extend beyond unequal
14 access to sports teams and facilities or too few
15 girls enrolled in advanced science courses. Sex
16 discrimination also includes, but not limited to,
17 being subjected to street harassment on the way to or
18 from school, being mocked for dressing the wrong way,
19 being denied an accommodation should a student become
20 a parent, being exposed to crude images, or being the
21 victim of a sexual assault. Research shows that
22 consequences under these circumstances are dire. A
23 decline in grades coupled with an increase in
24 absenteeism with some students dropping out of school
25 altogether. There are obvious mental health

2 implications as well. Title IX of the Education
3 Amendments Act of the 1972 is meant to protect
4 students from discrimination based on sex and
5 education programs or activities that receive federal
6 financial assistance. Under the Obama Administration
7 there were efforts to increase and strengthen
8 protections for students including guidance
9 clarifying Title IX protections for LGB and
10 transgender and gender non-conforming students, and
11 on the number of Title IX coordinator staff required
12 in larger school districts. The Trump Administration
13 wants to unwind these protections. In addition to
14 the Dear Colleague letters that rescinded the Obama
15 era guidance last year, US Secretary of Education
16 Betsy DeVos released a new proposed Title IX rule,
17 which if passed could be devastating for students.
18 These proposed changes will be described in full
19 throughout the hearing, but I believe that DeVos's
20 proposal is unconscionable. If enacted, the new rule
21 would undermine critical protections for survivors of
22 sexual violence, disproportionately harm LGBT female-
23 identifying and gender non-conforming students, and
24 have a serious chilling effect on the reporting and
25 adjudication of the sex discrimination. The misogyny

2 and transphobia on the federal level requires
3 localities to lead in protecting our students. Is
4 New York City prepared for this task? Does one Title
5 IX coordinator position at DOE have a meaningful
6 presence in our schools with over 1.1 million
7 students? Are other staff addressing Title IX
8 issues? I know we'll hear about that today. Can the
9 City Council be helpful in passing legislation and
10 advocating for more funding? Chicago, with a school
11 system of about 360,000 students has 20 IX
12 coordinators as part of its Office of Students
13 Protections and Title IX team, a third of the
14 population of our city and 20 Title IX Coordinators.
15 We must shine a spotlight on sex and gender
16 discrimination in our schools. It's our
17 responsibility not only to carry on the legacy of the
18 original Title IX protections and the Obama updates,
19 but to build on the knowledge and experience that
20 we've gained and to expand upon, not limit,
21 protections. To that end, I'm proud to sponsor
22 legislation being heard by the Committee today.
23 Introduction 1536 is a proposed Local Law which would
24 expand the Commission on Gender Equity's annual
25 report to include reporting on Title IX. This report

2 should bolster CGE's work by informing the public of
3 New York City's efforts to best address sex
4 discrimination in schools and by providing a blue
5 print for best practices through Title IX compliance.
6 At this hearing we expect a comprehensive vision for
7 such a blue print from our New York City officials on
8 how Title IX works to protect our students. In
9 particular, I'm very interested in hearing about the
10 work of the Sexual Health Education Taskforce, the
11 Department of Education's Gender Equity Liaison, or
12 GEL, and the 16 days of activism. I also look
13 forward to hearing directly from students, advocates,
14 their lawyers, and interested stakeholders about
15 their experiences with Title IX in New York City. I'm
16 grateful for your participation, both at the rally
17 before this hearing and your testimony today. Before
18 turning the mic over to Chair Treyger for his
19 remarks, I'd like to thank Ned Taris [sp?], my
20 legislative director, as well as the Committee on
21 Women and Gender Equity's staff for their work in
22 preparing for this hearing, Brenda McKinney [sp?] to
23 my left who is our General Counsel, Chloe Rivera, our
24 Legislative Policy Analyst, and Monica Pappel [sp?],
25 our Finance Analyst. They've done extraordinary

2 work. I urge you to read the committee report on
3 this hearing. I'll turn it over now to Chair
4 Treyger.

5 CHAIRPERSON TREYGER: Thank you, Chair
6 Rosenthal. Good afternoon and thank you everyone for
7 being here today for this important joint hearing of
8 the Committees on Women and Gender Equity, Education,
9 and Higher Education. My name is Council Member Mark
10 Treyger, and I am Chair for the Committee on
11 Education. Before I begin my remarks, I would like
12 to note the committee will hear an important
13 resolution of which I'm proud to be a prime co-
14 sponsor, this is resolution 797 by Council Member
15 Adams which calls up on the New York City Department
16 of Education to maintain at least seven Title IX
17 Coordinator positions with at least one coordinator
18 at each borough field support center. Currently, DOE
19 has only one dedicated Title IX Coordinator working
20 out of central headquarters for the entire New York
21 City school system which is the largest school
22 district in the United States with over 1.1 million
23 students. Since Mayor de Blasio has taken office,
24 the Sanitation Department's numbers of civilian
25 employees has increased by a third, DCAS by 20

2 percent, and the City Information Technology

3 Department by over-- by more than 50 percent. There
4 are now nearly 345,000 fulltime city employees.

5 Throw in part-time employees, and we're almost

6 400,000 employees. Resolution 797 is only calling

7 for the addition of seven very important employees,

8 seven people who are visible and accessible to

9 students, educators and the public, seven people

10 equipped to effectively identify, respond to and

11 prevent sex discrimination as well as gender

12 stereotyping, and sexual violence. As highlighted by

13 Chair Rosenthal, Title IX prohibits discrimination on

14 the basis of sex in any education program or activity

15 receiving federal financial assistance and applies to

16 elementary and secondary schools, as well as

17 colleges, universities and trade schools. Under Title

18 IX, all school district or educational institutions

19 receiving federal financial assistance must designate

20 at least one employee, generally referred to as the

21 Title IX Coordinator, to coordinate efforts to comply

22 with and carry out their responsibilities under Title

23 IX. Like many advocates I am concerned about DOE's

24 ability to effectively carry out the responsibilities

25 under Title IX as the system has just one coordinator

2 for its 1.1 million students. This form of
3 protection from sexual discrimination and sexual
4 violence is important for our City's students and
5 staff. One Title IX coordinator is not nearly enough
6 to serve the largest school system in the entire
7 country. DOE must be more robust in their efforts to
8 protect New York City students. I am going to share
9 with you some very sobering figures from the New York
10 State Education Department's VDIR, or Violent or
11 Disruptive Incident Reporting, and DASA, Dignity for
12 All Students Act, incident reports. These are stats
13 from 2016/2017. There were 4,105 cases of
14 discrimination, harassment and bullying, excluding
15 cyber bullying. There were 26 reported cases of
16 forcible sex offenses, and there 2,604 cases of other
17 sex offenses. For 2017/2018 we've seen all these
18 figures increase. There were 6,437 cases of
19 discrimination, harassment, and bullying, again
20 excluding cyber bullying. There were 456 forcible
21 sex offenses. There were 3,069 cases of other sex
22 offenses. We need more Title IX Coordinators. In
23 addition, we also lack adequate social and emotional
24 supports. More than 700 New York City schools lack a
25 fulltime social worker. Seven hundred New York City

2 schools lack a fulltime social worker. That's nearly
3 half of our schools. We need to do better for our
4 students. Our students need and deserve more social
5 and emotional supports. DOE's Chancellor's
6 regulation AA31 sets forth procedures for filing,
7 investigating and resolving complaints of student-to-
8 student sexual harassment at the school level. I am
9 particularly interested in how DOE is tracking and
10 following up with reported complaints and how they
11 are ensuring that students are aware of their rights
12 and the resources available to them pursuant to this
13 regulation. I was alarmed when I learned about the
14 proposed Title IX changes from our country's Federal
15 Education Department. The proposed changes would
16 undoubtedly make our city school environments much
17 less safe. Under the Federal Government's proposed
18 changes, once incident would not be sufficient for a
19 school to respond to a sexual harassment complaint
20 unless it was severe enough to deny access to
21 education programs or activities. This means that
22 even the youngest students would have to endure
23 repeated incidents of sexual harassment until it was
24 determined that such incident rose to the severe
25 pervasive and objectively offensive standard

2 necessary to deny equal access to the school's
3 education program or activity. Further, under the
4 proposed regulations, a school's obligation to
5 respond to an allegation of sexual harassment is only
6 triggered if the school has actual knowledge of
7 sexual harassment or allegations, meaning that it was
8 reported to the correct person, which can be a Title
9 IX Coordinator, a teacher at the school, or an
10 official with authority to take corrective action.
11 This ignores the fact that sexual harassment and
12 assault are personal issues that are difficult to
13 talk about, and for many students, the adult they
14 trust to reveal a disturbing incident to may be a
15 coach, family assistant, school aide,
16 paraprofessional, or other non-teacher or
17 administrator. So this proposed change would make
18 reporting of sexual harassment more difficult and
19 confusing and reduce the likelihood that such
20 incidents are reported at all. Another proposed
21 change states that the alleged harassment must have
22 occurred within the school's own program or activity
23 in order for the school to be required to respond.
24 So incidents that occur while students are walking to
25 or home from school would be excluded from

2 consideration as would attacks that occur via social
3 media despite the fact that such off-campus incidents
4 can and do impact students' education. I certainly
5 look forward to hearing from the DOE about their
6 efforts to do what is necessary to not only meet the
7 letter of the law, but its spirit. Understanding
8 changes could be made, I also look forward to hearing
9 from DOE on how it is prepared to protect our city's
10 students if the new proposed federal regulations take
11 effect as written. I'd like to note another
12 resolution that will also be heard today by the
13 Committee on Education, Resolution 811 by Council
14 Member Miller, which I'm proud to be a prime co-
15 sponsor of, calls upon the New York State Legislature
16 to pass and the Governor to sign legislation to
17 require inclusion of employee protection provisions,
18 EPPs, in all current and future school bus contracts
19 in New York City. The removal of EPPs from school bus
20 and contracts could create a deficiency in pension
21 funds for current and retired workers due to a loss
22 of contributions. Finally, I'd like to thank the
23 Education Committee's outstanding staff, Malcolm
24 Buddahorn [sp?], Jan Atwell, Kalima Johnson [sp?],
25 Kaitlyn O'Hagan [sp?], and new to the committee,

2 Chelsea Bettamore [sp?], our Finance Analyst. I want
3 to also tahnk my Chief of Staff, Anna Skafe [sp?],
4 and Vanessa Ogle [sp?], my policy director. I'd like
5 to now turn things back to Chair Rosenthal.

6 CHAIRPERSON ROSENTHAL: Thank you so
7 much, Chair Treyger. I appreciate all those numbers.
8 We're going to hear now from the Chair of the
9 Committee on Higher Education, Inez Barron. Did I
10 just say that? Council Member Inez Barron?

11 CHAIRPERSON BARRON: Thank you. Thank
12 you, Madam Chair. Good afternoon. I'm Council
13 Member Inez Barron. I have the pleasure and
14 distinction and honor and responsibility of being the
15 Chair of the Committee on Higher Education. I'm also
16 a member of the Education Committee chaired by my
17 esteemed colleague and co-chair of today's hearing,
18 Council Member Treyger of Brooklyn, and I want to
19 thank Chairs Rosenthal and Treyger for their
20 leadership on this very important topic, and on
21 behalf of the Higher Education Committee, welcome
22 everyone in attendance today. Title IX of the
23 Education Amendments Act of 1972 provides that no
24 person shall "on the basis of sex be excluded from
25 participation in, be denied the benefits of, or be

2 the subject of discrimination under any education
3 program, activity receiving federal financial
4 assistance." The City University of New York, of
5 which I am a proud alum, Hunter College class of
6 January 1967, similarly recognizes through its
7 legislative mission, the vital importance of
8 providing equal educational activities for both sexes
9 as well as for all ethnic and racial groups. I
10 applaud CUNY's efforts to meet these goals. A lot of
11 attention has been paid to Title IX over the past few
12 years and much of that attention was focused on the
13 extent to which our nation's colleges and
14 universities have failed to institute processes and
15 procedures to protect students, women as well as
16 transgender, non-binary individuals, and yes, men,
17 from sexual harassment and sexual assault on campus.
18 Now, the Trump Administration's recently proposed
19 changes to Title IX have garnered a vast chorus of
20 criticism, specifically that the proposals do not
21 expand protection on campus, but instead roll them
22 back. This is particularly concerning when one notes
23 national data, data from the very administration
24 proposing these changes, that the number of sexual
25 assaults on college campuses increased by 305 percent

2 from 2,200 in the year 2001 to 8,900 in the year
3 2016. This begs us to ask why are these rollbacks
4 necessary, and why now? As I have acknowledged in
5 prior hearings on sexual harassment and sexual
6 assault, it is the difficult challenge to balance the
7 rights of students and provide due process for both
8 parties in a complaint, but racism and sexism are
9 very apparent all around us, and sexual violence is a
10 particular issue for black women and trans women of
11 color. As CUNY highlights in its comments to the
12 proposed changes, victimization data shows that 84
13 percent of sexual assault and rape victims are
14 female, and 44 percent come from low-income families
15 of color, yes people of color are less likely to
16 report their experiences to authorities for cultural,
17 social and legal reasons, and I would say also for
18 historical reasons. We know the stereotype is that
19 men perpetrated sexual assault on women, but in her
20 recent book, Stephanie Jones Rogers [sp?], who is an
21 assistant professor at University of California of
22 Berkley, said-- the title of her book is, "They were
23 Her Property," and the subtitle is, "White Women as
24 Slave Owners in the American South." And she
25 dismantles the myth that white women were passive

2 witnesses or reluctant partners to the economic
3 policies of slavery. She has used primary sources to
4 compile a list of the instances of complicit
5 upholding of everyday cruelties and the variety that
6 existed in racial slavery. She talks about how women
7 enslavers skirted the limitations of gender norms and
8 statutory law and seeded nothing in some instances to
9 their husbands. And she talks about it in a way that
10 is previously understated. She includes the forcing
11 of black women and black men into unwarranted sexual
12 relationships, such as Thomas Jefferson had with
13 Sally Hemmings, to bear children that would increase
14 their numbers and their economic worth. And
15 historically for black men, they have been the
16 victims of sexual assault as perpetrated on them
17 through genital mutilation and castration. We know
18 that gender discrimination is not limited to any
19 gender or to any race and it exists in all
20 combinations that we talk about, and I believe that
21 we must consider our history as we look forward to
22 make changes for our future. CUNY's diverse student
23 body is 57 percent male and 76 percent students of
24 color. Seventy-six percent come from low-income
25 families and it is very concern-- concerning them

2 that the additional burdens contemplated by changes
3 to Title IX could disproportionately and negative
4 affect CUNY students from seeking the protections of
5 Title IX and make it all the more difficult for
6 victims to establish their cases. At today's hearing
7 I expect to learn more about the impact that the
8 proposed changes will have both at CUNY and in our
9 DOE schools, and I am particularly looking forward to
10 learning about what we as a city and this council can
11 do to make all of our students feel safe. And
12 lastly, I want to commend all students, victims and
13 survivors who are here to testify and tell their
14 stories so that we may learn from them. Thank you,
15 and I'd like to recognize the members of my committee
16 who are here, Council Member King is here. Council
17 Member Rodriguez was here but did leave, and Council
18 Member Cumbo is here as well. And I would like to
19 thank for putting-- for their worn in putting
20 together today's hearing, Joy Simmons [sp?], my Chief
21 of Staff, and Indigo Washington, my CUNY liaison and
22 Director of Legislation, Paul Senega [sp?], my
23 Counsel for the Committee, Chloe Rivera, the
24 Committee's Policy Analyst, the Michelle Peregrin

2 [sp?], the Committee's Financial Analyst. Thank you,
3 Madam Chair.

4 CHAIRPERSON ROSENTHAL: Thank you so
5 much. Now, I'm going to paraphrase the statement
6 which will go into the record from Council Member
7 Adams who is the sponsor of Resolution 797 where she
8 talks also about the importance of Title IX and the
9 concerns of Department of Education having only one
10 Title IX Coordinator for the largest school district
11 in the country, and her hope that the Department of
12 Education will hire more Title IX coordinators with
13 or without the resolution calling on them to do so.
14 With that, I'm going to ask counsel to read the oath,
15 whatever you do. I also want to say that we're going
16 to have to shorten testimony today because there are
17 about 30 people who want to testify, and I really
18 want to hear from everyone. So if people could start
19 to look at their statements and think about who you
20 want to paraphrase and pull out the most important
21 points, I would really appreciate that.

22 COMMITTEE COUNSEL: Please raise your
23 right hand. Do you affirm to tell the truth, the
24 whole truth and nothing but the truth in your
25 testimony before this committee and to respond

2 honestly to Council Member questions at this hearing
3 today? Thank you.

4 CHAIRPERSON ROSENTHAL: I'd like to
5 welcome Jackie Ebanks [sp?] from the New York City
6 Commission on Gender Equity. Kenyatte-- you will
7 pronounce your name better than me-- Rand [sp?] who
8 is the Executive-- who really needs to work on his
9 handwriting, but I welcome you and I know you're from
10 the Department of Education. Thank you so much for
11 being here. Laura Brantley who is the Executive
12 Director of the Office of Equal Opportunity. Bridget
13 Barber, Associate General Counsel at CUNY, and
14 President Michelle Anderson [sp?] from Brooklyn
15 College. And I know I'm missing one sheet, but if
16 people could introduce themselves, and again, my
17 apologies for not having all the witness slips. But
18 can we hear from you first? Thank you.

19 : Thank you. Good afternoon, Chairs
20 Barron, Rosenthal, and Treyger, and members of the
21 Committee on Education.

22 CHAIRPERSON ROSENTHAL: I am so sorry, I
23 just have one more official duty. If I could thank
24 Council Member Rose, Council Member Cumbo for joining
25

2 us, and I saw Council Member Levine here for a quick
3 second.

4 : And if I could piggyback on that,
5 Council Member Maisel was here as well.

6 CHAIRPERSON ROSENTHAL: OH, yes.

7 : Thank you.

8 CHAIRPERSON ROSENTHAL: Thank you. And
9 again, thank you all for coming today. We're really
10 looking forward to your testimony.

11 EXECUTIVE DIRECTOR EBANKS: Good
12 afternoon Chairs Barron, Rosenthal and Treyger, and
13 members of the Committees on Education, Higher
14 Education, and Women and Gender Equity. I am
15 Jacqueline Ebanks, Executive Director of New York
16 City's Commission on Gender Equity. In this role, I
17 also serve as an advisor to the Mayor and First Lady
18 on policies and issues impacting gender equity in New
19 York City for all girls, women, transgender, and
20 gender non-binary New Yorkers regardless of their
21 ability, age, ethnicity or race, faith, gender
22 expression, immigrant status, sexual orientation, or
23 socioeconomic status. The de Blasio Administration
24 has been steadfast in its commitment to promoting
25 equity, excellence and fairness for all New Yorkers

2 from combatting workplace sexual harassment and
3 discrimination on the basis of sexual orientation or
4 gender identity to enshrining rights for pregnant and
5 parenting New Yorkers, to ensuring access to
6 inclusive services and paid safe leave for survivors
7 of domestic and gender-based violence. The
8 Administration has converted its words into action to
9 become a leader in protecting the rights of all New
10 Yorkers regardless of gender identity, gender
11 expression or background. It is within this dynamic
12 context of change that the Commission on Gender
13 Equity works to create a deep and lasting
14 institutional commitment to tearing down equity
15 barriers across New York City. CGE carries out its
16 activities across three areas of focus within a human
17 rights framework, using an intersectional limb. These
18 areas of focus are: Economic mobility and
19 opportunity, where we have a goal to create a city in
20 which all people of all gender identity and gender
21 expression live economically secure lives and have
22 access to the opportunities to thrive. Our second
23 area of focus is health and reproductive justice with
24 a goal to foster a city free from gender and race-
25 based health disparities. And our third area of

2 focus is safety with a goal of fostering a New York
3 City free from gender and race-based violence. Each
4 of these areas intersects with aspects of Title IX
5 protections that are specific to gender
6 discrimination. As you know, Title IX prohibits
7 discrimination based on a persons' gender expression
8 or known or perceived gender identity. It also
9 requires schools to offer students equal
10 opportunities to play sports and provide equitable
11 gender discrimination of athletic scholarships. It
12 protects students and staff from sexual harassment,
13 prohibits discrimination based on pregnancy or having
14 a child, and treats all students equally in science,
15 technology, engineering and math, and career and
16 technical education programs. And finally, Title IX
17 protects all persons who receive or provide services
18 to an institution receiving Title IX funding
19 regardless of their sex, sexual orientation, gender
20 identity, part or fulltime status, disability, race,
21 or national origin in all aspects of recipient's
22 educational programs and activities. Therefore in
23 summary, Title IX applies nationwide to 16,500 local
24 school districts, 7,000 post-secondary institutions,
25 charter schools, for-profit schools, libraries and

2 museums, as well as vocational rehabilitation
3 agencies, and education agencies in the 50 states,
4 the District of Columbia, and US territories and
5 possessions. Accordingly, Title IX is a core policy
6 that frames this Administration's citywide efforts to
7 achieving gender equity and inclusion. This, of
8 course, includes our educational system. In response
9 to the federal administration's changes to Title IX,
10 the de Blasio Administration submitted public
11 comments recognizing that these changes, proposed
12 changes, compromise Title IX implementation
13 enforcement by revoking guidance on Title IX which
14 asserted that the federal law requires school to
15 allow transgender students to use the pronouns,
16 restrooms, and locker rooms that correspond to their
17 gender identity. It also seeks to change Title IX,
18 the definition of sex along a gender binary
19 construct, either male or female based on genitalia
20 at birth. This would eliminate federal recognition
21 of the estimated 1.4 million Americans who identify
22 as a gender other than the one they were assigned at
23 birth. And finally, these changes propose a narrower
24 definition of sexual harassment that could create a
25 higher burden of evidence to prove harassment or

2 assault, which would in turn create further barriers
3 to survivors to access justice, and would serve to
4 discredit the courageous people that come forward
5 with their experiences of sexual assault. Clearly,
6 our administration opposes those changes, and we
7 submit the Administration's full testimony as a part
8 of the attachment to this testimony. So, in spite of
9 these changes, these proposed compromises to Title
10 IX, the de Blasio Administration remains committed to
11 advancing existing Title IX prohibitions against sex
12 discrimination and ensuring access to educational
13 opportunities regardless of gender identity or gender
14 expression. CGE, the Commission on Gender Equity,
15 carries out this commitment through its recently
16 created Gender Equity Interagency Partnership and
17 through its work with the Mayor's Sexual Health
18 Education Taskforce and its implementation of the
19 global 16 days of activism against gender-based
20 violence campaign. I'm going to go through each of
21 these with some brevity. Through our recently
22 created Gender Equity Interagency Partnership which
23 is currently made up of 57 city agencies, including
24 those agencies who work to advance outcomes and
25 safety for youth and young adults across the city.

2 The Commission on Gender Equity continues its efforts
3 to become the Administration's center of learning on
4 gender equity and the connective core which ensures
5 cross-agency learning to promote gender equity in a
6 streamlined and consistent manner. Also for the past
7 year, CGE has worked with a multidisciplinary group
8 of students, educators, parents, sexual health
9 education experts, LGBTQ health experts, and the New
10 York City Department of Education and Department of
11 Health and Mental Hygiene leadership on the Mayor's
12 Sexual Health Education Taskforce. The taskforce
13 developed recommendations that promote a
14 comprehensive and culturally competent sexual health
15 education for all New York City public schools, and
16 released its report in July 2018. Our
17 recommendations including incorporating a sexual
18 health education curriculum with affirming and
19 culturally competent information about personal
20 safety, healthy relationships, sexual orientation,
21 pregnancy, and gender identity. As a first step
22 towards implementing the taskforce's recommendations,
23 the Department of Education launched Health Ed Works
24 to increase resources for schools to achieve many of
25 the taskforce's recommendations including creating

2 school communities that prioritize health education,
3 ensuring teachers are trained and supported to
4 provide quality inclusive health education, and
5 ensuring that educators have instructional resources
6 to provide said quality inclusive health education.

7 The Sexual Health Taskforce Education Taskforce will
8 continue its work through 2022. And finally, through
9 our safety focus area, CGE continues to partner with
10 the Mayor's Office to end domestic and gender-based
11 violence to expand the City's local implementation of
12 the global 16 Days of Activism Against Gender-based
13 Violence Campaign. Through this campaign we work
14 with community members in various settings to ensure
15 that we develop and promote community-based
16 strategies to prevent, reduce, and eliminate gender-
17 based violence. As part of this work, we're able to
18 reach young people wherever they are, in schools,
19 community-based nonprofits, faith-based institutions,
20 and NYCHA housing developments. In 2018, this
21 campaign reached over 12,000 New Yorkers in 35
22 community districts. Before closing, I would like to
23 address the Council's proposed amendment to CGE's
24 annual reporting requirement under Local Law 67.

25 This amendment would have CGE include information

2 about the Administration's Title IX compliance in its
3 report. CGE welcomes additional conversations with
4 the Council and relevant city agencies which
5 currently track, collect and monitor data that may
6 inform such Title IX reporting across the city. In so
7 doing, we'll ensure that CGE avoids duplication of
8 current Title IX data collecting and reporting
9 efforts, and look forward to having further
10 discussion on this amendment. CGE remains dedicated
11 to working in close partnership with our city agency
12 colleagues and communities throughout New York City
13 to promote this Administration's commitment to
14 equity, excellence and fairness, and to protecting
15 the safety of all New Yorkers including its student
16 populations. Again, thank you for inviting me to
17 speak today. I look forward to working with the City
18 Council to address this issue further. Now, my
19 colleagues from the New York City Department of
20 Education will tell you about the ways they will
21 continue to advance this Administration's commitment
22 to safe and supportive school and work environments
23 that support gender inclusivity and are free from
24 sexual harassment and discrimination regardless of
25 the unacceptable step backwards in its title

2 enforcement that the federal government has proposed.

3 Thank you.

4 EXECUTIVE DIRECTOR BRANTLEY: Thank you.

5 Good afternoon Chairs Treyger, Barron, Rosenthal, and

6 members of the Education, Higher Education, and Women

7 and Gender Equity Committees here today. My name is

8 Laura Brantley, and I am the Executive Director of

9 the Office of Equal Opportunity and Diversity

10 management. Joining me today is my colleague

11 Kenyatte Reid, who is the Executive Director of the

12 Office of Safety and Youth Development. Thank you

13 for the opportunity to testify today on Title IX and

14 the City's commitment to ensure that all schools and

15 workplaces are inclusive and supportive environments.

16 Ensuring a safe and supportive school and work

17 environment that supports gender inclusivity and is

18 free of sexual harassment and discrimination is a key

19 priority of this Administration. DOE's mission is to

20 foster school communities and workplaces that are

21 diverse, inclusive and equitable. Our goal in all

22 that we do is to advance equity and that extends

23 beyond Title IX to all aspects of our work. We have

24 made progress in important areas, including

25 implementing our transgender and gender non-

2 conforming student guidelines over five years ago,
3 increasing access to girls' sports teams and making
4 investments in the critical areas like implicit bias
5 training for staff and strengthening school climate.
6 Our partnerships have been crucial in advancing this
7 work. Thanks to this council's-- thank to the
8 Council's Young Women Initiative, DOE has benefited
9 from the appointment of our Gender Equity
10 Coordinator. All middle and high school are equipped
11 with feminine hygiene products, and we have been able
12 to provide workspace learning and internship
13 opportunities to young women as part of our focus on
14 career and technical education. In addition, the
15 Council's advocacy for creating a LGBTQ Community
16 Liaison has advanced our commitment to making our
17 schools inclusive, welcoming and affirming for
18 students of all gender identities, gender expressions
19 and sexual orientations. Although the Federal
20 Government has proposed an unacceptable backwards in
21 its Title IX enforcement, we at the DOE are committed
22 to advancing equity. We plan on maintaining the
23 broad protections set forth in our chancellor's
24 regulations which exceed Title IX requirements as
25 well as innovative programs that values diversity,

2 inclusion and equity while promoting excellence.

3 Creating equitable environments that are free from

4 gender-based discrimination and harassment is the

5 responsibility of the entire DOE. OEO and OSYD are

6 here to recent the agency today as the two divisions

7 with oversight over this very important work. As the

8 Executive Director of OEO, I directly oversee the

9 DOE's gender equity policies and procedures. We

10 deliver support to the DOE through coordinating

11 mandatory sexual harassment trainings to every DOE

12 employee, conforming with the Stop Sexual Harassment

13 in New York City Act, and providing training to field

14 base employees to ensure compliance; prevention and

15 awareness training throughout the year for all

16 members of the DOE community regarding the DOE's

17 anti-discrimination and anti-harassment policy within

18 Chancellor's Regulation AA30 as well as other

19 federal, state, and city anti-discrimination laws;

20 ensuring students, parents, employees, applicants for

21 employment and others know how to file complaints of

22 a lawful discrimination or harassment by DOE

23 employees; investigating and resolving allegations of

24 discrimination, harassment and sexual misconduct for

25 students and staff pursuant to Chancellor's

2 Regulation AA30; analysis of recruitment and
3 promotion data to identify areas for improvement;
4 providing oversight and guidance to faculty and staff
5 in handling workplace accommodations; and partnership
6 with several divisions to promote diversity, cultural
7 sensitivity, inclusion, and equal opportunity for
8 students and staff as outlined in the DOE's Respect
9 for All policy. The DOE's Title IX Coordinator is an
10 integral part of OEO, reporting directly to me and
11 responsible for oversight of the DOE's compliance
12 with Title IX. This includes investigating staff-on-
13 staff and staff-on-student complaints of gender
14 discrimination and harassment, liaising with various
15 divisions and offices to ensure schools and
16 workplaces are inclusive and free of discrimination
17 while providing training, collecting and analyzing
18 data, and serving as a resource for staff, students
19 and parents. Our Title IX Coordinator is part of the
20 DOE's systemic approach to ensuring that the DOE's
21 procedures for resolving complaints are implemented
22 and administered at all levels across the Department.
23 This work is a shared responsibility across every
24 office and division. The Title IX Coordinator's work
25 is supported within OEO by a team of 16 fulltime

2 investigators, two trainers, four diversity
3 attorneys, and a disability attorney. Most
4 importantly, as my colleague Kenyatte Reid will
5 detail shortly, there is a critical school-based
6 component of our Title IX network. Each school has a
7 designated sexual harassment prevention liaison who
8 is trained to be a resource for the school in this
9 area to respond to allegations of sexual harassment
10 and to assist in putting crucial supports in place
11 for our students such as academic support and
12 counseling. Over the past year and a half, OEO has
13 conducted 243 in-person Title IX training for over
14 8,000 school-based essential staff. The Title IX
15 Coordinator and OEO staff members have organized
16 workshops for the OSYD-led Gender Sexuality Alliance
17 Summit which focused on the rights of LGBTQ students
18 within their school communities. The Title IX
19 Coordinator also provided guidance on Chancellor's
20 regulations and policies, including building
21 inclusive school cultures for students and staff with
22 an emphasis on gender equity and inclusion. Further,
23 the Title IX Coordinator is part of a cross-
24 divisional team responsible for updating the
25 transgender and gender non-conforming guidelines.

2 Title IX is an integral part of DOE's annual
3 diversity and inclusion plan which supports and
4 reinforces the DOE commitment to diversity, equity
5 and inclusion. We update this plan which includes
6 hiring practices of each year. As part of the
7 updating process, the Title IX Coordinator meets with
8 other Title IX Coordinators across the metropolitan
9 area to discuss best practices for strengthening this
10 commitment. I would now like to turn it over to my
11 colleague Kenyatte Reid who will further discuss our
12 work to ensure that DOE provides a safe, inclusive,
13 and welcoming environment. Thank you.

14 EXECUTIVE DIRECTOR REID: Good afternoon
15 Chairs Treyger, Barron, Rosenthal, and members of the
16 Education, Higher Education, and Women and Gender
17 Equity Committees. My name is Kenyatte Reid, and I
18 am the Executive Director for the Office of Safety
19 and Youth Development in the Division of School
20 Climate and Wellness. Nearly a year ago, the
21 Chancellor created a new stream-lined support system
22 for our schools. That included creating the Division
23 of School Climate and Wellness, led by our Deputy
24 Chancellor LaShawn Robinson. The division brings
25 together offices that were previously in different

2 divisions in order to ensure that our work in schools
3 is viewed through an equity lens, with a focus on the
4 wellbeing of our students. This work is critical to
5 the success of our school communities, and we are
6 investing 47 million annually to support schools with
7 critical resources to strengthen culture and climate,
8 23 million dollars in implicit bias and culturally
9 responsive education, and eight million annually in
10 anti-bullying initiatives. Ensuring that our school
11 communities are safe, nurturing learning environments
12 that are free from gender-based discrimination and
13 harassment continues to be at the heart of our Equity
14 and Excellence for All agenda. DOE policy as set
15 forth in Chancellor's Regulation AA31 expressly
16 prohibits student-on-student sexual harassment on and
17 off school property and establishes procedures for
18 reporting, investigating and addressing complaints.
19 Prohibited conduct includes unwelcomed and uninvited
20 conduct of a sexual nature, including conduct that is
21 physical, verbal, written, or electronically
22 transmitted. Students and staff are well aware of
23 this expectation. At the start of each school year
24 the requirements must be discussed with students and
25 staff, and all schools are required to have a sexual

2 harassment liaison. These designees now attend a
3 full day of required training and are responsible for
4 turn-keying that information to the school staff. In
5 addition to the DOE non-discrimination policy, every
6 school is also required to prominently display a
7 "Check and Respect" poster which informs the school
8 community on how to report allegations of sexual
9 harassment and to distribute a brochure that provides
10 an overview of the DOE policy and reporting
11 procedures. Through a streamlined DOE structure, we
12 are ensuring our schools are places where all
13 students can thrive. We have a school-- we have
14 school climate managers in every borough office whose
15 jobs is to monitor and support schools as they create
16 welcoming environments for students. Additionally,
17 thanks to the leadership of the Council in creating
18 for gender equity liaisons, the DOE created a
19 position, Gender Equity Coordinator, in December
20 2016. Our Gender Equity Coordinator has been vital
21 to promoting gender equity and inclusion for all our
22 students with a focus on supporting our young ladies,
23 transgender, and gender expanded [sic] students.
24 Housed within OSYD, our Gender Equity Coordinator has
25 taken the lead on initiatives to prevent and better

2 respond to student-to-student sexual harassment. Our
3 Gender Equity Coordinator has been crucial in
4 building our relationships with community-based
5 organizations, especially those with a focus on anti-
6 violence work. The GEC provides established
7 partnerships included Day One NY, through which we
8 have provided courses on dating violence to 519
9 school social workers. The GEC is currently working
10 with Steps to End Family Violence, another provider
11 of dating violence services, to provide training
12 with-- to provide training on working with youth who
13 cause harm to our District 79 counselors. Further,
14 our GEC has put together events like the 2018 Women's
15 History Museum, and now annual sexuality women and
16 gender instruction equity conference which was
17 developed in partnership with our LGBTQ community
18 liaison and is designed for staff to learn about
19 advancing equity for people of all gender identities
20 and sexual orientations. To ensure our work to
21 prevent sexual harassment and discrimination is
22 inclusive of the LGBTQ community, OSYD offers LGBTQ-
23 specific professional development. Thanks to the
24 Council's leadership, our LGBTQ Community Coordinator
25 is in his third year. This work, as my colleague

2 mentioned, is a shared responsibility. Gender
3 inclusion is critical to all that we do, including
4 through curriculum and programming. I'd like to
5 share some of the most important ways we see this
6 commitment come to fruition across the DOE. As part
7 of comprehensive health education, students learn
8 about healthy and unhealthy relationships. What
9 constitutes bullying and harassment, consent, and
10 boundaries, how to be an up-stander, and how to get
11 help for themselves and others. Our K to 12 health
12 education scope and sequence, which will be available
13 to all schools this summer, includes topics of sexual
14 harassment, and we are working with partners and
15 educators to identify additional resources to support
16 teachers in incorporating this important material
17 into health classes. We have also trained
18 approximately 3,000 staff members on various
19 important topics, including dating violence and
20 healthy relationships, student-to-student sexual
21 harassment and gender inclusivity. The DOE works in
22 close partnership with the Human Resources
23 Administration, and the Mayor's Office to End
24 Domestic Violence and Gender-based violence to
25 support the Teen Relationship abuse prevention

2 program, RAPP, which provides a fulltime social
3 worker focused on relationship abuse, prevention and
4 intervention services to nearly 100 high schools.
5 The City has also invested to expand this program in
6 an age-appropriate way to over 100 middle schools
7 throughout the city. Athletics are also key to
8 student health and academic success, and the DOE has
9 worked hard in the last few years to bring our female
10 student athletes equitable access to afterschool
11 sports including making it a priority to add over 400
12 new girls' teams since 2012. These efforts have
13 successfully expanded access for female students.
14 Forty-seven percent of all student athletes are now
15 female with the percentage of girl's teams and boy's
16 teams nearing parity; approximately 48 percent are
17 boys. Additionally, PSAL has started initiatives
18 like National Girls' and Women's Sports Day to
19 highlight our female scholar athletes. We are also
20 making athletics more inclusive for all students by
21 incorporating nationwide best practices for our
22 transgender athletes. Changing our PSAL website to
23 list the roster of a student in their chosen name,
24 regardless of their legal name, and conducting
25 transgender student focus groups. It is also the

2 responsibility of all schools to ensure the rights of
3 pregnant and parenting students are met. Pursuant to
4 Chancellor's Regulation A740, parent-- pregnant and
5 parenting students have the right to remain in their
6 schools and fully participate in educational programs
7 and extracurricular activities. To support pregnant
8 and parenting students, DOE's Living for the Young
9 Family through Education, also known as LYFE Program,
10 which has over 30 locations in all five boroughs,
11 provides free early childhood education and family
12 supports so students can stay on path to graduation.
13 Last school year, over 650 children and student
14 parents, benefited from the LYFE Program. As part of
15 the Chancellor's priority to accelerate learning and
16 instruction, we are committed to providing inclusive,
17 rigorous instruction for every child in a safe,
18 welcoming, and affirming environment. Through STEM
19 investments including Computer Science for All and
20 CTE our focus is on expanding students' access to new
21 college and career possibilities, especially female,
22 black and Latinx students who are traditionally
23 under-represented in technical fields. Through
24 Computer Science for All there has been significant
25 progress in closing the gender gap. The number of

2 young women in high school taking AP Computer Science
3 has increased six-fold in just two years, and 1,266
4 young women passed the exam which represents a seven-
5 fold increase. Lastly, advancing gender equity by
6 increasing the participation of young women across
7 our 301 CTE schools and programs is a top priority.
8 Over the last three years we have seen an increase in
9 the total number of female students enrolled in CTE
10 programs as well as an increase in their graduation
11 rate. Since 2016, we are grateful to have been
12 recipients of the City Council's Young Women's
13 Initiative Funds to support work-based learning
14 opportunities including internships. These funds
15 have allowed us to encourage greater participation of
16 under-represented student populations for targeted
17 occupational fields such as informational technology,
18 engineering and architecture, construction and
19 automotive transportation. Thank you again for the
20 opportunity to testify today. We know that the
21 Council shares our commitment to ensuring our school
22 and work environments will enable all students and
23 staff to thrive. We look forward to working with the
24 City Council on this urgent and necessary work. With

2 that, we would be happy to answer any questions you
3 may have.

4 MICHELLE ANDERSON: Good afternoon,
5 members of the Higher Education Committee, the
6 Education Committee, and the Women and Gender Equity
7 Committee. I'm Michelle Anderson. I'm the President
8 of Brooklyn College, and I'm very pleased to be here.
9 Chairs Barron, Treyger and Rosenthal, my remarks
10 today will focus on CUNY's response to the Federal
11 Department of Education's recently proposed
12 regulations to implement Title IX. Because of my
13 scholarly area of expertise, I drafted CUNY's
14 response along with a team of other attorneys across
15 the University. And after careful analysis, we
16 concluded that the regulations would make colleges
17 less safe and less equal. In summary fashion, I'll
18 just discuss four reasons here quickly. First,
19 narrowing the definition of sexual harassment. The
20 regulations define sexual harassment as unwanted
21 conduct on the basis of sex that is severe,
22 pervasive, and objectively offensive. An example
23 illustrates the problem with the requirement. This
24 is a shift. It used to be an "or." It could be one
25 or the other, now it's an "and." So, I'll give an

2 illustration to illustrate the problem with requiring
3 both severity and pervasiveness. So this is a
4 hypothetical. One day in a laboratory a professor of
5 chemistry whispers in a student's ear that he would
6 like to have sex with her and uses profanity to
7 describe what he would like to do. This student is
8 alarmed and drops out of the class as a result. The
9 behavior is severe, and it denies the student access
10 to an equal education, but because it happened only
11 once, it's not pervasive. Under the regulations, the
12 students would have no claim under Title IX. Second
13 problem: requiring that the harassment occurs what's
14 called within an educational program. The
15 regulations would prohibit colleges from responding
16 to sexual harassment that occurs outside an education
17 program or activity. Because the vast majority of
18 educational programs and activities happen on campus,
19 the regulations essentially limit the coverage of
20 Title IX to on-campus activity. The problem is that
21 most sexual harassment and sexual assaults of college
22 students happen off-campus. The following example
23 illustrates the problem: Imagine a male student goes
24 to a private apartment of a classmate to study
25 together for an upcoming math exam. At the apartment

2 the classmate supplies [sic] the student with alcohol
3 and when the student becomes incapacitated, the
4 classmate sexually assaults him. As a result of the
5 experience, the student avoids the math class and
6 earns a failing grade. Now, under the proposed
7 regulations because the incident was not within an
8 educational program or activity, the student would
9 have no claim under Title IX. Next, requiring actual
10 knowledge. the regulations require a college to have
11 what's called actual knowledge as opposed to knew or
12 should have known, which was the prior standard under
13 the Obama Administration, of sexual harassment that's
14 reported to either the Title IX coordinator, him or
15 herself, or any official of the recipient who has the
16 authority to institute corrective measures. This
17 would discourage colleges like Brooklyn College and
18 like others across CUNY and across the country from
19 discovering-- from assigning and training responsible
20 employees who have a duty to report, which is a
21 proven strategy for discovering sexual harassment.
22 Under current CUNY policy and under Enough is Enough,
23 the state law that covers this area, responsible
24 employees who must report evidence of sexual
25 harassment to the Title IX Coordinator include more

2 than 50 members of the administrative and academic
3 leadership and include all of their staff members as
4 well. By contrast, under the proposed regulations
5 it's only two employees who would trigger Title IX
6 obligations. The Title IX Coordinator, him or
7 herself, and the person who is the official of the
8 recipient who has the responsibility to institute
9 corrective measures, and that's the College
10 President, only those two people, if they don't know
11 about it personally, then there's no Title IX claim.
12 Let me give you an example. A student reports to--
13 say for instance, a student reports to a physics
14 professor that she's being sexual harassed by a
15 biology professor. The student explains that she
16 works in the biology professor's lab as an assistant
17 and the harassment happens after hours. The physics
18 professor then reports to the Dean of the College of
19 Sciences, and the Dean replies that no one else
20 should know about this situation because the biology
21 professor is too valuable and she's a star, or he's a
22 star at the school. Neither the Dean nor the physics
23 professor informs the Title IX Coordinator. Neither
24 of them informs the college president, and the
25 student drops her biology class as a result despite

2 the fact that the Dean silenced the complaint. Under
3 the proposed regulations the student would have no
4 claim under Title IX. Last thing I want to mention
5 is mandating these expensive and formal grievance
6 procedures that are very problematic. Now, some
7 aspects of the grievance procedures are entirely
8 appropriate to grant due process to students who are
9 accused of sexual harassment or sexual assault.
10 They're fair and they're essential to due process,
11 things like notice, equal opportunity to present
12 witnesses and evidence, and prompt timeframes, but
13 the procedures go much further. They're more than
14 100 additional requirements imposed upon institutions
15 of higher education in these formal grievance
16 procedures, myriad, minute requirements dictate
17 college behavior overwhelmingly in ways that favor
18 predominantly male students over predominantly female
19 complainants. For example, the regulations require
20 the colleges to provide both the complainant and
21 respondent with attorneys or advisors who function as
22 attorneys for mandated live hearings. Now, colleges
23 would either need to hire attorneys or hire advisors
24 and then train them on how to be attorneys to have
25 these formal live hearings. Most colleges do not

2 have the financial resources to do so. The
3 regulations also require that the decision-maker in
4 these formal live hearings explain the exclusion of
5 evidence to the party's attorneys and advisors. This
6 decision-maker would have to be trained in the
7 exclusionary rules of evidence, and most colleges do
8 not have the resources to hire either outside counsel
9 or former judges to function as decision-makers or to
10 hire lay people and then train them in the rules of
11 evidence for exclusion. The regulations also require
12 actual cross-examination of witnesses and parties in
13 hearings. That process would intimidate witnesses,
14 re-victimize complainants, and deter both from
15 participating in investigations, perversely
16 undermining the very search for truth that the
17 regulations purport to advance. The regulations
18 require an investigator then, and this is really
19 interesting one often overlooked, to turn over
20 evidence, all the evidence to both parties no matter
21 how inflammatory, prejudicial, or irrelevant that
22 evidence is, and it would include prior sexual
23 history of the parties or third-parties that was
24 collected during the investigation. We're still--
25 the regulations require the colleges to deliver that

2 evidence in digital format which could be easily
3 shared on social media and then traumatize those who
4 are affected. Digital transmission of evidence in
5 investigations is a toll of potential mischief and
6 harassment. Now, the complexity and cost of the
7 formal investigations can be contrasted with the
8 informal investigations which have no requirements at
9 all for due process. So, in a sense, the complexity
10 and cost of the formal proceedings, encourage
11 colleges to encourage complainants and respondents to
12 agree to informal process where neither due process
13 nor basic fairness are guaranteed. Overall, the
14 regulations would decrease colleges' ability to
15 protect students from sexual harassment and sexual
16 discrimination. They would make colleges less safe,
17 and would increase inequality on campus. Chair
18 Barron, Treyger, and Rosenthal, and members of the
19 Committee, we at CUNY are deeply appreciate-- we
20 deeply appreciate your commitment to Title IX, and
21 I'd like to turn it over to Bridget Barbera who is
22 the Associate General Counsel to talk about CUNY's
23 Title IX policies, followed by Rodney Pepe Souvenir
24 [sp?] titled University Title IX Director. Thanks.

2 BRIDGET BARBERA: Thank you. My name is
3 Bridget Barbera, and I'm the Associate General
4 Counsel for the City University of New York. I want
5 to thank you Chair Barron, Chair Rosenthal, Chair
6 Treyger and members of the Higher Education, Women
7 and Gender Equity, and Education Committees for this
8 opportunity to discuss with you the important topic
9 of sexual violence and harassment, which I will
10 collectively use the term "sexual misconduct." While
11 there's been a culture shift in the way that our
12 society responds to sexual harassment and violence,
13 there's still a great deal of work that must be done
14 to change the culture on campuses and ensure that
15 students are provided a safe environment where they
16 can learn and grow free from sexual misconduct. CUNY
17 over the years has taken many steps to strengthen our
18 sexual misconduct prevention and education programs
19 and raise awareness about the options that victims
20 have on CUNY campuses to report, to get the care and
21 services they need. While we appreciate that a
22 change in culture takes time, CUNY is committed in
23 moving forward to facilitate a culture shift away
24 from the prevailing [sic] silence that surrounds
25 sexual misconduct complaints. In order to make this

2 change, CUNY is constantly reassessing and re-
3 evaluating its policy on sexual misconduct, which is
4 CUNY's comprehensive policy dealing with and
5 addressing sexual harassment prevention and
6 adjudication on campuses. We want to ensure that
7 students and employees receive the supportive
8 measures so that their education and their careers
9 are not derailed because of one act of sexual
10 misconduct. CUNY's policy was revised in 2015 and
11 again in 2018 in order to encourage complainants to
12 report these instances of sexual misconduct to
13 transparency regarding the investigatory and
14 disciplinary process and enhance due process rights
15 for all the parties involved. In order to empower
16 and to encourage complainants to come forward to
17 report these incidents, we've ensured complainants
18 have significant control over how the cases are
19 handled. We've endeavored to sculpt our policy in a
20 way that does not re-victimize those who have come
21 forward and encourages those brave enough to report
22 to do so. CUNY appreciates that there are many
23 hurdles that complainants may face when making the
24 decision to come forward to report sexual misconduct.
25 It is not an easy one to make. So we're making sure

2 this process is transparent and supportive.

3 Complainants have the right to choose whether to
4 report to law enforcement. CUNY will not report an
5 incident of sexual violence unless the college has
6 determined that there's a threat to the safety of the
7 community. But complainants are given the ability to
8 have control in this process, control that they
9 deserve. Complainants who have reported incidents to
10 the college also have the right to remain anonymous
11 and not have their identity shared, and although we
12 inform complainants that this choice may impede or
13 hinder the college's ability to fully investigate and
14 address the matter. We make sure that they have that
15 option and that choice. CUNY wants to empower those
16 affected by sexual violence to not only report, but
17 to fully participate in this process which we believe
18 can be achieved in part by providing complainants
19 with more control over their participation. CUNY's
20 also strengthened due process rights for both
21 complainants and respondents or those accused. As
22 part of changing the culture of silence that once
23 surrounded sexual violence that once surrounded
24 sexual violence, CUNY has increased transparency with
25 respect to investigatory and disciplinary processes.

2 Parties have the right to appeal interim measures if
3 they feel something is unfair or unjust along the
4 process. No Contact Orders are commonly used when
5 there is a report of sexual misconduct to separate
6 the parties involved. Parties have the right to
7 appeal, to ask for a review, and these are rights we
8 deserve, that both parties deserve during this
9 process. As part of CUNY's commitment to being
10 transparent and open with our community regarding the
11 processes related to investigating and adjudicating
12 these incidents. Our policy has been widely
13 disseminated. College websites, it's posted and
14 given to all complainants when they come in to make a
15 complaint, and in addition, we discuss it thoroughly
16 during our trainings for both employees and students,
17 which my colleague Rodney Pepe-Souvenir will discuss.
18 CUNY appreciates that educating our students and
19 employees of vital importance and moving forward our
20 goal of creating [sic] a community free from sexual
21 violence, but our trainings must be our trainings,
22 and to that end, CUNY has created CUNY-specific
23 training programs at no additional cost to the
24 university for both student and employees. CUNY
25 SPARC, which is the Student Sexual and Interpersonal

2 Violence Prevention and Response Course is mandated
3 for all students. We've also created an employee
4 training program, Employee Sexual Misconduct
5 Prevention and Response Course, or ESPARC, that
6 myself and my colleague Rodney Pepe-Souvenir oversee,
7 direct and created the curriculum to make sure that
8 it's for our students. The program provides training
9 on topics such as what to do if a student or a
10 subordinate employee reports they've been a victim of
11 sexual misconduct. Examples of what constitutes
12 sexual harassment and also which agencies, outside
13 agencies that students and employees should go to if
14 they need more help. In addition to these general
15 trainings, CUNY holds tabletop trainings for
16 employees who are directly involved with the
17 investigation or adjudicatory process. Members of
18 every single campuses, every single one, public
19 safety officers, student affairs employees, human
20 resources, legal offices come together in the same
21 room at the same table for a hands-on training,
22 because it is vital, we believe, that employees who
23 have direct involvement in the handling of these
24 cases should be trained regarding trauma-informed
25 investigatory techniques, cultural sensitivity as to

2 why some people may be willing or unwilling to
3 report, and to ensure that all the parties, each
4 party's due process rights are protected. These
5 employees are making significant decisions that
6 affect our students' lives, and it is our duty to
7 ensure that they're trained appropriately. Finally,
8 CUNY has unfortunately learned that many students
9 experience sexual misconduct in the form of dating or
10 domestic violence, and in these cases, the
11 perpetrator is not a CUNY community member. And
12 while CUNY has no authority to take disciplinary
13 action against that individual, we will do all we can
14 to help our students. Dating and domestic violence
15 can have huge impacts on a student's academic
16 progress, which is why CUNY provides interim and
17 supportive measures to all CUNY community members who
18 are victims of sexual misconduct. CUNY's commitment
19 to providing such services to parties affected by
20 sexual violence has led us to strengthen and increase
21 and deepen our relationships with several not-for-
22 profit organizations and non-governmental agencies
23 that focus on providing services and education to
24 both our student and employee populations. Our
25 university Title IX Director Rodney Pepe-Souvenir has

2 partnered with groups such as the New York City
3 Alliance Against Sexual Violence and Sanctuary
4 Families, and we have used these fabulous
5 organizations to provide education and important
6 services such as counseling and other vital services
7 to our students and employees. CUNY understands and
8 believes that there is much more to do on this issue
9 and is committed to changing the culture on each of
10 its campuses. One sexual-- one incident of sexual
11 assault or violence is one too many. We are
12 continuing and constantly reviewing our efforts. We
13 solicit feedback to make improvements and adjustments
14 to our programs. We thank you. We thank you for
15 attention in this important and timely issue, and we
16 look forward to working with you to address these
17 problems. I'm going to turn it over now the
18 University Title IX Director, Rodney Pepe-Souvenir.

19 DIRECTOR PEPE-SOUVENIR: Thank you so
20 much. Good afternoon, Chairs Barron, Treyger, and
21 Rosenthal, and members of the Committee. MY name is
22 Rodney Pepe-Souvenir, and I am the University Title
23 IX Director. Thank you for the opportunity to share
24 CUNY's many advances in campus Title IX awareness and
25 its response to reports of sexual misconduct. I also

2 look forward to learning from your comments and
3 inquiries here today. At its core, CUNY's goal has
4 been to offer all that enter onto its 25 campuses a
5 positive learning experience while also having its
6 graduates impact the world at large. Nowhere is that
7 more evident than in the work CUNY has done with
8 Title IX on its campuses. This is most reflective
9 with CUNY's adoption of New York State's Enough is
10 Enough legislation into its policy on sexual
11 misconduct. The policy was crafted to ensure safety
12 and sexual assault awareness on all CUNY campuses.
13 While it is not required, CUNY created the position
14 of the University Title IX Director. This position,
15 located within the confines of the central office for
16 students affairs, works directly with all campus
17 first responders, i.e., the Title IX Coordinators,
18 Chief Student Affairs Officers, and public safety
19 officer to ensure full compliance with city, state,
20 federal laws and CUNY's policy on sexual misconduct.
21 This entails education and developing best practices
22 for quick response to reports of sexual misconduct
23 both on and off the campus. The University Title IX
24 Director also works with other campus stakeholders to
25 ensure that they are aware of CUNY's practices and

2 procedures when addressing reports of sexual
3 misconduct. The University Title IX Director works
4 with two major groups within CUNY to ensure that the
5 first responders render their responsibilities
6 effectively. This is managed through monthly
7 meetings with the CUNY Title IX working group. This
8 central office working group includes the head of the
9 major CUNY offices who are responsible for responding
10 to Title IX matters, that being the University Title
11 IX Director, the Director of Public Safety, human
12 resources, the Director of Student Advocacy, the
13 Women's Center Liaison, the Director of Student
14 Conduct, and attorneys. The working group works
15 diligently to ensure that the response from all these
16 campus units are uniform and effective in ensuring
17 compliance. Many implementation and procedural
18 decisions are discussed and decided by this group.
19 The second group the University Title IX Director
20 works closely with is the campus' Title IX
21 Coordinators. Every CUNY campus and the central
22 office have designated a Title IX Coordinator. The
23 student and employees-- the Title IX Coordinator
24 provides training to all campus groups, students and
25 employees alike. The Title IX Coordinator ensures

2 compliance and provides guidance on various matters
3 involving sexual misconduct. However, their primary
4 responsibility is responding to reports of sexual
5 misconduct or assault and conducting a swift and fair
6 investigation. While not a prerequisite for the
7 role, many CUNY Title IX Coordinators are attorneys
8 and come with extensive analytical and investigative
9 skills. The Title IX Coordinators meet monthly to
10 discuss matters they are working on, including
11 implementation of CUNY policy, introduction to
12 external agencies they may want to invite to their
13 campuses, and best practices and effective
14 investigation methods. CUNY recognizes the
15 importance of the Title IX Coordinator and the role
16 they play daily on campus. In this regard, Title IX
17 Coordinators are encouraged to attend the many
18 professional development programs and trainings
19 offered throughout this city, such as those offered
20 by the various Family Justice Centers, Columbia
21 University, and the State University of New York. In
22 addition, many of the Title IX Coordinators
23 participate in a monthly citywide Title IX
24 Coordinator's meeting to exchange ideas with other
25 New York City Title IX Coordinators from both public

2 and private higher education institutions. Each new
3 Title IX Coordinator must undergo a two-day Title IX
4 orientation, which includes conducting an extensive
5 [sic] investigation conducted by the University Title
6 IX Director. Title IX Coordinators play an active
7 role on their campus fostering an ongoing sexual
8 misconduct awareness campaign. For example, the
9 Title IX Coordinator in conjunction with other campus
10 groups offers programs during March for Women's
11 History Month, in April for Sexual Assault Awareness
12 Month, and in October for Domestic Violence Awareness
13 Month. This year, as part of their Women's History
14 Month celebration, for example, your college was
15 honored to have Tarana Burke, the founder of the "Me
16 Too" movement, give a talk to students and employees.
17 I now turn to the key areas CUNY has been committed
18 to shoring up and keeping strong. They are
19 education, training, and interim [sic] supportive
20 measures. As was discussed by my colleague, Ms.
21 Barbera, all the students described under Enough is
22 Enough are required to successfully complete the
23 SPARC online course. However, for the students
24 enrolled in a study abroad program, we have
25 instituted a policy of providing live training. This

2 ensures students understand that even away from the
3 CUNY campus their safety and security is of the
4 utmost importance, and swift action will be taken if
5 a report of sexual misconduct is made while they are
6 away. While these live trainings is not-- these live
7 trainings is not mandatory, CUNY recognizes that for
8 many students this may be their first time away from
9 home and this live training is an excellent
10 opportunity for the students to ask questions and
11 better understand the CUNY policy and procedure. The
12 added live training focuses on drinking, which is
13 often the impetus for sexual misconduct, and the
14 failure to obtain consent. During the live training
15 CUNY's policies are not only reiterated, but the
16 training provides assurances to the students that
17 CUNY is available and ready to assist no matter what
18 the circumstances or where in the world the student
19 may be. This past summer, live trainings were
20 conducted for over 600 CUNY students and their
21 chaperone who are part of CUNY's service core sent to
22 Puerto Rico to assist with Puerto Ricco's rebuilding
23 efforts. Other CUNY students traveling
24 internationally were given the added live training
25 was the CUNY Black Male Initiative students who went

2 on a two-week trip to Ghana. Live trainings are
3 given even to students travelling domestically which
4 includes students interning in various legislative
5 offices in New York State and Washington D.C., and
6 students organizations going on short weekend trips
7 such as the University Student Senate who in 2019
8 attended the New York State Black Puerto Rican
9 Hispanic and Asian legislative caucus. The CUNY
10 Coalition for Student and Disabilities, and the
11 student participating in the Modern [sic] Senate
12 Program during Somos el Futero [sp?] Conference in
13 Albany, all of these students received live
14 trainings. This year CUNY made significant strides
15 in ensuring access to CUNY Title IX information.
16 This past summer, our resident student affairs IT
17 Advisor worked with CUNY's web services to enable
18 students to access the CUNY Title IX webpage on their
19 phones. In addition, in order to give students and
20 staff added access to crucial Title IX information,
21 CUNY CIS and the Communications Department worked to
22 link the Title IX webpage to the university's
23 blackboard page and CUNY First, areas that are often
24 frequented by staff and students alike. Now as to
25 training, as is required by Enough is Enough

2 legislation, all Title IX Coordinator and their
3 designees must be trained annually to respond
4 effectively to any reports of sexual misconduct. As
5 referred to above, CUNY has designated the Title IX
6 Coordinator, Chief Student Affairs Officers, and the
7 Public Safety Officers as first responders to reports
8 of sexual misconduct. Students and employees alike
9 have 24/7 access to someone if the need arises to
10 report a sexual assault. To that-- excuse me. To
11 that end, since 2016, CUNY conducts annual trainings
12 of the above mentioned groups. This year's tabletop
13 training, which was discussed by Ms. Barbera,
14 included a brief overview of the nationally
15 recognized trauma-informed interviewing method known
16 as Forensic Experiential Trauma Interview, FETY.
17 FETY is currently used by the NYPD Special Victims
18 Division, the New York State Police, and various law
19 enforcement organizations around the country. In
20 2018 myself, Brooklyn College Campus Title IX
21 Coordinator and a Brooklyn College Public Safety
22 Officer participated in FETY training through the
23 NYPD Special Victims Division. CUNY recognizes the
24 benefit of conducting an investigation during-- using
25 this method particularly where the student reports an

2 incident, but due to trauma cannot recall important
3 facts. The tabletop training participants were
4 encouraged to take the FETY training when offered to
5 enhance their investigation method. As indicated,
6 CUNY not only relies on the first responders to be
7 available to provide immediate assistance to
8 students, but it is also aware that students may
9 bypass the Title IX Coordinator and seek other
10 employees that they engage with on a regular basis to
11 report sexual misconduct. CUNY has designated
12 certain employees and their offices that they work in
13 as responsible employees. some examples of CUNY's
14 designated responsible employees are all the staff
15 members in the campus Student Affairs Office,
16 athletic staff, and human resources personnel, just
17 to name a few. As indicated by President Anderson in
18 her remarks, the responsible employee is crucial for
19 their ability to be available to a student in time of
20 need. Their ability to know where to report and
21 what-- with that they have learned is invaluable. The
22 campus responsible employees identified in our policy
23 on sexual misconduct and are discussed both in the
24 SPARC online training and the employee ESPARC
25 training. The responsible employees undergo training

2 to ensure that they are aware of the important role
3 they play in students and employee safety. Now to
4 interim [sic] and supportive measures. Once CUNY is
5 aware of a report of sexual misconduct, several
6 measures are taken to provide the students with what
7 we call a map of safety. That is providing
8 assurances to the student that CUNY is prepared to
9 assist them with services to make the student as
10 whole as possible. As is mandated in the Enough is
11 Enough legislation, we provide all students whether
12 complainant or respondent with interim and supportive
13 measures. This is facilitated through the
14 collaboration between the Title IX Coordinator and
15 the Chief Student Affairs Office. To that end, in
16 2017, CUNY designated one to two individuals on every
17 campus entitled the Support Services Liaison, SSL for
18 short. An SSL is immediately assigned primarily to
19 the complainant after a report is made to the Title
20 IX Coordinator. The SSL provides immediate and
21 ongoing assistance to the complainant during the
22 course of a case and even beyond. The services the
23 SSL provides includes but it not limited to: no
24 contact orders, assistance with getting an order of
25 protection, referrals to external agencies for needed

2 support, reasonable accommodations, academic
3 adjustments, and campus escorts. These individuals
4 often work in the campus' Women's' Centers or have
5 some advanced social work degree which helps during
6 this sensitive time for a complainant. As we tell
7 the students during our training, one report of
8 sexual misconduct is too much. While we cannot stop
9 sexual misconduct, CUNY is committed to work every
10 day to develop a robust program aimed at the
11 prevention of sexual assault and ensuring CUNY
12 students are aware of our responsibility towards
13 them. I hope I've provided you with a glimpse of the
14 work that we're doing, and I'm happy to answer any
15 questions you may have.

16 CHAIRPERSON ROSENTHAL: Thank you all for
17 your testimony. It's-- it can't go without saying
18 CUNY is obviously doing remarkable work around
19 protecting students, and I think I tweeted that you
20 knocked it out of the ballpark. So thank you. Thank
21 you for giving deep explanation of the work you're
22 doing. I have one quick question for anyone on the
23 DOE or CTE side. Did you write a response to and send
24 in a response to Education Secretary DeVos' new--

1 COMMITTEE ON WOMEN AND GENDER EQUITY, COMMITTEE ON EDUCATION,
AND COMMITTEE ON HIGHER EDUCATION 69

2 EXECUTIVE DIRECTOR EBANKS: Yes, it was
3 mentioned in my testimony that it is attached, that
4 response is attached to the Commission's testimony.

5 CHAIRPERSON ROSENTHAL: So, the
6 Commission--

7 EXECUTIVE DIRECTOR EBANKS: [interposing]
8 It should have been-- no. The New York City-- the de
9 Blasio Administration submitted a response, which is
10 reflective of both DOE and GBD feedback on the
11 proposed changes, and that document was submitted
12 with the Commission's testimony as an administrative
13 voice.

14 CHAIRPERSON ROSENTHAL: Got it. Thank you
15 very much. I'm going to turn it over to Chair
16 Treyger to start the questioning. Yep?

17 MICHELLE ANDERSON: Could I-- I'm very
18 sorry, but I have another obligation that I need to
19 go to. I don't know if it's appropriate for-- if
20 there are any questions for me before I go, but
21 obviously--

22 CHAIRPERSON ROSENTHAL: [interposing] I'm
23 sorry?

24 MICHELLE ANDERSON: I'm sorry, I have to
25 leave soon.

2 CHAIRPERSON ROSENTHAL: OH, sorry. Hang
3 on one sec. No problem.

4 CHAIRPERSON TREYGER: I just wanted to
5 make a very brief comment. I'm a proud Brooklyn
6 College Alum, and your testimony made me that much
7 more proud. Thank you, President Anderson. I don't
8 know if my co-chair, Chair Barron, has any questions
9 for CUNY. My questions are tailored towards DOE.

10 CHAIRPERSON BARRON: Thank you. We
11 weren't aware that you had some time constraints, but
12 we do appreciate your coming and your testimony. And
13 I want to thank my colleagues for deferring to allow
14 you to respond to those question. I do have some
15 questions. When you complete you-- the response to
16 the Cleary [sic] Report and you indicate the number
17 of incidents that occur on each of the campuses, do
18 you indicate what the response has been or what the
19 findings have been in each of those instances?

20 BRIDGET BARBERA: So, under the Clery Act
21 [sic]--

22 CHAIRPERSON BARRON: [interposing] Could
23 you talk into the mic.

24 BRIDGET BARBERA: Oh, I'm so sorry.
25 Under the Clery Act we are obligated to report the

2 incidents that occur, but the response rate is not
3 actually part of that legislation, part of that
4 statute or the information that they acquire and
5 post. We have our own internal mechanisms of
6 reviewing cases that come in, the process, and the
7 outcome, but Clery is just for really notifying the
8 community when there has been an incident of sexual
9 violence, and it doesn't really look at the after
10 effects or the other steps that may have taken.

11 CHAIRPERSON BARRON: So, you say you have
12 an internal mechanism that deals with that. What
13 then happens with the findings for each of those
14 types of sexual misconduct?

15 BRIDGET BARBERA: Sure. So our policy on
16 sexual misconduct is comprehensive, and we want to
17 make sure that every student who has an instance of
18 sexual misconduct or is a-- has been victimized can
19 go to one document, and in that policy on sexual
20 misconduct it also has the adjudication or the next
21 steps. So the investigatory process, what happens
22 when you go and first report? The notice of
23 allegations that the parties get, and all those
24 investigatory steps are contained there. Once the
25 investigation is completed and that entire process is

2 done, the policy then goes on to explain the
3 adjudication process which is another step that we
4 want to make sure everyone participates in and that
5 is fair and transparent, and it goes through how a
6 student goes through the disciplinary process, and
7 then also explains that it's an employee that the
8 student is making a complaint against, it goes to HR
9 and that area.

10 CHAIRPERSON BARRON: If an incident
11 occurs-- do you record data on the number of
12 incidents that occur not just student-to-student, but
13 faculty-to-faculty, faculty-to-student? Do you
14 maintain that data?

15 BRIDGET BARBERA: I'm actually going to
16 turn it over to Ms. Pepe-Souvenir, because she's
17 created an amazing access law for us.

18 DIRECTOR PEPE-SOUVENIR: So, we've
19 created a log for data capture, and that includes
20 that information. So whether the case involves
21 student-to-student, student-to-faculty, faculty-to-
22 faculty, or employee-to-employee, we capture that all
23 that data and we keep that information through our
24 access log that was created.

2 CHAIRPERSON BARRON: And you did talk
3 about the training that every student is required to
4 take.

5 DIRECTOR PEPE-SOUVENIR: Not every
6 student. Within--

7 CHAIRPERSON BARRON: [interposing] Oh, not
8 every student, why not?

9 DIRECTOR PEPE-SOUVENIR: Well, we'll
10 explain. Within Enough is Enough is designates
11 certain students that they feel are vulnerable.
12 Those are the incoming transfer students, heads of
13 student organizations, student athletes, students
14 traveling domestically and abroad, or students that
15 are considered at-risk, which the campus itself can
16 designate a particular student body. Our goal
17 eventually is to offer it to every single student,
18 and any student can take the SPARC training, but at
19 this point right now, we offer it to the designated
20 students within the Enough is Enough legislation.

21 CHAIRPERSON BARRON: So, why wouldn't it
22 be offered to every student?

23 DIRECTOR PEPE-SOUVENIR: It--

24 CHAIRPERSON BARRON: [interposing] I
25 understand you just said that it's not required, but

2 wouldn't' there be-- why wouldn't every student on
3 all of our campuses know that there's training that
4 you can take that would help protect you or give you
5 information that might protect you in certain kinds
6 of situations, or help you avoid certain kinds of
7 situations that might lead to unwelcomed sexual
8 contact?

9 DIRECTOR PEPE-SOUVENIR: As I said
10 before, the SPARC is accessible to every student.
11 Can we demand--

12 CHAIRPERSON BARRON: [interposing] But
13 does every student know that they can access it?

14 DIRECTOR PEPE-SOUVENIR: it's something
15 that's provided to the Title IX Coordinator's Office.
16 If you wanted to--

17 BRIDGET BARBERA: [interposing] And
18 that's one of our goals--

19 CHAIRPERSON BARRON: [interposing] The
20 mic.

21 BRIDGET BARBERA: Oh, I'm so sorry. I
22 apologize. That's oen of our goals is really getting
23 the word out. And part of our education program is
24 not just educating on what do these terms mean, but
25 it's knowing what their rights are and where they can

2 go for these resources. We would like every single
3 student, even every person, to take SPARC. We think
4 it's invaluable information, and what our hope is the
5 more that we're able to get this information to the
6 students, to organizations, the more they talk about
7 it, it will be part of the vernacular. It'll be,
8 "Hey, did you take SPARC?" You know, I mean, that's
9 my hope as corny as that sounds, that everybody knows
10 it's out there and we want them all to take it

11 CHAIRPERSON BARRON: So, I guess I don't
12 want to be repetitive, but I just don't understand
13 why you-- why it's not happening that every student
14 knows that there is this opportunity to take this
15 training, even though they may not avail themselves
16 of it, that every student know. Perhaps we can talk
17 further. I don't want to prolong the time. I do have
18 other questions, but I think that I'm going to defer
19 to my colleagues. I do thank you for your testimony.

20 UNIDENTIFIED: It's a great point. Thank
21 you so much.

22 CHAIRPERSON ROSENTHAL: I look forward to
23 following up with you later, but thank you so much
24 for your time.

2 CHAIRPERSON TREYGER: Thank you, Chairs.

3 So, I'll tailor my questions to the DOE. My first
4 question, even though I think we might have a sense
5 of the answer, I would like to kind of hear it on the
6 record. How many fulltime Title IX Coordinators are
7 currently on DOE staff?

8 EXECUTIVE DIRECTOR BRANTLEY: Currently
9 the DOE has an acting Title IX Coordinator who works
10 underneath me, is my direct report, and she has the
11 full support of the Office of Equal Opportunity and
12 Diversity Management. The DoE is committed to
13 fostering safe, inclusive and equitable environments
14 for students and staff. Under Title IX students not
15 only have a right to an education free from
16 discrimination on the basis of sex. They also have a
17 right to equitable access to all academic programs,
18 activities, and athletics. To that end, the DOE has
19 a robust Title IX network that is shared collectively
20 amongst the agency. At the DOE we view Title IX
21 compliance not necessarily as a top-down requirement,
22 but we view it from a student's lens. How do we
23 support the student at the academic level? And to
24 that end, we feel that it is important and imperative
25 that students understand that the DOE has supportive

2 measures in place for them, and which is why embedded
3 in every school we have sexual harassment prevention
4 liaisons who provide direct on support--who provide
5 direct support to students at the school level who
6 also understand the culture of the school and who
7 students very often are familiar with and more
8 comfortable with. In addition we have at the Borough
9 Field Support Centers, we have school climate
10 managers who act as an intermediary between a school
11 level and a Title IX Coordinator. My colleague,
12 Kenyatte, had alluded to in his-- during his opening
13 statement to some other supportive measures that we
14 have at the school level.

15 CHAIRPERSON TREYGER: For how long has
16 the current Title IX Coordinator been in this
17 position?

18 EXECUTIVE DIRECTOR BRANTLEY: She has
19 been in this position-- well, let me back track first
20 so that you have a full understanding of our Title IX
21 Coordinator. She is the Diversity Management Unit
22 Chief, and she has been with the DOE for a number of
23 years. Her team also consists of attorneys as well
24 as diversity specialists, and she's the subject
25

2 matter exper-- she has subject matter expertise in
3 this area.

4 CHAIRPERSON TREYGER: So, you know how
5 long has this person held the title of Title IX
6 Coordinator in the DOE?

7 EXECUTIVE DIRECTOR BRANTLEY: She has
8 held the title of acting Coordinator. It will--we're
9 approaching a year now.

10 CHAIRPERSON TREYGER: On year?

11 EXECUTIVE DIRECTOR BRANTLEY: Yes.

12 CHAIRPERSON TREYGER: And how much staff
13 does this coordinator have that reports to her and
14 that's she's able to lead and to make sure that they
15 conduct work and outreach and advocacy in terms of
16 their responsibilities.

17 EXECUTIVE DIRECTOR BRANTLEY: Yes so the-
18 - the Title IX Coordinator, as I mentioned, is the
19 Diversity Management Unit Chief, and she has three
20 attorneys who report to her and one Diversity
21 Specialist. In addition she has the full support of
22 the Office of Equal Opportunity and Diversity
23 Manhattan which also employs 16 fulltime
24 investigation who also investigate allegations that
25 implicate Title IX, and we also have a team of

2 trainers who conduct trainings that also involve
3 Title IX and our anti-discrimination policy.

4 CHAIRPERSON TREYGER: And I want to say
5 that I appreciate everyone's incredible-- this is
6 very important work that everyone here is conducting,
7 but I just want to give context. It's my
8 understanding, for example, that the City of Oakland
9 which has under 50,000 students according to research
10 here has 86 Coordinators. We are 1.1 million student
11 system. We have, I believe we just-- you said one.
12 And again, I am not trying to diminish or discount
13 the incredible work of the people-- of the collective
14 office, but as you noted, they have other important
15 responsibilities other than Title IX implications,
16 and Title IX is an issue that I think you would agree
17 based on your testimony warrants very serious
18 attention and very mandated follow-up attention. And
19 so we are obviously concerned about the serious
20 inadequacy in the DOE in terms of these incredible,
21 very important roles. Question: to whom would a
22 student report sexual harassment and/or assault while
23 the Coordinator position was vacant? Because you
24 mentioned this person held it within the past year.

2 Was there a vacancy? Was there a gap in that
3 position?

4 EXECUTIVE DIRECTOR BRANTLEY: No. There
5 have been no gap in services, in Title IX services to
6 the DOE population.

7 KENYATTE REID: And just to talk about
8 our students, as my colleague Laura mentioned, this
9 is part of our Chancellor's priorities to advance
10 equity, and this is at the center of all decision
11 that we make which is why we have trained over 1,200
12 school-based employees to be student-to-student
13 sexual harassment liaisons. By the end of this year
14 we will have 1,581 that are fully trained in every
15 school. We believe that we far exceed the Title IX
16 expectations. We want to make sure that the supports
17 are at the school level, and then those supports are
18 further enhanced by the Title IX Coordinator, by our
19 16 climate managers throughout the City, and also our
20 Gender Equity Coordinator within our Office of Safety
21 and Youth Development that works as a part of our
22 entire team. We, as you have pointed out, feel like
23 this a major priority, and we understand that one
24 person cannot do it. We in no way say that this is
25 the job of one, but this is our collective

2 responsibility, and it lives in multiple offices and
3 in every school, and it has to be a part of every
4 decision that we make. The training that has-- that
5 those school-based sexual harassment liaisons do and
6 have to undergo is a six-hour training, and it is
7 their responsibility to then turn-key it to all staff
8 members so that every staff member is that support
9 system for our students.

10 CHAIRPERSON TREYGER: Right. What I'm
11 hearing is that many of these folks carry additional
12 titles and responsibilities. Is that correct?

13 KENYATTE REID: Yes, it's our collective
14 responsibility. So, we collectively, everybody has
15 to take this role and responsibility on. Every year
16 the staff must be trained in AA31 which governs
17 student-to-student sexual harassment. The principle
18 has to verify that that training has taken place by
19 October 31st.

20 CHAIRPERSON TREYGER: Right. I would
21 just say respectfully that, you know, we can go-- say
22 a school has many teachers, but a school might have
23 zero social workers, and the response shouldn't be
24 well teachers are then technically social workers,
25 too. Technically, we're not licensed social workers.

2 I think-- I would like to go back to school to be a
3 licensed social workers, because I value social
4 workers, but you need folks who are licensed and
5 credentialed and experienced and know what they're
6 doing, and not carrying five to ten different titles
7 and different responsibilities because I think it
8 then really diminishes the true value and impact of
9 this incredibly important work. Other cities are
10 taking bolder steps to have dedicated Title IX
11 Coordinators. New York City should be leading the
12 way, not playing catch-up. What part of the Title IX
13 Coordinators existing responsibilities is dedicated
14 specifically to the prevention of gender
15 discrimination in schools? That is, how much staff
16 time is dedicated to preventing students from
17 experiencing sexual harassment?

18 KENYATTE REID: So, we invest a lot in
19 prevention and intervention. We've invested millions
20 of dollars in social/emotional learning as well as
21 restorative practices, all to teach the preventative
22 skills that are necessary so our young people know
23 and aware of themselves socially and emotionally. In
24 addition to that, we've invested millions of dollars
25 in our health education and sex education program

2 which touches on consent, welcome and unwelcomed
3 behavior, and also relation violence. So, it is our
4 believe that there's a multipronged approach, first
5 in prevention and intervention, support, and follow-
6 up. We believe that education is the key to that,
7 which is why our health ed. curriculum and
8 social/emotional learning spans from K to 12.

9 CHAIRPERSON TREYGER: I'll be a little
10 bit more specific. How many preventative trainings
11 has the current Title IX Coordinator provided for
12 staff and adult leaders specifically with regard to
13 the legal obligation to protect students from sexual
14 harassment?

15 EXECUTIVE DIRECTOR BRANTLEY: Yes, and I
16 can speak to that. So, the Title IX Coordinator
17 conducts several types of trainings at the DOE. One
18 of the trainings is entitled "Equal Employment
19 Opportunity" which provides DOE staff members with
20 the review of our Chancellor's Regulation and our
21 non-discrimination policy and includes a discussion
22 of Title IX topics such as sexual harassment, gender
23 discrimination, and pregnancy accommodations. In the
24 past year and a half, OEO has conducted 243 in-person
25 training sessions for 8,000+ school-based and central

2 staff. Another training that the office conducts is
3 Equal Opportunity for Administrators which provides
4 direction to supervisors regarding their
5 responsibilities under federal, state, and local laws
6 as well as Chancellor's Regulation AA30. In the past
7 year and a half OEO has conducted 52 administrative
8 trainings covering 14,000+ supervisors. In
9 collaboration with the Office of School and Youth
10 Development-- I'm sorry? Sorry, 1,400+ supervisors.
11 In collaboration with OSYD, OEO offers trainings
12 regarding the DOE's policies related to the New York
13 State Dignity for All Students Act, DASA, where
14 participants are educated about their reporting
15 responsibilities and the circumstances under which
16 off-school and on-premises behavior may be covered by
17 the Chancellor's Regulations. We also conduct Respect
18 for All trainings based upon the DOE's Respect for
19 All policy which highlights Chancellor's Regulation
20 AA31 which covers student-to-student sexual
21 harassment, Chancellor's Regulation AA32 which covers
22 student discrimination, harassment, intimidation
23 and/or bullying, Chancellor's Regulation AA30 and the
24 portions that directly address student-to-student--
25 staff-to-student discrimination and sexual

2 harassment, and OEO has conducted trainings for 607
3 staff members. OEO also oversaw the training roll-out
4 of the Stop Sexual Harassment in New York City
5 mandatory training which was rolled out to the entire
6 DOE staff, and we also conducted in-person trainings
7 for staff members who are unable to take the computer
8 module, and that was 700+ staff members. Also, the
9 Title IX Coordinator has conducted trainings this
10 past year to over 400 staff members.

11 CHAIRPERSON TREYGER: Right, so this is
12 an incredible person. This is a magic person,
13 because if I'm hearing the numbers correctly, you
14 mentioned 243 in-person trainings.

15 EXECUTIVE DIRECTOR BRANTLEY: Yeah.

16 CHAIRPERSON TREYGER: 1,400 supervisor
17 trainings, 700 staff trainings by one person over the
18 course of the year?

19 EXECUTIVE DIRECTOR BRANTLEY: When I
20 introduce the trainings, I did indicate that these
21 were trainings that OEO offered, and the Title IX
22 Coordinator offers some of the trainings, not all.
23 We do have a team of trainers that are dedicated to
24 ensuring that staff are aware of their rights and
25 responsibilities and also the Chancellor's Regulation

2 AA30. So it is a team of trainers and the Title IX
3 Coordinator is part of that team as well.

4 CHAIRPERSON TREYGER: And what
5 distinguishes the training that the Coordinator has
6 versus the other trainers?

7 EXECUTIVE DIRECTOR BRANTLEY: Well, the
8 training that the Coordinator has would primarily
9 deal with issues of gender and sexual orientation
10 discrimination; however, our office is mandated to
11 provide trainings to the entire DOE population, and
12 so the Title IX Coordinator is also well-versed on
13 issues of diversity and can offer trainings that
14 respond to questions of general discrimination as
15 well as discrimination that implicates Title IX.

16 CHAIRPERSON TREYGER: because if you're
17 saying that there's other additional trainers that
18 they work with, I don't know why the DOE just can't
19 make sure that we build capacity and hire additional
20 Coordinators? If there are folks already in the
21 pipeline doing this type of work, why don't we just
22 build capacity and hire more Coordinators? Because
23 we're seeing that the data from the State Education
24 Department, the number of offenses, or number of
25 reported offenses, because I think the full number

2 might not be known, are on the rise, and I don't
3 think-- you know, I really appreciate the incredible
4 work this person, our Coordinator, is doing but this
5 requires a lot more than just one dedicated Title IX
6 Coordinator. I have a-- I also want to just-- it
7 says here according to recent newspaper article there
8 was a 2,000 percent increase from 2016/17 school year
9 and how does the DOE account for the change and for
10 the significant spike? Because what we have here,
11 just to read to you, "The State Education Department
12 School Safety and Educational Climate reporting,
13 SSEC, contains incident data for schools in
14 districts. In reviewing the 2017/2018 data it was
15 found that there were 6,437 instances of
16 discrimination, harassment and bullying, 1,493
17 instances of cyber-bullying, and 3,069 instances of
18 other sex offenses which involve inappropriate sexual
19 contact including but not limited to touching another
20 student on a part of the body that is generally
21 regarded as private which includes but is not limited
22 to the buttocks, breast, genitalia, removing another
23 student's clothing to reveal underwear or private
24 body parts, or brushing or rubbing against another
25 person in a sexual manner, and 456 instances of

2 forcible sex offenses which involve forcible
3 compulsion, and completed or attempted sexual
4 intercourse, oral sexual conduct, anal sexual
5 conduct, or aggravated sexual contact with or without
6 a weapon including but not limited to penetration
7 with a foreign object, rape, and sodomy." How does
8 the DOE account for these very troubling figures?

9 KENYATTE REID: The DOE takes the safety
10 and the wellbeing of every one of our children as the
11 utmost priority. Every instance, every case, every
12 single one of those are horrific incidents, and we
13 take them extremely seriously. What our efforts have
14 been around informing our young people of how to
15 report so that we can support them. So, any time it
16 has expanded in our eyes, that lets us know those are
17 young people that we can actually support. You
18 alluded to the fact that these are reported ones.
19 Unfortunately, for far too long, these have gone
20 unreported. Our young people need to know that
21 schools are places where you can come out and you can
22 speak to us, you can let us know. Those are cases
23 where we can actually help and support our young
24 people. We have added-- as I stated before, every
25 school now has a Check and Respect poster up to let

2 them know who to come to, who to talk to, how to
3 reach out and say, "I need support." Every school
4 also as you all know have Respect for All posters and
5 also our LGBTQ posters as well, letting our young
6 people know where to go and who to turn to. So,
7 hence, yes, the numbers do rise because now they know
8 who to go to. In additionally, at the beginning of
9 the year, every child has access to these cards which
10 says specifically what do I do? What are my steps?
11 And right here on this is a QR where you can go and
12 make the report electronically. Our goal is to
13 support our students and do that vigorously. In
14 addition, the State has expanded their definition.
15 So, yes, the numbers have changed, but I don't want
16 to get into those specifics and say, "Well, what did
17 the state decide and not decide." Because yes, they
18 expanded the definition. Our focus is on supporting
19 our young people knowing one, that they can turn to
20 us, that they can talk to us, and that we can support
21 them appropriately. And then number two, how do we
22 teach our young people the appropriate ways to
23 conduct themselves so that this ends.

24 CHAIRPERSON TREYGER: I say this
25 respectfully that what I've been reading are cases

2 where students and their families did turn to the
3 DOE, but the DOE many times turned a blind eye and
4 show deliberate indifference and mishandled many
5 cases which resulted in lawsuits, and unfortunately
6 additional trauma where our young people have to re-
7 live the trauma all over again, and at times where
8 the victims were victimized all over again. In some
9 cases, the students that were on the receiving end of
10 assault, for whatever reason they got suspended at
11 times. So, clearly, this training and this pamphlet
12 and these posters are not making accumulative impact.
13 I'll tell you what's more impactful than posters and
14 pamphlets and cards, more Title IX Coordinators in
15 our school system. I just want to ask, can you
16 provide the committee with the training schedule and
17 curricula for these preventative trainings conducted
18 by the Title IX Coordinator, not by other folks, but
19 by the Title IX Coordinator? Is there a training
20 schedule and curricula for these trainings?

21 EXECUTIVE DIRECTOR BRANTLEY: There is no
22 set training schedule. Our office provides a-- the
23 Office of Equal Opportunity and Diversity Management
24 provides training upon request, and we offer
25 trainings and we solicit and we advertise that we

2 offer these trainings throughout the entire
3 institution.

4 CHAIRPERSON TREYGER: How many requests
5 were made this past year?

6 EXECUTIVE DIRECTOR BRANTLEY: At this
7 time I am unable to provide you with that
8 information, but I would be happy to circle back to
9 you with that information.

10 CHAIRPERSON TREYGER: respectfully, this
11 is a hearing on Title IX. I would have appreciated
12 that information to be made available today. We
13 would like to know the training schedule, how many
14 trainings, the curricula for each training. Can you
15 also describe the Title IX Coordinator's relationship
16 with the NYPD?

17 EXECUTIVE DIRECTOR BRANTLEY: The Title
18 IX Coordinator does have external relationship
19 including with the NYPD, but that relationship is not
20 on a day-to-day basis and usually any communication
21 with the NYPD would be a on a case-by-case basis or a
22 case that warranted police intervention. Sorry, or
23 police action.

24 CHAIRPERSON TREYGER: So you wouldn't
25 have any data or numbers about any types of referrals

2 or NYPD investigations that resulted from Title IX
3 contact?

4 KENYATTE REID: We would have to get back
5 to you with that type of data.

6 CHAIRPERSON TREYGER: How are-- how are
7 students made aware of the existence in the role of a
8 Title IX Coordinator?

9 KENYATTE REID: Our students are informed
10 at the beginning of the year. They have a student-
11 to-student sexual harassment liaison on site. They
12 are trained in the Chancellor's Regulation AA31, as I
13 mentioned before, and we keep the posters. Each
14 school has 10 posters posted throughout the building
15 to inform them of who to go to if need be, and again,
16 they're also given-- cards are made available to
17 parents so they have them on site so that they can
18 make any reports directly and electronically, and we
19 ensure that every one of those are followed up within
20 our Chancellor's Regulations AA31 and completed. An
21 investigation is done and completed within 10 school
22 days.

23 CHAIRPERSON TREYGER: And how are
24 students made aware at the beginning of the school
25 year again?

2 KENYATTE REID: By school-based
3 personnel.

4 CHAIRPERSON TREYGER: who is that
5 personnel?

6 KENYATTE REID: So, that would vary.
7 That would vary by school.

8 CHAIRPERSON TREYGER: Why does that vary?
9 Why is there no uniformed approach in making sure
10 that staff and students are aware?

11 KENYATTE REID: Well, majority of the
12 time it's going to be your student-to-student sexual
13 harassment liaison, but I don't want to tell you that
14 that happens 100 percent of the time, but the
15 majority of the time that's who it would be.

16 CHAIRPERSON TREYGER: Does this liaison
17 have other responsibilities in their role in the
18 school?

19 KENYATTE REID: Yes.

20 CHAIRPERSON TREYGER: Can you describe
21 some of them?

22 KENYATTE REID: It would vary by school.
23 So, it's a full-time-- it's a full-time employee at
24 the school. It could be--

2 CHAIRPERSON TREYGER: [interposing] I

3 just-- I'm just noticing a pattern. I mean, the old
4 teacher in me is using a T Chart comparison right now
5 with CUNY versus DOE. We heard a powerful,
6 comprehensive, well-thought out approach from CUNY
7 that still needs, I'm sure, some work, some tweaking.
8 I am not sensing that from the DOE. You can't just
9 bury these titles and responsibilities on top of
10 people that have 10 or other additional-- these are--
11 this is a serious issue. We can't just attach it
12 like a sticky note to one of their-- to a clipboard.
13 This is serious stuff, and I am not seeing a
14 comprehensive, well-thought out approach. I'm really
15 not. Now, also, currently the DOE website lists--
16 and forgive me if I'm not pronouncing the name
17 correctly. Currently, the DOE website lists Jeanie
18 Guyego [sp?] who is also listed at the Diversity Unit
19 Chief, as we heard, as the Acting Title IX
20 Coordinator. When will current Title IX Coordinator
21 information be posted conspicuously on the DOE
22 website for students, parents, and educators to
23 access?

24

25

2 EXECUTIVE DIRECTOR BRANTLEY: That
3 information should already be available on the DOE's
4 website.

5 CHAIRPERSON TREYGER: We're hearing from-
6 - we're hearing from folks it is very difficult to
7 navigate, and I'm not sure why after you say a year
8 and a half there's still an "acting" in front of the
9 position. Is there an explanation as to why?

10 EXECUTIVE DIRECTOR BRANTLEY: Yes, so the
11 DOE does take seriously this work and we are looking
12 for someone who is committed to Title IX work, but
13 also to the Chancellor's vision of equity and
14 excellence for all, and although we've been actively
15 recruiting, we have been unable to identify a
16 candidate to take on these responsibilities. Our
17 search has been far and wide, and we take this
18 seriously enough that we are looking for a qualified
19 candidate to fulfil this responsibility within the
20 agency.

21 CHAIRPERSON TREYGER: How long has this
22 been posted?

23 EXECUTIVE DIRECTOR BRANTLEY: The
24 position, the job description had been changed, and
25

2 so the new position has been posted, the new job
3 description has been posted for some months now.

4 CHAIRPERSON TREYGER: And why was the
5 position changed? I'm not following.

6 EXECUTIVE DIRECTOR BRANTLEY: The
7 position, the job description and the
8 responsibilities were changed, and in our estimation
9 we wanted to strengthen the role of the Title IX
10 Coordinator, and so we revised the job description to
11 do just that.

12 CHAIRPERSON TREYGER: I-- this is highly
13 problematic, and I would urge the DOE not only to
14 just post this one position but to expand, at least
15 follow the Council's role, the Council's
16 recommendations and our Prelim Budget response of
17 having at least seven Coordinators across the City.
18 There is money in the budget. I'm a member of the
19 budget negotiation team, so is my colleague here,
20 Chair Rosenthal. We know there's money in the
21 budget. We can get this done, we should get this
22 done. So I would urge the DOE to actually post
23 another seven, eight, ten more, because we need a
24 whole lot more here in New York City. Currently,
25 what materials or notices specifically highlighting

2 protections under Title IX do students receive? Can
3 you point to specific materials or notices they
4 receive during the course of the year?

5 KENYATTE REID: They receive a brochure
6 on our Chancellor's Regulation AA31 at the beginning
7 of the school year in addition to an in-class
8 training.

9 CHAIRPERSON TREYGER: What about students
10 that come into school mid-year, or-- because there
11 are students who arrive to this country all
12 throughout the school year. How do they get this
13 information?

14 KENYATTE REID: So, we have these
15 brochures in every school throughout the school year,
16 so if we have a new admit to the school, that would
17 be part of their new admit packet. Every school
18 would offer some type of packet to your newly
19 admitted students.

20 CHAIRPERSON TREYGER: And is this
21 information available in different languages?

22 KENYATTE REID: Yes, it's available in 10
23 languages.

24 CHAIRPERSON TREYGER: And do the parents
25 or the family of the students, do they have to

2 request it or this is offered avail-- immediately to
3 them in different languages?

4 KENYATTE REID: It's available to them.

5 If we know that they need it, I mean--

6 CHAIRPERSON TREYGER: [interposing] Well,
7 what we've learned in my other hearings, if folks
8 don't know what their rights are, they're not going
9 to ask. If you know that they have a right to have
10 the information translated, we-- the burden should be
11 on the government to provide it to them immediately.
12 So, I would ask you to revisit that and make sure
13 that they immediately are asked if they need any
14 translation assistance, or--

15 KENYATTE REID: [interposing] Yes, I
16 misunderstood.

17 CHAIRPERSON TREYGER: Yeah.

18 KENYATTE REID: I was just saying, we
19 don't assume--

20 CHAIRPERSON TREYGER: [interposing] Right.

21 KENYATTE REID: that somebody needs it
22 translated. We would have to know that they need it
23 translated.

24 CHAIRPERSON TREYGER: Currently, if a
25 student is sexually assaulted at school, what

2 coordination happens at the district level to assess
3 school climate at the school where the assault took
4 place?

5 KENYATTE REID: Can you clarify your
6 question?

7 CHAIRPERSON TREYGER: I'll read it-- if a
8 student is sexually assaulted at school, what types
9 of-- what type of coordination exists or happens at
10 the district level, beyond the school, to assess
11 school climate at the school where the assault took
12 place?

13 KENYATTE REID: So, that's where our 16
14 climate managers come into play. Our climate
15 managers work out of the borough field offices. In
16 addition to the Borough Safety Directors, they'll
17 work in tandem to assess the school and support them
18 as needed. If it is a crime, we would also be
19 working in partnership with the NYPD just regarding
20 the investigation, but the support would be done by
21 the climate managers and the Borough Safety Director.

22 CHAIRPERSON TREYGER: And how many times
23 have Climate Managers visited schools to respond to
24 such cases of sexual assault in the past school year?

2 KENYATTE REID: Climate Managers work
3 within our schools every day. I would have to get
4 back to you on the specific reason why they went to
5 the schools, but their job is to support schools.
6 That's what they do every day.

7 CHAIRPERSON TREYGER: And what is the
8 qualification to be a School Climate Manager?

9 KENYATTE REID: School Climate Managers
10 have licenses in school leadership. Many of them are
11 former Assistant Principals, some Principals. All of
12 them are licensed pedagogues.

13 CHAIRPERSON TREYGER: Are there licensed
14 clinical social workers that are also--

15 KENYATTE REID: [interposing] Some of them
16 are former social workers, just as our Deputy
17 Chancellor is also a former social worker as well.

18 CHAIRPERSON TREYGER: Right, and I'm a
19 fan of the Deputy Chancellor, but she-- I wish we
20 could have her in over 1,600 schools every day, but
21 she's-- she has one office that she has to report to
22 here at Tweed [sic]. And she visits schools as well,
23 which I do appreciate. But my point is why don't we
24 have more social workers who are licensed and skilled
25

2 in providing the best trauma-informed approaches to
3 students who are in need of services?

4 KENYATTE REID: We share your commitment
5 to supporting our students in trauma-informed care.
6 With that, we've increased the support and trainings
7 that we've offered to all schools. Every school
8 outside of one has a guidance counselor or social
9 workers, and we're working vigorously to ensure that
10 at the beginning of the school year, that that school
11 has one.

12 CHAIRPERSON TREYGER: So, that's
13 something that I know a little bit about. Not every
14 school has a guidance counselor or a social worker.
15 And just to note for the record, I've cited to you
16 the increase in offenses committed against our
17 students in our school communities, but as we speak
18 there is a hiring freeze on hiring social workers and
19 counselors in schools. So, I really am asking the
20 DOE to go back to the drawing board, and not only
21 post additional positions for Title IX Coordinators,
22 but with the freeze and hire social workers in our
23 schools. We have a crisis facing our students.

24 [applause]

2 CHAIRPERSON TREYGER: Mindful of times of
3 my colleagues, my last question and then I'll turn it
4 back to the Chairs. What reporting or data can you
5 provide about the ways that students who have
6 experienced sexual harassment or gender
7 discrimination in the past have been accommodated if
8 a student has an IEP or trauma-informed supports
9 added to their IEP?

10 KENYATTE REID: So, I wouldn't have that
11 specific data about individual student supports. I
12 can't tell you like an individual students,
13 especially as it pertains to an IEP or anything that
14 involves FERPA [sic].

15 CHAIRPERSON TREYGER: Right. I mean, I
16 would imagine the DOE agrees that there's level of
17 trauma associated with these assaults and offenses,
18 and we must address the social/emotional needs of our
19 students.

20 KENYATTE REID: We agree.

21 CHAIRPERSON TREYGER: If a student has an
22 IMP or trauma-informed supports added to that IMP to
23 make sure that they are complied with?

24 KENYATTE REID: Supports are added,
25 absolutely. I cannot speak to an individual child

2 and tell you whether or not that was part of their
3 IMP. Supports will be provided to a school.

4 CHAIRPERSON TREYGER: Respectfully, if
5 the support looks like someone from Tweed or from the
6 borough support office who is not licensed to do
7 critical work to say I'm here for you, that's
8 insufficient. We need licensed credentialed people
9 doing this work, and we need a measurement
10 accountability tool to make sure that the students
11 and their families are aware of their rights and for
12 us to check if they're doing their job, which I see
13 is missing right now. But I'm mindful of the time of
14 this hearing, and I'll turn it back to the Chair.

15 CHAIRPERSON ROSENTHAL: Thank you so
16 much. I want to recognize Council Member Lander and
17 Council Member Ayala was here. I wanted to ask just
18 real quickly, and my colleague has a couple of more
19 questions and then I'll come back. What-- so we did
20 find the name of the Title IX Coordinator on the DOE
21 website, but when we look up that person on LinkedIn,
22 that person does not reference being a Title IX
23 Coordinator, and I-- look, LinkedIn, my LinkedIn page
24 isn't up to date, but I don't get the sense this
25 person is embracing the totality of what a Title IX

2 Coordinator is supposed to do. It feels like this
3 person has a lot of work to do and also Title IX.

4 Was there somebody before the acting person, or how
5 long has the position been vacant?

6 EXECUTIVE DIRECTOR BRANTLEY: Yes, and so
7 I will speak to that. Yes, there was someone who was
8 present in that position before, but to your point--

9 CHAIRPERSON ROSENTHAL: [interposing] How
10 long were they present?

11 EXECUTIVE DIRECTOR BRANTLEY: She was in
12 the role before I started within the unit. So, I
13 would say at least two years for sure. I would have
14 to get back to you with exact dates on her-- with
15 her, with regards to her dates of employment.
16 However, to your point that the Title IX Coordinator
17 is not dedicated and immersed in this work,
18 respectfully I would have to disagree with your
19 assessment, primarily because I am very familiar with
20 the work that our acting Title IX Coordinator is
21 involved in, and I can ensure that she takes the work
22 of Title IX very seriously as I indicated before, she
23 is a diversity specialist. She has a background in
24 works of equity and inclusion, and Title IX is not a
25 requirements in and of itself. It is also-- it

2 touches upon other aspects of diversity work as well,
3 including equity, acts of discrimination, and so the
4 work is a whole-- her work is a holistic approach
5 that touches upon many aspects of the agency and she
6 not only liaisons with schools, but she also makes
7 sure that DOE employees are educated on anti-
8 discrimination policies which includes sexual
9 harassment and gender-based discrimination which is
10 implicated by Title IX. She trained employees on how
11 to identify, stop and prevent sexual harassment. She
12 investigates Title IX related complaints of staff-to-
13 staff as well as staff-to-student, complaints of
14 gender discrimination, gender-based harassment,
15 sexual harassment, and/or sexual violence. As I
16 indicated before, she liaises with various DOE
17 division to ensure that agency environments are
18 inclusive as well as free of sexual harassment and
19 gender/sex discrimination. She seeks to ensure that
20 information about Title IX including procedures for
21 filing a Title IX complaint easily accessible to all
22 DOE staff. She monitors outcomes of sex
23 discrimination complaints, identifies and addresses
24 patterns of harassment through targeted training,
25 collects and analyzes data on Title IX related

2 complaints and investigation, and keeps OEO
3 leadership apprised of guidance from OCR, Department
4 of Justice, and New York State Education Department
5 on areas impacting Title IX--

6 CHAIRPERSON ROSENTHAL: [interposing] No,
7 I know the job description, please. You know, let me
8 tell you have I confidence in. I have confidence in
9 CUNY. Did you hear anything in their testimony that
10 you might want to take back and adopt for the
11 Department of Education? They were quite detailed was
12 there anything in there that you thought was
13 interesting.

14 EXECUTIVE DIRECTOR BRANTLEY: Well,
15 naturally their testimony was very succinct and broad
16 and addressed Title IX compliance on a college level,
17 but our dedication is to students through K through
18 12, and I think that some of the tactics that might
19 apply in a college setting may not be certainly
20 applicable to a population--

21 CHAIRPERSON ROSENTHAL: [interposing] let
22 me ask you this question.

23 EXECUTIVE DIRECTOR BRANTLEY: of K
24 through 12 students.

2 CHAIRPERSON ROSENTHAL: If I could ask
3 CUNY. How many incidents were reported last year
4 under Title IX?

5 BRIDGET BARBERA: we have records of all
6 reports of trauma-

7 CHAIRPERSON ROSENTHAL: No, no, no, I
8 don't care about any individual. What was the
9 number, the total number?

10 BRIDGET BARBERA: I have--

11 DIRECTOR PEPE-SOUVENIR: We have the
12 number.

13 CHAIRPERSON ROSENTHAL: Is it a thousand?

14 BRIDGET BARBERA: No.

15 DIRECTOR PEPE-SOUVENIR: Oh, no.

16 CHAIRPERSON ROSENTHAL: It was in your
17 testimony. It was-- like-- and by comparison, I'm
18 going to ask DOE the exact same question. So you're
19 this woman's boss. How many incidents that would
20 fall under Title IX were reported last year?

21 EXECUTIVE DIRECTOR BRANTLEY: For staff-
22 to-staff it was 147 complaints.

23 CHAIRPERSON ROSENTHAL: And?
24
25

2 KENYATTE REID: And then for student-to-
3 student complaints we have 3,400-- over 3,400
4 complaints, allegations.

5 CHAIRPERSON ROSENTHAL: Okay. So, how
6 many of the allegations that were made--

7 KENYATTE REID: [interposing] I'm sorry,
8 those were substantiated. I apologize.

9 CHAIRPERSON ROSENTHAL: They were
10 substantiated, 3,000? Is that in your testimony?

11 KENYATTE REID: No, that's in the SSEC
12 data report that Chair Treyger also quoted as well
13 the same numbers.

14 CHAIRPERSON ROSENTHAL: Okay, so of the
15 over 3,000 that are substantiated, how many times was
16 an NYPD officer called in?

17 KENYATTE REID: I would have to get those
18 numbers from NYPD specifically.

19 CHAIRPERSON ROSENTHAL: So, it's not in
20 your internal records whether or not someone reached
21 out to NYPD?

22 KENYATTE REID: We do have those on our
23 internal records. We'd have to cross-reference them
24 also with NYPD to see if--

2 CHAIRPERSON ROSENTHAL: [interposing] I--
3 this is too difficult. I think-- I'm wanting to turn
4 it over to the next person to question, so I am civil
5 [sic].

6 COUNCIL MEMBER LANDER: Thank you, Chair
7 Rosenthal and Chairs Barron and Treyger. There's a
8 lot of ground that's been explored here, and
9 obviously the critical work to be doing to make sure
10 that we significantly expand our capacity to make
11 sure that gender inclusion and Title IX are being
12 enforced. I want to ask about a very particular--
13 there's a lot of different issues here, and we could
14 go on in many, many different areas. I'm going to
15 drill down on one very specific one, and it does
16 happen to be one where my daughter got involved in
17 some of her young activism, but also an area that I
18 read in the Girls for Gender Equity. It is a real
19 area of concern around diversity and gender equity. I
20 want to ask about the issue of having a citywide
21 dress code and school dress code violations. I
22 haven't been here for the whole time, so if this has
23 already been asked and answered, I'll defer, but I
24 don't think so yet. So it's my understanding that
25 there is not a citywide dress code that tries to set

2 a reasonable but inclusive standard mindful of issues
3 of gender diversity for, you know, transgender,
4 gender non-conforming and cis gender New York City K
5 to 12 students. Is that correct?

6 KENYATTE REID: So, Chancellor's
7 Regulations clearly prohibit schools from having
8 gender-based dress codes.

9 COUNCIL MEMBER LANDER: Is there a city--
10 can you answer my question rather than your--
11 different questions that I didn't ask. Is there a
12 citywide dress code that sets a reasonable but
13 inclusive standard?

14 KENYATTE REID: So, we do not have a
15 citywide dress code.

16 COUNCIL MEMBER LANDER: Okay.

17 KENYATTE REID: It is done on a school
18 level.

19 COUNCIL MEMBER LANDER: Schools are
20 allowed to have their own individual dress codes?

21 KENYATTE REID: Yes. Our regulations
22 prohibit--

23 COUNCIL MEMBER LANDER: [interposing]
24 Well, it's the law that they couldn't be gender
25 discriminatory, so it's not impressive that DOE says

2 you can have a dress code, but it's not allowed to be
3 gender discriminatory. It would be violate city,
4 state, and federal laws if they had gender discrim--
5 overtly gender discriminatory dress codes. So, do
6 you-- is there someone that reviews the dress codes
7 from all the schools to make sure that they comply
8 with that standard?

9 KENYATTE REID: Once we're notified, then
10 we should-- we--

11 COUNCIL MEMBER LANDER: [interposing] Can
12 you-- I really don't want to be rude, but like is
13 there someone who reviews all the dress codes of the
14 schools since you don't have one citywide standard to
15 make sure given that they quite often relate
16 differently to boys and girls clothing, to make sure
17 that they aren't discriminatory.

18 KENYATTE REID: So, to answer that, once
19 we are made aware, then we work with the school and
20 the superintendent to ensure that it is non-
21 discriminatory.

22 COUNCIL MEMBER LANDER: Once you are aware
23 they have the dress code or once someone complains
24 that it's discriminatory.

2 KENYATTE REID: Once we are aware that
3 they have a dress code that is in violation of our
4 Chancellor's Regulation--

5 COUNCIL MEMBER LANDER: You investigate
6 after you're already aware they're in violation?

7 KENYATTE REID: Sir--

8 COUNCIL MEMBER LANDER: [interposing] let
9 me ask the question again, because that was a really
10 easy yes or no question. If a school-- are schools
11 required to have dress codes?

12 KENYATTE REID: No, they're not.

13 COUNCIL MEMBER LANDER: If they have one,
14 are they required to give it to DOE?

15 KENYATTE REID: No, they're not.

16 COUNCIL MEMBER LANDER: Okay, so they
17 could have them without ever giving them to you.

18 KENYATTE REID: Yes.

19 COUNCIL MEMBER LANDER: Okay, so it's
20 definitely not the case that if a school has a dress
21 code, someone at DOE reviews it to make sure that it
22 is not discriminatory, because you might not even
23 have it.

24 KENYATTE REID: That's correct.

25

2 COUNCIL MEMBER LANDER: Do you think
3 that's a good policy?

4 KENYATTE REID: What policy are you
5 referring to?

6 COUNCIL MEMBER LANDER: Well, this kind
7 of don't ask don't tell, non-policy of incidents that
8 you have.

9 KENYATTE REID: I don't know what you're
10 necessarily asking me. I'm not sure.

11 COUNCIL MEMBER LANDER: Well, you-- Okay.
12 I'll spell it out then. I mean, I've heard many
13 incidents from different schools, and it happens to
14 be the middle school that my daughter went to because
15 there was a very-- like a big protest around it. But
16 I've heard it especially from schools that have
17 predominantly young women of color that there are
18 incidents where these dress codes that schools are
19 allowed to develop without guidance or standards from
20 DOE are then enacted and enforced in ways that make
21 girls feel shamed, that are imposed in discriminatory
22 ways that lead to disparate enforcement where the
23 girls especially wind up being called to the
24 principal's office or the AP's office or told to go
25 home and put a sweater on, or get disciplined in

2 other ways with very little oversight or any
3 attention from Tweed or DOE in any way. So I guess
4 I'll ask this other question. You know, you say that
5 after someone alleges a violation, then you review
6 the dress code. How many times has DOE had it, you
7 know, last year or in whatever way you keep the data,
8 was it-- did you receive such complaints about
9 discriminatory dress codes, and how many young women
10 if you're aware or men too, or transgender, or gender
11 non-conforming students experience some form of
12 discipline or being sent home or other form of
13 consequences as a result of a school dress code?

14 KENYATTE REID: So, students cannot be
15 suspended or removed from class for not complying
16 with a school dress code, and as far as--

17 COUNCIL MEMBER LANDER: [interposing] So
18 none were, or they're not supposed to be?

19 KENYATTE REID: They cannot be--

20 COUNCIL MEMBER LANDER: Well, I know they
21 are, so I mean, it might be against the rules, but
22 you're saying no one has ever complained of that.

23 KENYATTE REID: I'm telling you they are
24 not allowed to do such. If we are informed of that,
25 then that is reported to the Office of Special

2 Investigations, which would investigate the school
3 practices, and then the school-based personnel such
4 as the principal would then face disciplinary
5 measures.

6 COUNCIL MEMBER LANDER: And how many
7 times-- do you have records of such complaints?

8 KENYATTE REID: I do not have those
9 records, but we'd be happy to get back to you with
10 that.

11 COUNCIL MEMBER LANDER: Okay. I would
12 appreciate if you would get back to me with that.
13 Because I mean, I've heard reports of-- you know
14 what, again, I trust my daughter as a reporter in
15 this case, but there's also a whole report that Girls
16 for Gender Equity did about young women who have
17 experienced this. So, we know it's happening even
18 though you said it cannot happen.

19 KENYATTE REID: Sir, I completely share
20 your commitment to this, and I am not in any way
21 saying that this is not an issue for us. We share
22 that commitment, and I am saying to you, the more we
23 know, the more we can support all of your people--
24 you inform us. Parents inform us, which is why we
25 give parents and children direct access to us so that

2 we can ensure that our policies are followed out as
3 we've designed them.

4 COUNCIL MEMBER LANDER: Well, what-- so
5 this will be, and then I'll end my question.
6 Wouldn't it be easier if we had a policy?

7 KENYATTE REID: So, each school has its
8 own culture, own--

9 COUNCIL MEMBER LANDER: [interposing] Does
10 each school have its own curriculum standards?

11 KENYATTE REID: Sir, each school has its
12 own culture that they have to adopt, and every school
13 has the ability to use different text books to use
14 different resources. That is the individual school's
15 rights and responsibilities to do such. I was a
16 principal of a school and we had a dress code. I was
17 also a principal of a school that did not have it.
18 It was each individual's school had that capability.

19 COUNCIL MEMBER LANDER: And your policy
20 couldn't offer several options? Like, I am not
21 saying that all students should wear the same clothes
22 on all school days, but you could easily have a
23 policy that says here's the range of policies that
24 you may have. If you're going to set a standard,
25 here's what it can and can't do. there are a lot of

2 nuances here, and you know that principals get into
3 trouble by starting to put into their policies what
4 covers a mid-drift or what covers a shoulder, or a
5 whole set of issues that are absolutely going to trip
6 people up into problems here, and having some
7 guidance and clarity from the DOE about what a
8 responsible, inclusive, citywide dress code was with
9 the range of things that it allowed seems like it
10 would be a lot easier way to set a standard, to make
11 sure that it is complaint with Title IX and gender
12 diversity and inclusion issues. So, I'll stop here.
13 It seems to me pretty straight forward. It would be
14 a lot easier if you would develop a citywide dress
15 code.

16 KENYATTE REID: Which is what I said, we
17 have a very clear standards that prevents--

18 COUNCIL MEMBER LANDER: [interposing] You
19 don't have a very clear standard.

20 KENYATTE REID: It clearly prevents--

21 COUNCIL MEMBER LANDER: [interposing] It
22 clearly does not prevent. You have a standard that
23 says you're not allowed to, but you know it's
24 happening and you provide no guidance on how to help
25 people tell what would from what wouldn't. Let's

2 just say if I were a principal, and really I don't--
3 let's say that I were a principal who wanted
4 guidance-- well, alright, I'm going to stop here.
5 It's a long hearing. There's a lot of issues. It
6 would be a lot easier to develop a citywide inclusive
7 dress code that gave a range of options to schools
8 and let principals do from amongst a range of options
9 or some standards, some clear guidance, and not
10 simply it's against the law to discriminate, good
11 luck with the rest. So I'll leave it there. It
12 really wouldn't be that hard. You wouldn't even have
13 to hire eight more or nine more Title IX
14 Coordinators. I bet that the one person who is there
15 with good guidance and information from colleagues
16 could do that on their own. Thank you. Thank you.

17 CHAIRPERSON ROSENTHAL: You know,
18 another-- just following up on your point. What does
19 a gender non-conforming student do when there's a
20 dress code at a school?

21 KENYATTE REID: You're not allowed to
22 have gender-based dress codes. You know, so it is
23 prohibited by a Chancellor's Regulation to have--

24 CHAIRPERSON ROSENTHAL: [interposing] Go
25 ahead, please.

2 COUNCIL MEMBER LANDER: [interposing] So,
3 any dress code that a school has that says boys may
4 wear x, girls may wear y is a violation of your
5 rules.

6 KENYATTE REID: That is prohibited.
7 That's exactly--

8 COUNCIL MEMBER LANDER: [interposing]
9 Every single one.

10 KENYATTE REID: That's exactly what I'm
11 saying to you, yes.

12 COUNCIL MEMBER LANDER: You think there's
13 compliance with that rule?

14 KENYATTE REID: That is our rule.

15 COUNCIL MEMBER LANDER: Do you think
16 there's compliance with it?

17 KENYATTE REID: Do I think--

18 COUNCIL MEMBER LANDER: [interposing]
19 Broad, do you think there's broad compliance with
20 that policy?

21 KENYATTE REID: I believe the majority of
22 our schools are compliant with that.

23 CHAIRPERSON ROSENTHAL: If I could just
24 jump in. I think you know, I don't want to go down
25 the path of it's a big-- you know, there are 1.1

2 million students. It's a lot, and so we know that
3 it's good for most of them. You know, if it's a big
4 school system, and if there are a lot of schools and
5 a lot of principals, that's why you might need more
6 Title IX Coordinators, for example. Right? I mean,
7 everyone's doing their job. Let me ask you this, yes
8 or no. Do you think you need more Title IX
9 Coordinators after what-- the discussion today?

10 KENYATTE REID: We take-- I mean,
11 honestly, this work is extremely essential to us.
12 Whether it's in the form of a student-to-student
13 sexual harassment liaison that's on the ground with
14 our students, it's with our climate managers, our 16
15 climate managers that work throughout the school,
16 it's with our Gender Equity Coordinator that works
17 within our office, and it is also with our Title IX
18 Coordinator that works within Laura's office as well.
19 Additional personnel to support our students, we
20 welcome that just as we welcome more social workers,
21 guidance counselors. This is part of our work. This
22 is not easy work, we know that. Supporting a million
23 students in 1,800 schools, absolutely. We believe
24 the best resources are in the schools. The best
25 training are for our school-based people so they can

2 support our students appropriately. Do we have a
3 ways to go? Yes, and we're committed to walk that
4 road.

5 CHAIRPERSON ROSENTHAL: Yeah.

6 CHAIRPERSON TREYGER: I just want to ask
7 a question that I hope-- does the DOE's hiring freeze
8 apply to the Title IX Coordinator position? Please
9 tell me no.

10 CHAIRPERSON ROSENTHAL: Let me couch
11 [sic] your question. We were in a meeting with the
12 Mayor the other day, and it's our understanding that
13 the LGBT Coordinator, I'm not sure if it's a title,
14 that position in particular is not -- is waived from
15 the hiring freeze. So, for the Title IX
16 Coordinators, what's the thought there?

17 EXECUTIVE DIRECTOR BRANTLEY: I've been
18 advised by my colleague that the Title IX Coordinator
19 positions are not subject to the freeze, to the
20 hiring freeze.

21 CHAIRPERSON ROSENTHAL: Okay, there's
22 one. It's not multiple, but okay. So you've got no
23 applications for the last year and a half to fill the
24 position?

2 EXECUTIVE DIRECTOR BRANTLEY: No, that is
3 not accurate. We've been actively interviewing, and
4 to date we have not been able to secure a qualified
5 candidate for the position.

6 CHAIRPERSON ROSENTHAL: Alright. So, I'm
7 just putting it out there to the general public,
8 Department of Education is looking for a Title IX
9 Coordinator. So far they've not found anyone who is
10 qualified to do the job. I would urge people to
11 apply. How do they apply on your website?

12 EXECUTIVE DIRECTOR BRANTLEY: When you go
13 to our website, you would go to the section that's
14 noted as "careers" and you can find it that way.

15 CHAIRPERSON ROSENTHAL: Okay, I know that-
16 -

17 CHAIRPERSON TREYGER: [interposing] And
18 Chair, and they could certainly notify the numerous
19 climate specialists, climate folks that they have, to
20 also apply. That could be a pipeline.

21 EXECUTIVE DIRECTOR BRANTLEY: Thank you
22 for your suggestion.

23 CHAIRPERSON ROSENTHAL: Council Member
24 Barron, I know you had two more questions.

2 CHAIRPERSON BARRON: Yes, for the
3 Department of Education and for the Commission. CUNY
4 talked about the fiscal impact that would come about
5 if they had to change and implement the new proposed
6 rules for Title IX. Have you done any assessment to
7 determine if there would be any fiscal impact on the
8 rules, if they were implemented as they are proposed?
9 Would there be a fiscal impact for DOE as well?

10 DIRECTOR PEPE-SOUVENIR: That assessment
11 has not yet been done. I think what we've tried to
12 show today is that we have a systemic commitment to
13 this issue, and we have embedded this work throughout
14 every aspect of the school and the central
15 Administration.

16 CHAIRPERSON BARRON: Okay.

17 DIRECTOR PEPE-SOUVENIR: There's always
18 more to go, but that assessment regarding financial
19 impact has not yet been done.

20 CHAIRPERSON BARRON: Thank you. And do
21 you have the number? You talked about the number of
22 student-to-student incidents, the number of staff-to-
23 staff. Do you have the number of staff-to-student
24 incidents? I asked this question before. That's why
25

2 I'm asking it again. In a previous-- in a-- yeah, in
3 a previous hearing.

4 BRIDGET BARBERA: We would be happy,
5 Councilwoman, to provide that data to you. We do not
6 have it today, but we can certainly-- and we'll
7 certainly follow up with you. Thank you.

8 CHAIRPERSON BARRON: Thank you. And then
9 the other question I have in that regard is what's
10 the average length of time that it takes to get a
11 resolution to these complaints when they are brought
12 to the DOE? So, if you could-- if you don't have
13 that, you could get back to me.

14 KENYATTE REID: So, Chancellor's
15 Regulation AA31 governs how we support our students
16 in student-to-student sexual harassment. The staff--

17 CHAIRPERSON BARRON: [interposing] I'm
18 particularly talking about staff-to-student. Does
19 that have a timeline as well? You referenced
20 student-to-student.

21 KENYATTE REID: Right, okay.

22 EXECUTIVE DIRECTOR BRANTLEY: Yes,
23 Chancellor's Regulation, embedded within Chancellor's
24 Regulation AA30, the timeline for staff-to-student
25 investigations is 90 days, a 90-day timeline.

2 CHAIRPERSON BARRON: Okay, thank you.

3 And for CUNY, can you please get me the information
4 disaggregated by gender, race, disability, and/or
5 LGBTQ status in terms of the number of incidents that
6 are recorded at CUNY.

7 MICHELLE ANDERSON: Yes, we can.

8 CHAIRPERSON BARRON: Okay, and can the
9 public access any of this information in terms of
10 complaints that were investigated? Is there any
11 public access for that information?

12 BRIDGET BARBERA: Published on the State
13 Education Department website is the aggregate data
14 from each institution for the number of complaints,
15 whether or not discipline was referred, whether or
16 not they sought law enrollment, and then I believe it
17 has other categories such as outcome. So that is
18 actually posted for on the State Education website
19 everyone can go to.

20 CHAIRPERSON BARRON: And thank you for
21 your presentation. I did appreciate the information
22 that you did present. Thank you, Madam Chair.

23 CHAIRPERSON ROSENTHAL: I just want to ask
24 a quick few questions. I think we were all thrown by
25 some of the things that were said here today, but

2 coming back to the legislation at hand. Do you have
3 any comments about the reporting bill? Any
4 suggestions you'd like to make? I think what I heard
5 from DOE is that additional staff is always welcome
6 as an answer to the resolution request.

7 EXECUTIVE DIRECTOR EBANKS: Right,
8 regarding the reporting bill, what we-- as I said in
9 my testimony, we're certainly willing to have
10 discussions with Council around this transparency, of
11 course, is of critical importance to us on all issues
12 of how this Administration interacts with the general
13 public. We do believe that Title IX, as we stated in
14 testimony, is not only an educational issue, but it's
15 something that cross-cuts the City at large and the
16 work that the City does. So, what I would want to
17 make sure is that this additional reporting is not
18 duplicative of existing efforts, right?

19 CHAIRPERSON ROSENTHAL: Sure.

20 EXECUTIVE DIRECTOR EBANKS: So, I think
21 along those lines that's where I would say the
22 discussion is needed then to be able to be very clear
23 about actually what the Commission on Gender Equity
24 would be accountable and responsible for.

2 CHAIRPERSON ROSENTHAL: And to that larger
3 question, do you currently monitor incidents of
4 gender and sex discrimination?

5 EXECUTIVE DIRECTOR EBANKS: That's
6 responsibility of DCAS or the city agencies, the
7 equal employment function all rolled up. Each agency
8 has it and then it all rolls up in data that's
9 provided through the Department of Citywide
10 Administrative Services.

11 CHAIRPERSON ROSENTHAL: Yeah, and do you
12 see that as well? Does that--

13 EXECUTIVE DIRECTOR EBANKS: [interposing]
14 Oh, yeah. Well, we see it, it's available and we
15 access it as well.

16 CHAIRPERSON ROSENTHAL: Okay. Do you do
17 any work? Do you engage at all with DOE on Title IX?

18 EXECUTIVE DIRECTOR EBANKS: Our
19 engagement I think would come through the Mayor's
20 Sexual Health Education taskforce.

21 CHAIRPERSON ROSENTHAL: Right.

22 EXECUTIVE DIRECTOR EBANKS: And so as you
23 know, we've been working in my capacity as Executive
24 Director of the Commission, I chair that taskforce,

2 and we've been working very well with DOE as they are
3 vice chairs on that taskforce as well.

4 CHAIRPERSON ROSENTHAL: Let's see. Do
5 you think that in that work how are-- do you believe
6 that the issues of gender and sex district and sexual
7 harassment and assault are taught in an affirming and
8 age-appropriate way?

9 EXECUTIVE DIRECTOR EBANKS: I would say
10 that the effort is underway and more needs to be
11 done, and that is recognized and accepted by the
12 Department of Education. And I think that's also
13 reflected in the Health Ed Works initiative that was
14 launched. And so we do believe we have full
15 partnership, and the beauty of the Mayor's Sexual
16 Health Education Taskforce is that it's a cross-
17 disciplinary group. So we have many voices at the
18 table, student, parents, teachers, and various
19 experts in the field.

20 CHAIRPERSON ROSENTHAL: Do you believe
21 that the current education includes information on
22 students' rights in situations and how they're
23 supposed to report incidents?

24

25

2 EXECUTIVE DIRECTOR EBANKS: Yes, and I
3 think it was-- the testimony here provided to that.
4 Yes, it does.

5 CHAIRPERSON ROSENTHAL: How will the work
6 of the taskforce be impacted if the proposed Title IX
7 changes are implement?

8 EXECUTIVE DIRECTOR EBANKS: The taskforce
9 by Local Law 90 exists through 2022. We see our role
10 as ensuring that New York City commitment to gender
11 equity, gender diversity, to respecting all
12 individuals regardless of gender identity and gender
13 expression remains the way that New York City does
14 business. So really I think what it means for us is
15 that we will indeed redouble our efforts to protect
16 and ensure that our young people are kept safe in
17 their school and settings.

18 CHAIRPERSON ROSENTHAL: Thank you.
19 What's the relationship between CGE and DOE's Gender
20 Equity Liaison?

21 EXECUTIVE DIRECTOR EBANKS: It is an
22 ongoing relationship as a part of our broader gender
23 equity interagency partnership. I want to also state
24 that DOE was one of the five initial Gender Equity
25 Liaison agencies, and the gender interagency

2 partnership which is now citywide is a direct result
3 of us working with only five agencies to say we've
4 got to broaden this. so there is, you know, clearly
5 a center of learning established, and then the
6 transfer of knowledge which is about how do we expand
7 this across all city agencies. So we've learned a
8 lot being in partnership with DOE.

9 CHAIRPERSON ROSENTHAL: And it's very
10 impressive the monthly meetings that you're having.
11 Do you believe--

12 EXECUTIVE DIRECTOR EBANKS: [interposing]
13 We're not yet having monthly meetings. I want to
14 correct that.

15 CHAIRPERSON ROSENTHAL: Oh, sorry.

16 EXECUTIVE DIRECTOR EBANKS: But--

17 CHAIRPERSON ROSENTHAL: [interposing]
18 Regular.

19 EXECUTIVE DIRECTOR EBANKS: we are
20 ramping up.

21 CHAIRPERSON ROSENTHAL: Do you believe
22 that the DOE Gender Equity Liaison can spread her
23 wings to fully implement all of the goals that CGE
24 would want to see?

2 EXECUTIVE DIRECTOR EBANKS: What we
3 learned through the partnership with a Gender Equity
4 Liaison is that this is not a one-person solution.
5 Hence, we have broadened it to citywide intervention.
6 But I also want to talk about replicating what DOE is
7 doing, that this has to be a culture shift. And this
8 is so important that you're not only talking about
9 having a staff person appointed to a position, but
10 you're ensuring that an entire culture and climate
11 changes. And so that's really what we're looking at.
12 It's not either/or. It's both/and.

13 CHAIRPERSON ROSENTHAL: And during your
14 tenure, and with the new GELs at-- and specifically
15 at DOE. Do you know of any examples that she has
16 come back with of a support or accommodation for
17 victims or survivors that she's talked about.

18 EXECUTIVE DIRECTOR EBANKS: I think one
19 of the things she talked about is how she strengthens
20 her role vis a vis sexual health education training
21 and gender discrimination training, and that's what
22 you know, she has shared with me in the past, and
23 sort of deepening her presence and her invention
24 around those, that issue.

2 CHAIRPERSON ROSENTHAL: So, let me ask
3 more broadly. Given your expertise, which I know to
4 be true, have you learned about anything the DOE has
5 done where they had a situation where they provided
6 an accommodation for a victim of sexual harassment or
7 sexual assault?

8 EXECUTIVE DIRECTOR EBANKS: A specific
9 case? No.

10 CHAIRPERSON ROSENTHAL: I certainly don't
11 want to hear about anything specific but has DOE ever
12 come to you and said, "What would your guidance be
13 here?"

14 EXECUTIVE DIRECTOR EBANKS: Part of it is
15 is that there is this holistic approach.

16 CHAIRPERSON ROSENTHAL: Okay. Okay.
17 Sorry, can you give an example?

18 KENYATTE REID: So, our Gender Equity
19 Coordinator works closely with multiple CBOs that are
20 Support Domestic Violence Provider-- Survivors, I
21 apologize, such as like the WRAP [sic] program, the
22 Mayor's Office to end Domestic violence. It is not a
23 one-person job. It is part of a partnership with
24 multiple organizations, some of which like WRAP are
25 directly in schools. And as I mentioned, you know,

2 the WRAP program is currently working with 100 high
3 schools and about to expand--

4 CHAIRPERSON ROSENTHAL: [interposing]

5 Right. I guess my question is this: as you mention
6 over 3,000 cases, verified cases, can you give me an
7 example of one situation. I'm not asking about the
8 person, the year, the gender, anything, but just what
9 was accommodation that you came up with or the
10 additional support?

11 KENYATTE REID: Right. So that could be
12 additional support through our partnership with WRAP.
13 We also have a very strong partnership with the
14 Family Assistance Program.

15 CHAIRPERSON ROSENTHAL: So you can't
16 think of one thing in your mind maybe over the last
17 year where there was a situation and the Title IX
18 Coordinator knew about it and suggested to make sure--
19 - not that another professional take care of it. But
20 I mean, I want to know that person is in the weeds.
21 So what was the exact-- was that person moved into a
22 different classroom? I don't know what the supports
23 are. Were they given access to therapy sessions
24 every day? What's the DOE doing there?

2 KENYATTE REID: That's exactly what I'm
3 saying. They would coordinate to ensure the
4 appropriate supports are provided. It would be
5 additional support such as at-home counseling. It
6 could be counseling in the school. It might be--

7 CHAIRPERSON ROSENTHAL: [interposing] Do
8 you know whether or not that happens?

9 KENYATTE REID: Yes, it does happen.

10 CHAIRPERSON ROSENTHAL: From internal--
11 how do you know if that recommendation is given? How
12 do you know that the student follows up with that?

13 KENYATTE REID: That's through our Gender
14 Equity Coordinator coordinating with the community-
15 based organization that they've been referred to or
16 the on-site counselor that is at the school. We also
17 have at-risk counselors that will be pushed into
18 schools when they're--

19 CHAIRPERSON ROSENTHAL: [interposing]
20 Would you know of a situation when it wasn't working
21 for a student? In other words, besides complaint-
22 driven, do you have any tracking of what happens
23 after a case is substantiated internally, besides
24 saying we're going to refer it to here, here or here?
25 That's okay. I was just curious. I mean, and I would

2 actually argue it goes along with the dress code. It
3 would be so interesting to hear that the dress codes
4 if a principal because of their school culture needs
5 one, that it actually was sent to the-- I would say
6 Title IX Coordinator for review. Would that be
7 something you'd be interested in?

8 KENYATTE REID: We understand that a
9 survivor of domestic violence is not something that
10 we're going to look back in two months and say, okay,
11 we have a data point check. It's an ongoing support
12 that has to be provided. The data regarding like the
13 immediate turnaround- I don't know if that's what
14 you're asking for, but we do ensure that our young
15 people are getting the support needed, that they are
16 seeing the counselors that they've been referred to
17 whether it be in-house or out, or outside of the
18 school. As I said, we provide additional services
19 where they will come into the school or potentially
20 be referred out, and we do track and ensure that
21 there's follow up.

22 CHAIRPERSON ROSENTHAL: Would you
23 consider looking at the dress codes of individual
24 schools to make sure they comply?

2 KENYATTE REID: Absolutely. You bring
3 them to our attention and we will follow-up.

4 CHAIRPERSON ROSENTHAL: So, the complaint
5 driven system, you wouldn't ask principals to submit
6 them to you. You're only going to deal with the
7 complaint-driven system.

8 KENYATTE REID: We'll look at that.

9 CHAIRPERSON ROSENTHAL: Okay. Executive
10 Director Ebanks, under the authority granted to CGE
11 under Section 20-B of the New York City Charter, CGE
12 may request information from any city agency or
13 office it deems necessary to enable the Commission to
14 properly carry out its functions. When you're
15 compiling your annual report, what data do you
16 collect from other agencies? And is there anything
17 in particular that just goes to you and isn't
18 otherwise reported?

19 EXECUTIVE DIRECTOR EBANKS: There's
20 nothing at this point that comes directly to us. The
21 Commission has been building its capacity to do that
22 work and to require the data. At this point, we
23 don't do it, but again with the formation of the
24 gender equity interagency partnership group we're
25

2 beginning to lay the foundation to have that
3 reporting happen.

4 CHAIRPERSON ROSENTHAL: So, with Intro
5 1526, if that were to go forward, would that affect
6 your data collection capacity?

7 EXECUTIVE DIRECTOR EBANKS: Having it in
8 law would be certainly an asset to the process, and--

9 CHAIRPERSON ROSENTHAL: [interposing]
10 Okay. And are there other types of data that should
11 be considered as part of Title IX for Intro 1536 from
12 a gender-based perspective. And we can talk about
13 this offline, but if you have other ideas--

14 EXECUTIVE DIRECTOR EBANKS: [interposing]
15 I do think that we would like to be able to follow
16 up.

17 CHAIRPERSON ROSENTHAL: Okay. Do you
18 anticipate that the CGE 2019 annual report will be
19 available in December?

20 EXECUTIVE DIRECTOR EBANKS: Yes, it will
21 be available in December. I think the date was
22 December 1st. Our-- we have a simple challenge that
23 as we launch 16 days of--

24 CHAIRPERSON ROSENTHAL: [interposing] Last
25 year.

2 EXECUTIVE DIRECTOR EBANKS: 16 Days of
3 Activism Against Gender-based Violence. It runs
4 through December 10th, and we really would like to
5 have a full January through December, 12 months
6 reporting, but that doesn't have to be the case. I
7 think that's a key way in which we align with--

8 CHAIRPERSON ROSENTHAL: [interposing] I'm--
9 -

10 EXECUTIVE DIRECTOR EBANKS: Title IX in
11 sort of the public education aspect of ensuring that
12 we have community solutions to gender based violence.

13 CHAIRPERSON ROSENTHAL: I'm very open to
14 changing the date of that report if that would be
15 helpful, we can do that probably through this
16 legislation.

17 EXECUTIVE DIRECTOR EBANKS: Yes.

18 CHAIRPERSON ROSENTHAL: I'm guessing, but
19 no problem. Okay, lastly, does-- I'm actually going
20 to end it here. We have so many other people waiting
21 to testify, but we have certainly learned a lot today
22 about the work that CUNY is doing and the work DOE is
23 doing. I heard some amazing ideas, interims of the
24 roadmaps that CUNY is laying out for people. I think
25 there's a lot to learn. It might be interesting to go

2 back and meet with them. Is that something you'd be
3 interested in doing.

4 EXECUTIVE DIRECTOR EBANKS: Yes.

5 CHAIRPERSON ROSENTHAL: Okay, great. Thank
6 you all so much. I'm going to call up the next panel.
7 Brittany-- these-- this is from Girls for Gender
8 Equity. Brittany Brathwaite, Bernice Dravaccio
9 [sp?], Umu Kaba [sp?], Andrea Gonzales [sp?], and
10 then also Kate McDonough from Dignity in Schools
11 Campaign, and Meredith Maskara from Girl Scouts of
12 Greater New York. Terrific. Welcome, and thank you
13 for your patience. I know that was a lot. I think--
14 we're all very excited about your testimony. So
15 maybe if we could hear altogether from Girls for
16 Gender Equity and then we'll move on from there. Oh,
17 just introduce yourself and-- for the record, your
18 name and where you're from. And actually, I'm going
19 to ask the clerk, I'm sorry, but for if we could set
20 the clock, gentleman, for a two-minute limit? I'd
21 appreciate that. Thank you.

22 BRITTANY BRATHWAITE: Alright, good
23 afternoon, Chair Treyger, Chair Rosenthal, Chair
24 Barron, and Council Members and staff of the
25 Committee on Education, Committee on Women and Gender

2 Equity and the Committee on Higher Education. My

3 name is Brittany Brathwaite, and I'm the Organizing

4 and Innovation Manager of Girls for Gender Equity.

5 Thank you for holding this important hearing

6 regarding the oversight of Title IX and gender

7 discrimination in New York City. GGE is an

8 intergenerational youth development and advocacy

9 organization based here in New York City committed to

10 the physical, psychological, social, and economic

11 development of cis and trans girls and gender non-

12 conforming youth of color. For almost two decades

13 Girls for Gender Equity has organized around the

14 guarantees of Title IX of the 1972 Education

15 Amendment as a guidepost for equitable access to

16 safety in schools for young people with a special

17 attention to the racial and gender-based violence

18 experienced by cisgender and transgender girls and

19 gender non-conforming youth. Sexual harassment and

20 violence is pervasive in our society and school

21 system for young people. One in four young women

22 experience sexual assault before the age of 18, and

23 for black girls those numbers are even more stark

24 with six in 10 reporting sexual assault before their

25 18th birthday. Our 2017 report, The School Girls

2 Deserve, which surveyed over 100 girls and gender
3 non-conforming youth of color in New York City
4 revealed that one in three students experience some
5 form of sexual harassment in schools. While they
6 reported experiencing sexual harassment to our
7 research team, 90 percent of those students in the
8 study revealed that they did not report it to their
9 schools, most sharing that they did not know who to
10 report it to or think that anything would be done.
11 Title IX was created to protect students from gender
12 discrimination, sexual harassment, and violence in
13 school, and in our experience, the City has not
14 prioritized this compliance. New York City currently
15 has one Title IX Coordinator for 1.1 million students
16 in over 1,800 schools. We believe this response is
17 insufficient and underscores that gender equity and
18 sexual violence are not a priority for the New York
19 City Department of Education. Similarly, schools
20 like Chicago, the Chicago Public School District
21 which has one-third of our students population, about
22 300,000 students has a team of 20 fulltime staff
23 solely dedicated to Title IX training, compliance,
24 coordination, and investigation. We're calling on
25 the New York City Department of Education and the

2 City Council to advance the following: One, ensure
3 equal protection for all students under Title IX by
4 expanding the number of fulltime Title IX
5 Coordinators to at least seven with at least one of
6 every borough citywide office in the five boroughs.
7 The Fiscal Year 2020 budget should include a total of
8 856,800 dollars for these positions fully funded by
9 the Department of Education. We fully support
10 Council Member Adams' Resolution 797 that reflects
11 this call to action. We also want to expand the role
12 of Title IX Coordinators to ensure that these
13 individuals are focusing on preventing sexual
14 violence and gender discrimination in addition to
15 responding when violence occurs. And lastly, we
16 support the intent of Council Member Rosenthal's
17 proposed reporting bill Intro. 1536. We strongly
18 urge splitting this bill into two separate reporting
19 bills, one requiring the New York City Department of
20 Education to report on Title IX compliance to be
21 posted on the DOE website once a year, disaggregated
22 by race and gender together and posted in a machine-
23 readable format, and a separate bill requiring the
24 Commission on Gender Equity to report on its
25 activities in the previous 12 months. That is my

2 time, but thank you, and we're committed to
3 continuing conversations with this body.

4 CHAIRPERSON ROSENTHAL: Thank you.

5 UMU KABA: Good afternoon-- excuse me if
6 I say your name wrong-- Chair Treyger, Chair
7 Rosenthal, Chair Barron, and Council Members and
8 staff of the Committee on Education, Committee on
9 Women and Gender Equity, and the Committee on Higher
10 Education. My name is Umu Kaba, and I'm 17 years
11 old. I'm a junior at Urban Assembly School for
12 Global Commerce. I have never seen these posters the
13 DOE spoke about, and I don't know who my sexual
14 harassment-- liaison is. I'm a first generation high
15 school student and I identify as an African activist.
16 I am also a youth organizer with the Young Women's
17 Advisory Council, YWAC, at Girls for Gender Equity
18 for who I am also here representing today. Girls for
19 Gender Equity is an organization that teaches young
20 women of color and gender non-conforming youth of
21 color political and social justice education and then
22 supports us in the community organizing in civic
23 engagement to advance policy that affects us. GGE
24 also supports us socially, emotionally, and mentally.
25 On behalf of the Young Women's Advisory Council, I

2 would like to thank you for having myself and my
3 organization here. I really appreciate you taking
4 the time to hear my voice, and through this I know my
5 voice matters. I am testifying today because I want
6 different communities to be aware of what girls of
7 color like myself go through all the time in school
8 and the trauma we have and can have because of this.
9 The lack of Title IX Coordinators in schools prevents
10 us from feeling safe and being able to be ourselves
11 in schools. When things happen to us we're blamed
12 for it, and we have no one to report to or go to for
13 support. In my school, the School Safety Agents make
14 girls feel very uncomfortable. I remember one day my
15 friend and I were in a hallway on our way to class,
16 and one of the security guards stopped us and began
17 to flirt with us and talk to us in a very
18 nonconsensual romantic way. He then looked at us in
19 a very sexual and objectifying manner. It made me
20 feel like I was a piece of meat. He then tried to
21 escort us to class even when we denied being
22 escorted. This made my friend and I feel unsafe and
23 confused. I felt like a sexual object and not a
24 student, and what left me feeling more unprotected
25 was that there was no one I could even share this

2 story with. There was no one that would do anything.
3 The people who were in my school to protect me were
4 trying to hurt me. With the weather getting warmer,
5 I also dread going to school because I know my
6 administrators are going to police my body and
7 dehumanize me. Last year, when summer rolled around,
8 I wore jeans that had rips in them. My principal
9 instructed one of the teacher assistances to put
10 cardboard on my legs to cover the holes in my jeans.
11 I was told that I would be distracting boys, even
12 though no matter what I'm wearing boys cat call me in
13 the hallways every day, and no one does anything
14 about it. My school condones rape culture and boys
15 are always being catered to instead of understanding
16 the perspective of girls of color in school. They
17 continue to victim blame us and shame us. Title IX
18 and Title IX Coordinators--

19 CHAIRPERSON ROSENTHAL: [interposing]
20 Excuse me, I'm going to ask you to wrap up. You need
21 to know, those last two paragraphs were the most
22 powerful thing you could have ever said, and we
23 learned a lot from you just now. But sorry, I have
24 to ask you to wrap up, and if everyone else could be
25 mindful of the time.

2 ANDREA GONZALES: Good afternoon,
3 everybody. My name is Andrea Alejandro Gonzales
4 [sp?]. I'm 18 years old. I'm a queer indigenous
5 Latina activist, and I'm part of the Young Women's
6 Advisory Council at GGE. Girls of color are
7 hypersexualized constantly. We're often forgotten
8 when addressing sexual harassment. When I was in
9 high school I was always the first to get dress
10 coded, and I was heavily surveilled for what I wore.
11 I knew this was only because I was Latina, and my
12 school administrators saw my body as a distraction in
13 comparison to my white counterparts who were able to
14 wear and dress however they wanted and however they
15 felt comfortable. And to talk about what DOE said up
16 here, I never saw any of these posters that they were
17 talking about. I never saw any of the cards, and I
18 never knew who my Sexual Assault Liaison was. This
19 information was never given to us, and I'm almost
20 certain that if you ask any high school student, they
21 wouldn't know either. Being judged every day by what
22 I wore led me to feel unsafe and uncomfortable in my
23 school, especially in warmer weather. I should have
24 not changed the way I look just because teachers and
25 other students might get distracted. The teacher

2 should change and not me. In my high school the
3 emphasis on what I chose to wear and not wear was
4 measured by what would cause teachers to sexualize my
5 body. And now I attend at CUNY, and this is my first
6 year within the school system. We're only a few
7 months in and there's been various reports of
8 professors sexually harassing students, and I am
9 afraid. These reports paired with my experiences
10 from high school shows me that this continues to be
11 an issue across most educational spaces and is
12 absolutely unacceptable. Why isn't there action
13 being taken against these teachers? Why is there is
14 only one Title IX Coordinator for 1.1 million
15 students in New York City? And why are students'
16 bodies more important than their education in school?
17 I hope to bring awareness to the narratives of young
18 cis and trans girls of color and gender non-
19 conforming youth of color to make sure these stories
20 of harassment and unfair dress codes are not being
21 erased. The lack of a Title IX Coordinators in New
22 York City is appalling and concerning. How can you
23 know all this information and not be concerned.
24 Girls of color and gender non-conforming youth of
25 color deserve better and they deserve to be and feel

2 respected in their educational spaces. Hiring seven
3 fulltime and trained Title IX Coordinators can help
4 ensure that young people are being respected and
5 treated with the dignity they deserve. Thank you.

6 BERNICE DRAVACCIO: Good afternoon, Chair
7 Treyger, Chair Rosenthal, and Chair Barron, and
8 Council Members and staff of the Committee on
9 Education, Committee on Women and Gender Equity, and
10 the Committee on Higher Education. My name is
11 Bernice Dravaccio [sp?] and I am 15 years old. I am
12 currently a sophomore in high school attending High
13 School for Environmental Studies. I identify cis
14 [sic] girl and I am first generation Mexican-
15 American. I'm in a program called Sisters in
16 Strength which is run by Gender Girls Equity who I am
17 also here representing today. I am a soccer player
18 and I am on the school's all-girl soccer team. Title
19 IX is crucial to ensuring that I get to play sports
20 at school and also that I get to show up at school
21 the way I want to and be safe in my body. I want to
22 tell you a couple of stories of what I experienced at
23 school. When I first joined the girls' soccer team
24 freshman year, students and teachers treated us a
25 joke. We were held to lower standards just because

2 they thought the boys were so much better, simply for
3 being boys. They were taken seriously. We were made
4 fun of just for being girls playing a sport. This
5 year, we made a major accomplishment as a team. We
6 made it to playoffs and semifinals for the first time
7 in eight years. Meanwhile the boys only went to
8 playoffs but lost after the second round. They still
9 received praise and accolades, which they deserve,
10 but it took us advancing to the semifinals to receive
11 recognition from the school community. They were
12 finally seeing girls could play this game, too.
13 During the summer tryouts when there was all sorts of
14 hot, sunny, and humid, my teammates couldn't handle
15 the heat, so they took all their shirts off. We have
16 been working out so hard, and we just wanted to keep
17 on going. We thought it was okay since we saw other
18 girls practicing with only their sports bras. Our
19 coach had an immediate reaction. He started feeling
20 some type of way in which of course meant he was
21 judging us. He immediately lectured us about why it
22 was wrong to take our shirts off and it was wrong to
23 wear sports bras outside. Even though I wasn't one
24 of the people who took off their shirts, I still had
25 a reaction. I knew he was trying to protect us, but

2 that response was inappropriate. First, he was our
3 coach, and school should be supporting us. He was
4 blaming us for potential responses from others as if
5 we were asking to be cat called. Three of the other
6 girls and guys didn't have any shirts on. Those
7 teams were mostly made of people I perceived as
8 white, so why was it not okay for us to wear sports
9 bras? He said it was to protect us, but what we were
10 wearing should never be a reason for people to hurt
11 us, and we definitely aren't [inaudible] random
12 people to touch us or engage in sexual harassment.
13 Our coach is a caring and supportive person. We know
14 that he has our best interest at heart and also he
15 need more training and support to coach an all-girls
16 team. Our school needs more training and support to
17 be an equitable language and responses to girls
18 playing sports and being athletes. I believe an
19 increase in Title IX Coordinators will help give us
20 support staff and change school culture. They could
21 look out for what sorts of trainings and messages are
22 occurring in schools. Additionally, I don't feel
23 comfortable that's tight or shows off skin in school.
24 It is not because--

2 CHAIRPERSON ROSENTHAL: [interposing]

3 Summarize it just a little bit. Thank you.

4 BERNICE DRAVACCIO: Okay. So, I don't
5 feel comfortable wearing tight clothes that shows of
6 skin. It's not because I don't own that clothing,
7 but I always here things saying, "You're showing off
8 too much skin." Or I get discriminated because of my
9 body type. I shouldn't feel this any type of way
10 because of the clothing I choose to wear. I have
11 fear expressing my true self. I am scared to be
12 shamed and called names because of the clothes I
13 choose to wear. I'm scared of being sexually harassed
14 by the students at my school. I see a lot of
15 boundaries being crossed at school and the adults
16 aren't doing a thing about it. I feel like they don't
17 know what to do. Then what if I was dressed the way
18 I wanted to and something happened? Who do I go to?
19 Who am I supposed to when I have this issue? Yeah.
20 I want to add something else. Okay. So, sorry.
21 Today's staff from DOE said that they informed
22 students about their rights and Title IX information.
23 I have never received any type of information at
24 school, especially when we first started, not in a
25 poster or in a pamphlet or any type of a way,

2 especially from a teacher or a principal. Luckily I
3 have my WRAP Coordinator, but not all schools have
4 this and they don't also have the power to make
5 change to an entire school. Thank you for having me.

6 KATE MCDONOUGH: Hi. My name is Kate
7 McDonough. I'm the Director of Dignity in School
8 Campaign New York of which GGE is a wonderful member
9 of. We're a multi-stakeholder coalition of students,
10 parents, educators, organizers, and advocates who
11 work for education justice in the end to school push-
12 out and the school-to-prison pipeline. Be quick.
13 So, I think many years due to many efforts of others
14 there's been a focus on ensuring that young people,
15 especially young people of color aren't pushed out of
16 school, which has led to an increased attention on
17 reducing the number of suspension. However, simply
18 focusing on suspensions alone is not enough as we
19 have heard today. What you all have shared is a form
20 of school push-out, and addressing sexual harassment
21 in schools should be a top priority. As the City
22 determines what kind of budget we're going to have,
23 it's important to keep in mind that you get what you
24 pay for. So now I'd say it's the time to transform
25 our school system by investing in things that young

2 people want, need, and deserve. Now is the time to
3 have a Title IX Coordinator in every borough support
4 office so that schools can have access to the
5 resources that they need to create cultures of
6 consent and address sexual harassment. I think it's
7 also important to uplift that we spend over 400
8 million dollars on the NYPD School Safety Division
9 budget. We have more School Safety Agents than we
10 have guidance counselors and social workers combined,
11 and yet our city will only invest 1.3 million on
12 implementing restorative justice in schools. So,
13 again, you get what you pay for. Our coalition has a
14 budget demand of investing 56.4 million dollars in
15 restorative justice so it can be taking citywide.
16 We're also calling for an increase in school guidance
17 counselors and social workers in addition to
18 supporting the demands of Girls for Gender Equity.
19 That is it. Thank you.

20 CHAIRPERSON TREYGER: I tell you, I am so
21 proud, so proud of these amazing students. Thank you
22 for sharing very powerful and very personal testimony
23 and turning your pain into purpose to help yourselves
24 and your peers. And just very briefly, I think
25 you've touched upon some of the issues that-- because

2 we heard quite a bit from the DOE earlier about all
3 the personnel that they have. They're supposed to
4 support you and be there for you. By a show of
5 hands, how many of you have received a brochure
6 detailing your Title IX rights? By a show of hands,
7 how many of you received support from a Climate--
8 School Climate Manager? By a show of hands, how many
9 of you have never heard of a School Climate Manager?
10 That is all I think we need to know. I think with
11 that brief exercise could have been in place of the
12 three-hour long testimony we heard from the
13 Administration. Thank you. Your voices, your needs,
14 the needs of your peers that should be driving our
15 budget process, and you've just made a very powerful
16 case for more Title IX Coordinators, more social
17 workers and counselors in our schools. Thank you so
18 much.

19 [applause]

20 CHAIRPERSON ROSENTHAL: Woah, woah, woah,
21 woah. I get to say I'm proud of you now. So, I
22 would like to agree with Chair Treyger. Your
23 testimony blew us away. It is because of your
24 personal stories and in particular about the School
25 Safety Officers and about summer coming up, that I

2 think we're going to tweak the legislation and try to
3 capture some additional little points. So, I really
4 want to thank you for that. And to build on what
5 Chair Treyger just said, I feel that you-- the
6 testimony here reflects a deeper understanding of why
7 this education is important. Each of your stories is
8 about the climate that you're in is not conducive to
9 learning, and you've explained it very well, and I'm
10 sorry the DOE didn't stay here-- there's one person
11 from DOE who stayed here-- to really hear and
12 understand what you said. But we're here, and we
13 heard you, and we want to thank you for that. It is
14 striking that the statistic reported here is one in
15 three students experience sexual harassment, and yet,
16 what we heard from the DOE is that of the 1.1 million
17 students not even one percent are heard. Thank you so
18 much for coming here today and for staying late. We
19 appreciate you.

20 [applause]

21 CHAIRPERSON ROSENTHAL: I'd like to call
22 up the next panel which is Emma Roth from the ACLU
23 Women's Rights Project, Abigail Delgado [sp?]- I'm
24 sure I said that wrong-- Ayala Logan [sp?], Swali
25 Patel [sp?], Cathren Cohen, and Carrie Goldberg. Oh,

2 and can I just confirm that Meredith Maskara from the
3 Girl Scouts, she already left? Okay. Okay, and we
4 have everyone's testimony and people can still submit
5 it, all of which will be read meticulously. Thank
6 you. Okay, thank you. If we could begin over here
7 with you. Just say your name, what organization
8 you're with, and unfortunately we have to be on a
9 two-minute clock. Thank you.

10 CATHREN COHEN: Yes, good afternoon.

11 Thank you all for being here today to discuss this
12 very important issue. I'm going to give a very
13 condensed version of the written testimony that's
14 going to be handed to you. My name is Cathren Cohen,
15 and I'm a Law Fellow with Lambda Legal which is the
16 oldest and largest legal organization whose mission
17 is to achieve the full recognition of the civil
18 rights of lesbians, gay men, bisexual, transgender
19 people, and everyone living with HIV. I am here
20 today in support of requiring reporting on Title IX
21 compliance and expanding the number of Title IX
22 Coordinators. We appreciate the intent of this
23 resolution and would encourage it to go even further,
24 placing a Title IX Coordinator in every school as
25 recommended by Girls for Gender Equity's report, and

2 while not required by Title IX consistent with
3 federal guidance from the Obama administration
4 Department of Education Dear Colleague letter that
5 was rescinded. Title IX is incredibly important to
6 LGBTQ youth in schools, particularly transgender and
7 gender non-conforming young people. LGBTQ youth are
8 subject to higher rates of harassment and abuse in
9 schools as well as disproportionate rates of school
10 push-out. They are also more likely to report sexual
11 harassment and abuse, including sexual violence.
12 School push-out and discrimination are linked with
13 significant over-representation of LGBTQ and juvenile
14 justice and homelessness systems where they make up
15 20 percent of juvenile justice system involved youth
16 and almost 50 percent of homeless youth, despite
17 being only five to seven percent of the general
18 population. Title IX is an essential tool in
19 addressing these harmful disparities. Federal courts
20 have agreed that sex discrimination prohibited by
21 Title IX also include sexual harassment and
22 discrimination for failing to conform to gender
23 stereotypes which allows LGBTQ youth to rely on Title
24 IX protections in several cases. For example, in one
25 case, in Adams V. the School Board of St. John's

2 County, Lambda Legal represented a transgender
3 student who was prohibited from using the bathroom
4 that was associated with their gender identity prior
5 to a federal court finding that this likely violated
6 Title IX. Stories like these demonstrate the
7 incredible importance of Title IX, but the report
8 shows that the promise of Title IX is falling short
9 in New York, and for those reasons we recommend the
10 passage of these bills.

11 ABIGAIL DELGADO: Good afternoon. Good
12 afternoon. Okay, thank you. Good afternoon. My
13 name is Abigail Delgado. I'm a senior at the American
14 Sign Language is Secondary English High School. I am
15 also a member of the New York Civil Liberties Union
16 Teen Activist Project, a youth organizing program
17 with nearly 200 members focused on developing and
18 engaging young leaders as activists in their schools
19 and communities. Did you know that one in three
20 students has experienced sexual harassment? When I
21 was younger I experienced sexual abuse. Where was my
22 Title IX Coordinator? It is that person's
23 responsibility to make sure children feel safe and
24 supported at school and free from sexual violence,
25 but unfortunately, in my situation, I was let down

2 not only by the Title IX Coordinator, but by the
3 Department of Education. This experience changed my
4 life completely. It made me fearful and cautious of
5 my surroundings. I no longer wear skirts. I have had
6 to deal with this trauma since a young age. Even now
7 I do everything I can to not let this experience
8 define me. I'm not afraid to speak up anymore.
9 Today, I'm here to urge the Department of Education
10 and the City Council to work together to increase the
11 number of Title IX Coordinators in our public
12 schools. One is simply not enough. There are 1.1
13 million students in the New York City public school
14 system, and surely one person cannot account for all
15 of those students' experiences and issues. With only
16 one person responsible for this job, how can students
17 adequately identify this person to know how to reach
18 them or file a complaint? There's no way that one
19 person can be in multiple schools at the same time.
20 We need to have at least one Title IX Coordinator in
21 every borough. One in each borough is a great start.
22 We should aim for even more than that. We need Title
23 IX Coordinators looking for every child-- no, sorry--
24 looking after every child in school to make sure that
25 our schools are not letting them down and are helping

2 them to succeed. The Title IX Coordinator can work
3 alongside the Respect for All liaisons to ensure that
4 bullying and harassment is reported and monitored.

5 The Respect for All liaisons is a trained staff
6 person that should understand how to respond to and
7 report bullying and harassment. Why are they not
8 working together? Let's identify ways for these two
9 individuals to work together and make sure that all
10 students' voices are heard. In order for this to
11 happen, the Department of Education needs to make
12 sure that students know the correct Respect for All
13 liaisons is. We just finished our annual survey of
14 our peers and found out that 594 respondents, only 17
15 percent, knew who the correct person was. So, if the
16 Title IX Coordinator supported by our-- sorry-- RFA
17 Liaisons, there needs to be better transparency
18 regarding who these individuals are. Lastly, it is
19 really important that students are taught [sic]
20 comprehensively sexuality education that meets the
21 national sex education standards. It's great that we
22 want to have these educators as people who students
23 can come to, but we need to stop harassment before it
24 even gets there. We needed mandated sex education
25 that teaches about consent and healthy relationships.

2 It is my understanding that we have had sports [sic]
3 right now that are mandatory, how sex education is
4 operating in New York City. Let's make sure sex
5 education is comprehensive, inclusive, medically
6 accurate, and teaches about consent. This makes a
7 huge difference. We can make these changes, and we
8 can make them now. Let's work together to make sure
9 all students feel safe and welcome at school. Thank
10 you for your time.

11 ALYA LOGAN: Hello everyone. My name is
12 Alya Logan [sp?] and I'm a 17-year-old Jamaican-
13 American Teen Advocate from the Bronx. I'm an active
14 member of the NYCLU Teen Activist Project where we
15 focus on ensuring that students have accessibility to
16 an equitable education. In New York City there are
17 many ways that students of color and other
18 marginalized communities are held back from reaching
19 our fullest potential in our academic career. As a
20 woman of color I understand the importance of giving
21 resources to underserved communities to ensure of our
22 success. I'm a junior at NYC High School, and
23 throughout my years attending public schools I
24 continue to face racial and gender-charged
25 discrimination. These teachers make comments

2 attacking my identity as a black woman, because of
3 their lack of knowledge of my intersectional
4 identity. I have attended schools that have strict
5 dress codes towards students. Strict dress codes are
6 the direct way that schools uphold patriarchal and
7 racist stereotypes for specific students. The over
8 sexualization of black girls has been implemented in
9 New York City schools, and this must stop now.
10 Gender discrimination should not be deemed as
11 unimportant, because it is directly impacting 1.1
12 million students in New York City. Title IX is
13 extremely crucial to ensuring that students like
14 myself are given a safe learning environment to
15 succeed in. It is unacceptable that there is one
16 person for 1.1 million students. This-- the Title IX
17 Coordinator deals with sex discrimination and
18 concerns related to gender identity and gender
19 expression. It isn't possible for one person to
20 fully accommodate each student. By having one
21 person, you are showing the students of New York City
22 that you do not care about the sexual discrimination
23 that marginalized communities face. You are showing
24 us that our stories are not important. To all the
25 members listening today, I want to stress the

2 importance of having at least one Coordinator in each
3 borough, but this is not the solution. We need more
4 than one for each borough. We need multiple. I am
5 lucky enough to have a-- to attend a school that
6 gives a quality sexual education, but there are many
7 students in low income communities that do not
8 receive the sexual education that they deserve. We
9 have to change the curriculum of sexual education to
10 include discussions on importance of consent. I'm an
11 active member in the Mayor's Sexual Health Education
12 Taskforce where we are trying to reshape and reform
13 sex ed for students. I've also heard DOE members
14 mention the Respect for All Coordinator, which would
15 be someone who would work with the Title IX
16 Coordinator, but students need to know who this
17 person is first. Like Abigail stated, the NYCLU
18 surveyed 600 peers [sic] this year, and only 17
19 percent-- 17 percent-- knew who the person was. The
20 rest did not know. I want to ask people today what
21 is stopping you from making an effective change in
22 our education. You have the funds to hire more Title
23 IX Coordinators. You have the resources to provide
24 comprehensive, medically accurate, age appropriate,
25 honest, consent-informed, LGBTQ-inclusive, and trauma

2 and healing informed sexual education. Each of you
3 hold the power to make change in our communities and
4 our education. It is time for you to start investing
5 in our education. Thank you.

6 CHAIRPERSON ROSENTHAL: Thank you. And
7 if you could turn in or email-- we're going to give
8 you a card-- your testimony. It's very powerful.
9 Thank you.

10 CARRIE GOLDBERG: Hi, my name is Carrie
11 Goldberg, and I'm a Victim's Rights Lawyer in
12 Brooklyn, and my law firm fights for harassment-- or
13 fights against harassment and assault. I'm really,
14 really mad. I'm really, really mad that those DOE
15 administrators left this building before hearing what
16 these students had to say. I'm really mad.

17 [applause]

18 CARRIE GOLDBERG: And it is such a
19 perfectly accurate demonstration of their
20 indifference, their denial, their arrogance. They
21 don't want to hear it. They don't want to see it.
22 My firm is responsible for three civil rights
23 supports to the Office for Civil Rights and
24 Investigations into the New York City Department of
25 Education based on Title IX violations, and we're

2 responsible for three federal lawsuits against the
3 City of New York for DOE's Title IX violations. I
4 don't want any more of these cases. I will keep
5 bringing these cases, and one of the main facts I
6 talk about in my cases is that there is one Title IX
7 Coordinator for this many people. We've heard that
8 over, and over, and over again. And there's no way
9 that one person can do the job of what we need an
10 army for. My first client was a girl of color who was
11 reported in eighth grade being raped, and the video
12 was circulated around her entire school, and she was
13 asked to leave because she was a distraction, and
14 they-- she didn't come to school for weeks. They
15 didn't ask about her. There was no investigation.
16 My second client was sexually assaulted in a
17 stairwell by seven boys, girl of color, and she was
18 suspended. She was suspended. She has very
19 observable learning disabilities. She was suspended
20 when she reported that she'd been gang raped in a
21 stairwell. And then my third client, she was tackled
22 to the floor, pinned by two boys, and then dry
23 humped. All these girls are students in Brooklyn,
24 girls of color, and those administrators left. I have
25 written a book. There's an entire chapter about New

2 York City DOE's indifference. I'll let you read
3 that. It explains it much better than I am, but
4 thank you for letting us inside today. I am so
5 grateful to be here.

6 CHAIRPERSON ROSENTHAL: And I heard your
7 speech at the rally. It was very powerful, and your
8 clients are lucky to have you. Thank you.

9 EMMA ROTH: Good afternoon and thank you
10 to the City Council for convening this important
11 hearing. My name is Emma Roth and I'm a legal fellow
12 with the ACLU Women's Rights Project. I'm here today
13 on behalf of the ACLU and the New York Civil
14 Liberties Union which is the New York-- which is the
15 ACLU's New York affiliate. Sexual harassment in
16 schools is a pervasive problem that the New York City
17 Council and Department of Education must not ignore.
18 As we already heard from my partners at Girls for
19 Gender Equity, there are extremely high rates of
20 sexual harassment in New York and the vast majority
21 of incidents go unreported. Experiences of sexual
22 harassment in an assault are often disruptive to
23 students educational lives, causing them to stop
24 participating in class or activities or even drop out
25 of school altogether. These effects have profound

2 implications for student's long-term ability to find
3 stable employment and participate fully in
4 social/political and economic life. New York City
5 has the largest public school district in the entire
6 country, yet a single Title IX Coordinator. The ACLU
7 and New York Civil Liberties Union support Resolution
8 797 that would call upon the Department of Education
9 to maintain at least seven Title IX Coordinator
10 positions across the City. We would support the
11 designation of even more Title IX Coordinators than
12 that because seven is likely not enough. Even though
13 there's only one Title IX Coordinator in New York
14 City, under state law every school is required to have
15 at least one designated staff member to assist
16 students with issues of bullying, harassment and
17 discrimination. In New York City, the staff member
18 is called a Respect for All Liaison. As the NYCLU
19 incredible teen activists already testified, in their
20 survey earlier this year, only 17 percent of students
21 could correctly identify the Respect for All Liaison
22 for their school. We therefore urge DOE to initiate
23 a public education campaign so that New York City
24 students are aware of their rights under Title IX,
25 the identity of the Respect for All Liaison, and the

2 fact that they can report sexual harassment and
3 assault to the in-school liaison in addition to
4 reporting to the Title IX Coordinator. But
5 importantly, I want to note that the Respect for All
6 Liaisons are not meant to be a substitute for Title
7 IX Coordinators as DOE would have you believe today.
8 In fact, they're meant to be an additional on-the-
9 ground resource for students, but New York City is
10 not off the hook. It must hire more than one Title IX
11 Coordinator. Thank you to the City Council for
12 providing this opportunity. We look forward to
13 working together to promote safe and equitable
14 schools for all students.

15 CHAIRPERSON ROSENTHAL: Thank you all
16 very much for the work that you do. You mentioned
17 three Title IX cases brought against the City. Does
18 anyone have a sense of how many Title IX cases the
19 City is currently dealing with? Or a sense-- is more
20 than three? It's okay if you don't know. We
21 couldn't get the information.

22 CARRIE GOLDBERG: I know of five that my
23 firm has been involved in, and certainly the new one
24 that was filed today would increase the number. Not
25 all of those are New York City DOE.

2 CHAIRPERSON ROSENTHAL: Thank you. And
3 on my bill 1536, is it easy to get the information
4 that this report would call for? Is it easy to
5 access now, and do you have any other ideas, and you
6 can get this to us afterward, of additional data
7 points that should be included in that report?

8 CARRIE GOLDBERG: can you clarify, City
9 Council Member, what data you're asking if it's
10 easier to obtain?

11 CHAIRPERSON ROSENTHAL: For example, the
12 report has to include information on the City's
13 compliance with Title IX, including the number of
14 complaints regarding Title IX violations received
15 disaggregated by agency, the number of complaints
16 that were substantiated and unsubstantiated,
17 categories of complaints where applicable, any
18 barriers to compliance, vacancies in the Title IX
19 Coordinator position, and recommendations for next
20 steps. And my question is, as lawyers now, do you
21 find it's easy to access this information currently?
22 Because we're hearing-- the feedback we're hearing is
23 that this information is duplicative, it's already
24 out there. And secondly, if you have additional
25

2 suggestions of additional data points we should be
3 asking for?

4 CARRIE GOLDBERG: I'll speak for myself.

5 I did not know this information was even publicly
6 available. I remember being on the stairs testifying
7 with Tish James when she was Public Advocate, and we
8 were asking for information, this kind of
9 information, and I didn't know that it had ever been
10 presented or was publicly available. This delights
11 me. I don't know where to find it, but this is a
12 great start. Additional data points that I'm looking
13 at just off the top of my head-- you know, I have
14 concerned so many of my-- the individuals who have
15 come to me have come to me because they've been
16 retaliated against. They've been disciplined or
17 suspended because of-- or after going and reporting a
18 sexually violent experience. And I want to know what
19 happens? What happens? You know, what's happened to
20 them? You know, we talk about school push-out, and I
21 think it happens to people who are sexually assaulted
22 and disciplined. I'm also deeply concerned about the
23 vast number of complaints I would suspect that aren't
24 being classified as Title IX compliance where, again,
25 cases where the student is being disciplined, and it

2 never gets into the funnel. It never gets
3 investigated. Every single case that I've had has
4 been that, so I don't think they would even register.
5 So, I'd like to know-- I'd like the City Council to
6 be looking at every case of "consensual sex" that is
7 being disciplined within the DOE to see if some of
8 those cases might be actually nonconsensual sexual
9 encounters that have been misclassified.

10 CHAIRPERSON ROSENTHAL: And I think that
11 goes a bit beyond our powers, but even the notion of
12 adding the data point how many times has consensual
13 sex is being reported in the school and what grade.

14 CARRIE GOLDBERG: Yes.

15 CHAIRPERSON ROSENTHAL: What grade was
16 that in?

17 CARRIE GOLDBERG: What grade.

18 CHAIRPERSON ROSENTHAL: Yeah. Thank you.

19 EMMA ROTH: if I may just quickly add, I
20 agree with Carrie, there's a complete and total lack
21 of transparency. This data is nearly impossible to
22 find. I agree everything in here would be helpful,
23 and in addition, to have this data about complaints
24 disaggregated by race, gender, sexual orientation,
25 gender identity, and disability status. Because we

2 know from national data that certain groups of
3 students who have marginalized identity experience
4 sexual harassment and assault at disproportionate
5 rates. And I would also add that it would be helpful
6 to have data on the remedies requested by
7 complainants, including interim measures that they
8 requested, and what remedies were actually provided.
9 Because if all we know is the number of complaints
10 and whether there was a finding of responsibility or
11 non-responsibility, we don't know what the school has
12 done to actually follow up on that complaint and make
13 sure there's a safe and equitable learning
14 environment for all students, then students will
15 still feel unprotected.

16 CHAIRPERSON ROSENTHAL: And if you could
17 help us think about exactly that point. As I was
18 trying to get the answer to that question from DOE
19 today, it's very easy for them to say, "Oh, we send
20 somebody to a program."

21 EMMA ROTH: Right.

22 CHAIRPERSON ROSENTHAL: So, we would want
23 to collect the data in such a way as to require them
24 to--

2 EMMA ROTH: [interposing] Yeah, to
3 document--

4 CHAIRPERSON ROSENTHAL: [interposing] show
5 a little more.

6 EMMA ROTH: To document both interim
7 measures and also final remedies provided to
8 complainants, and so that might be access to
9 counseling. That might be that a complainant needs
10 to have their schedule or the respondent's class
11 schedule changed if they have a no contact order or
12 something to that effect.

13 CHAIRPERSON ROSENTHAL: You know, and
14 that's exactly what I was hoping they would say as an
15 example as a remedy, and I think someone who thinks
16 about this all the time, that's why that just pops to
17 mind for you.

18 EMMA ROTH: Right, and I would just add
19 that I think this kind of data is so essential in
20 order to identify systemic patterns of
21 discrimination. We need to know where these things
22 are happening, where there are repeat problems, and
23 where complaints are not being sufficiently
24 redressed. We'll never be able to identify those
25 patterns if we don't have data.

2 CHAIRPERSON ROSENTHAL: Thank you all
3 very much, very helpful.

4 : I just-- sorry, I just wanted to echo--
5 -

6 CHAIRPERSON ROSENTHAL: [interposing]
7 Please.

8 CATHREN COHEN: the request for
9 disaggregation of data, and especially thinking about
10 LGBT young people, whether or not the incident was
11 motivated by actual or perceived sexual orientation,
12 gender identity, and gender expression to get both at
13 the demographics of the students, but also the
14 motivation behind some of these incidents.

15 CHAIRPERSON ROSENTHAL: Thank you, I
16 appreciate that. I'm going to call up the next
17 panel. Maryam Mohammed, Sofia Quintero, Amanda
18 Reynoso-Palley, Diane Milutenovich, Sandy Vivas,
19 Elizabeth Flores-Amaya, and Sarah Fotles [sic]
20 Axelson. Thank you. Okay, again with apologies, we
21 need to limit the amount of time for your testimony
22 to two minutes, and again, we have-- your testimony
23 is in the record. So, it will be scrutinized and
24 read. If you want to just say who you are, what
25 organization you're from and what's the big takeaway

2 at this juncture, that would be incredibly helpful.

3 Would you like to start?

4 MARYAM MOHAMMED: Good afternoon. My
5 name is Maryam Mohammed, and I'm a Government
6 Relations Associate at Planned Parenthood of New York
7 City, and I'm reading a very condensed version of the
8 testimony submitted today. I would like to thank the
9 Committees on Women and Gender Equity, Education and
10 Higher Education, and Committee Chairs Council
11 Members Mark Treyger, Helen Rosenthal, and Inez
12 Barron for holding this important oversight hearing
13 on gender discrimination and Title IX compliance in
14 New York City. Planned Parenthood of New York City
15 has been a leading healthcare provider of sexual and
16 reproductive health services for over 100 years.
17 PPNYC also has a robust education department which
18 includes our Youth Health Promoters Program that
19 provides tools to youth participants to make informed
20 decisions and lead healthy lives. Our youth health
21 promoters also engage young people, their peers, and
22 conduct interactive workshops to educate young teens
23 about their rights and access to sexual reproductive
24 healthcare and overcome barriers and stigmas that
25 teens may experience in access in care. PPNYC

2 supports the measures to ensure New York City is in
3 compliance with Title IX law, especially within our
4 public school system. Title IX is critical to
5 ensuring all students are able to have an educational
6 experience free from fear of harassment and
7 discrimination. Currently, the DOE has one Title IX
8 Coordinator overseeing compliance for-- of the law
9 for 1.1 million students and 1,800 schools. PPNYC
10 urges the Council to pass Resolution 0797 2019 which
11 calls on the DOE to hire seven additional Title IX
12 Coordinators with at least one designated at each of
13 the borough field support offices. Implementation of
14 comprehensive sexuality education is another means to
15 which gender-based discrimination and harassment can
16 be reduced. We also strongly urge the Department of
17 Education to adopt measures to ensure New York City
18 students are receiving comprehensive sexuality
19 education through adopting the policy recommendations
20 of the Mayor's Sexual Health Education Taskforce.
21 The recommendations include increasing the quantity
22 of health education across all grade levels,
23 requiring schools to provide health education from a
24 certified health instructor, and strengthening
25 accountability and reporting measures. During the

2 time the Federal Government has increased efforts to
3 curb access to comprehensive sexuality education and
4 focus on abstinence only, risk, avoidance, education,
5 and healthcare. It is important that New York City
6 adopt measures that ensures students have access to
7 sexuality education to promote positive youth
8 development, healthy relationships and
9 communications. We applaud the New York City Council
10 to its commitment to ensuring students and school
11 communities take the necessary steps to address
12 gender-based violence and have access to sexuality--
13 comprehensive sexuality education. Thank you.

14 CHAIRPERSON ROSENTHAL: Thank you. If
15 people could try to summarize their testimony, that'd
16 be great.

17 SOFIA QUINTERO: Good afternoon, Chair
18 Rosenthal. My name is Sophia Quintero and I'm the
19 Director of Training and Professional Development for
20 Girls Inc. of New York City. Girls Inc is a national
21 organization that inspires all girls to be strong,
22 smart, and bold through direct service and advocacy.
23 We have 80 local affiliates in the US and Canada
24 serving girls six to 18, primarily through
25 afterschool and summer programs. Girls Inc of New

2 York City works in partnership with schools and
3 community-based organizations, and in the past school
4 year, we served 7,500 New York City girls in over 60
5 sites, anywhere from Far Rockaway, East Harlem,
6 Astoria, and South Bronx. In 2016, Girls Inc national
7 surveyed middle and high school girls across our
8 network and found that sexual harassment and sexual
9 violence were top issues of concern, and this is no
10 surprise to our staff because we hear every single
11 day from girls about the harassment they face in
12 school, on the way to and from school, online, and at
13 parties. In 2018, Girls Inc launched the national
14 advocacy campaign called #girlstoo with the tagline
15 "respect starts young" to help raise awareness about
16 sexual harassment and assault in the lives of you,
17 particularly girls, and to date over 20,000 people
18 have taken the girls too pledge. Now, our-- the
19 written testimony that we submitted offers more
20 statistics that you're probably already familiar
21 with, so I just want to use my limited time with you
22 to tell you about one experience that I had when I was
23 running a Girls Inc program in a public middle school
24 here in New York City. I was walking through the
25 stairwell between classes when I overheard several

2 boys on the other side of the stairwell, and one of
3 them said, "Where's this girl at?" To which his
4 friend replied, "Don't worry, she's coming." When I
5 reached the landing I found the gentleman who worked
6 in the school, who part of his responsibility is
7 supposed to be monitoring the corridors and ushering
8 young people to class, and shaking, I said to him,
9 "There are a group of boys waiting in the staircase
10 for a girl to arrive for I don't know what." And he
11 just stared at me. So I blurted out what I thought
12 would make him move, and I said, "You better chase
13 them back to class, before your school ends up in the
14 news for the bad reason." And the reason why I say
15 that is because the Majority Leader had mentioned
16 that at the press conference that that's not--
17 sometimes what it takes to make people act and
18 intervene. Now, I admit that there are times when
19 I've wondered if I might have overreacted in that
20 situation, but I remember nationally that more than
21 two out of three girls and over half of boys report
22 being sexually harassed at some point in school, and
23 that girls who experienced sexual harassment and
24 assault also have a higher risk of depression,
25 anxiety, eating disorders, chronic pain, substance

2 abuse, and post-traumatic stress disorder. So, maybe
3 I overreacted, but I'm not going-- or on the side of
4 protecting all the youth in that situation, the girl
5 and the boys. So, in addition to what our colleagues
6 here have said today in terms of calling for at least
7 seven fulltime Title IX Coordinators, it should be
8 allocated in the New York City Council budget to-- in
9 the Fiscal 2020 budget, 856,800 dollars for that
10 purpose, but based on my experience I also want to
11 reiterate that the role of Title IX Coordinators has
12 to be clarified to ensure that they're focusing on
13 preventing sexual violence and harassment and not
14 just responding to incidents that have been reported.
15 So, Girls Inc supports Girls for Gender Equity's
16 School Girls Deserve Campaign, and will continue to
17 push New York City to foster safe and supportive
18 school environments so all our young people can be
19 free of gender discrimination, sexual harassment and
20 sexual violence. Thank you.

21 CHAIRPERSON BARRON: Thank you. Next
22 panelist.

23 SARAH AXELSON: Good afternoon, Chair
24 Barron and fellow advocates. My name is Sarah
25 Axelson, and I'm the Senior Director of Advocacy at

2 the Women's Sports Foundation, a national nonprofit
3 based here in New York City with our headquarters.

4 Obviously, we understand that today's hearing was
5 mainly-- the main impetus has been sexual violence
6 and sexual harassment and we think that that is a
7 very important conversation to have. We bring a
8 viewpoint of sports today and just want to add in a
9 little bit more about what Title IX does cover with
10 sports. Sports provide increased physical and
11 psychological health and academic outcomes and
12 leadership skills, and we-- that is because it is an
13 educational experience and it provides that
14 educational opportunity to students in our schools.

15 We're excited to see and thrilled that the City
16 Council is considering additional funding for
17 additional Title IX Coordinators. As we've seen
18 today, far too often the burden of compliance with
19 the law is placed on the person who is discriminated
20 against, and it is crucial that these additional
21 Title IX Coordinators are well-trained and equipped
22 to handle all aspects of the law. In the reporting
23 requirements for Title IX that we see as being
24 considered as well and Title IX-related statistics.
25 While the full text of this legislation called out

2 tracking of specific items like complaints, we would
3 like to ask that you consider also collecting
4 information as it relates to athletics at Title IX.

5 Looking at the Federal Equity and Athletics
6 Disclosure Act, which was passed in 1994, which
7 applies to all colleges as an example of the types of
8 statistics which could be collected and reported.

9 This is not without precedent at more local levels
10 for high schools, and some states have enacted their
11 own similar laws as well. Data transparency is
12 critical in allowing students, parents and
13 constituents to understand how a school divides its
14 sports opportunities and the budget associated with
15 it. This information would also let them know when
16 it is within their rights to ask for new
17 opportunities or additional benefits and services.

18 Information which would have been helpful when two
19 student athletes from New York City schools called
20 the Women's Sports Foundation to ask how it could be
21 that boys on a track and field team were provided
22 metro cards, but the girls on the team were not. I
23 ask that you do everything within your power to
24 afford students in New York City schools an
25 environment free from all aspects of sex-based

2 discrimination so they can thrive and become
3 tomorrow's leaders.

4 CHAIRPERSON BARRON: Thank you. Next
5 panelist?

6 ELIZABETH FLORES-AMAYA: Good afternoon.

7 My name is Elizabeth Flores-Amaya and I am the
8 Associate Director of Community Impact at the Women's
9 Sports Foundation. Since Title IX has become a
10 federal law in 1972 much progress has been made in
11 ensuring girls and women are afforded equitable
12 opportunities through federally funded programs, yet
13 there is much to be done from preventing sexual
14 harassment and violence in schools to making sure
15 that girls have access to quality sports programming
16 in a safe environment. On behalf of the Women's
17 Sports Foundation, I am pleased to join the
18 discussion today with the City Council Members and
19 fellow advocates about the transformational role that
20 sports and physical activity play in shaping the
21 lives of girls. We also know from the Women's Sports
22 Foundation's research, Teen Sports in America, they
23 were-- we still have a long way to go for gender
24 equity. And who are the girls who are not playing
25 sports? The greatest disparities are with girls in

2 underserved communities, girls with disabilities,
3 immigrant girls, African-American, Hispanic, Native
4 American girls who on average enter sports at a later
5 age, participate in lower numbers, and drop out
6 earlier than their white counterparts. I speak on
7 behalf of over 150+ community partners who provide
8 free out-of-school programs when I say that we can do
9 better in offering school-based program sports
10 participation opportunities for girls. Despite Title
11 IX being in place, when I was in high school my
12 district lacked adequate sports programs. Today,
13 more than 20 years after I was in high school, many
14 girls, especially girls like I once was, and African-
15 American girls still lack access to sports
16 opportunities. Although they are out of schools
17 girls' athletic options, most are unaffordable to
18 girls and families who live in the community. As a
19 parent, one of my top priorities is to ensure that my
20 daughter and girls like her have access to the
21 benefits and the life skills that sports have to
22 offer regardless of their gender, the color of their
23 skin, and their zip code. I urge you to do what's in
24 your power to make sure that New York City schools
25 provide equitable access and opportunities for all

2 girls and all women to participate and thrive in a
3 safe environment free of bias and harassment. Thank
4 you.

5 SANDY VIVAS: my name is Sandy Vivas. I
6 am the former Co-Chair of the Women's Sports
7 Foundation. I won't repeat what some of my
8 colleagues have said here today, but what I do want
9 to say is that there is no objective way to monitor
10 Title IX compliance without data and statistics.
11 These measures take the emotion out of the equation
12 in determining deficiencies and/or inequities while
13 monitoring trends and participation. Including
14 rigorous statistical information about Title IX
15 compliance in the City's annual report will assist
16 educators, the DOE, the Council in their allocation
17 of resources towards affording the opportunities for
18 physical activity in sport that was the promise of
19 Title IX to all the City students.

20 DIANE MILUTINOVICH: Good afternoon or
21 good evening. My name is Diane Milutinovich. I'm a
22 member of the Women's Sport Foundation Advocacy
23 Committee and a member of ATIKSA [sic]. There is an
24 association of Title IX administrators that covers
25 Title IX compliance and Title IX Coordinators.

2 There are over 25,000 professionals in the United
3 States who have responsibilities for Title IX
4 Coordination, so it's difficult for me to understand
5 how DOE can't find a Title IX Coordinator. It's, as
6 my colleagues have said here, it's extremely
7 important that we collect data, not only the
8 collection of data, but without data we cannot hold
9 people accountable for their actions and for the
10 disparities and inequities that happen, and we can
11 only correct those disparities and inequities if we
12 know about them, and data helps us get there in an
13 objective way. So it is critically important that we
14 have enough administrators, Title IX Coordinators,
15 and nine is a good start like has been said
16 previously, but we definitely need to have more, and
17 we need to have the data made public so we can hold
18 people accountable. Thank you.

19 AMANDA REYNOSO-PALLEY: Thank you. Good
20 afternoon Chair Barron and all of the members and
21 advocates, and thank you to everyone who has spoken
22 today. My name is Amanda Reynoso-Palley. I am a
23 staff attorney at Day One. Day One is the only New
24 York organization committing its full resources to
25 addressing dating violence among youth 24 years of

2 age and under. We work to create a world without
3 dating violence by delivering a combination of
4 services that include social services, legal advocacy
5 for young survivors of dating violence, leadership
6 development for teenagers, and preventative education
7 for students in kindergarten through college. Dating
8 violence among young people is a serious issue within
9 New York City's public schools. Within the past
10 year, 10 percent of New York City high school
11 students report experiencing physical violence in a
12 dating relationship, and 15.4 percent report
13 experiencing sexual violence in a dating
14 relationship. In our 15 years of experience in this
15 area we have seen that students experiencing dating
16 violence often fall behind in school, experience an
17 increase in absences, or never graduate. I started
18 at Day One as a post-graduate legal fellow focusing
19 on advocating for high school students experiencing
20 dating violence. A lot of my focus focused on
21 advocating for protections available under Title IX.
22 With the changes happening at the federal level to
23 Title IX, it is imperative that states and local
24 governments enact and enforce stronger protections
25 for students experiencing gender discrimination on

2 campus. Dating violence is a form of gender-based
3 discrimination. We at Day One ask the City Council
4 and the New York City Department of Education step in
5 to protect young survivors harmed by the federal
6 changes to the enforcement of Title IX.

7 Specifically, we stand by Girls for Gender Equity's
8 call that there be at least seven Title IX

9 Coordinators with at least one Coordinator at each
10 borough field support center. In an ideal world, we
11 would like to see one Title IX Coordinator at every
12 single DOE high school and middle school as well.

13 These coordinators must focus on all forms of gender-
14 based discrimination and they must be trained on the
15 ways that sexual harassment can affect students'

16 education regardless of whether the harassment occurs
17 on or off campus. I would also just like to add that

18 in my experience training many DOE professionals and
19 staff, that I have often asked them if they are aware

20 of Chancellor's Regulation AA31 which we heard so

21 much about today from the DOE speakers, and so many

22 of them have never heard about it, do not know it

23 exists. I have spoken to a student-on-student sexual

24 harassment liaison who did not know they were that

25 liaison at their campus. So, clearly, DOE has a lot

2 of work to do on this. They should be enforcing this
3 regulation. They should be ensuring that all schools
4 know it exists, that all students are aware of it,
5 that they are also aware of who the person is on
6 their campus, and ideally, that person on their
7 campus, it should be their only job. I have submitted
8 a host of other proposals as well on behalf of Day
9 One. A very important one that I would like to prop
10 up that some of the young people were saying is just
11 that for us to end gender-based discrimination and
12 sexual harassment and dating violence, it is
13 important that our young people are learning about
14 what that is, what that looks like, and being able to
15 identify those behaviors. So we would hope that the
16 DOE would ensure that young people and the
17 professionals that work with young people are being
18 trained on that. We support Council Member
19 Rosenthal's amendment to the Administrative Code. We
20 would ask that the Commission be further expanded to
21 include members working in community-based
22 organizations with young survivors of sexual assault,
23 dating violence, and technology abuse. Thank you for
24 allowing us to speak to these issues. We would be
25 honored to partner with you in the future on this.

2 CHAIRPERSON BARRON: I want to thank the
3 panel for coming and sharing their experiences and
4 offering their recommendations. We thank you for
5 coming. Thank you. And with that, we'll call the
6 next panel. We have Simone Gamble [sp?] from the
7 Brotherhood Sister Soul [sp?], Juliet Beringea [sp?]
8 from Anti-Violence Project, Nastia Gorodilova, from
9 the New York Alliance Against Sexual Assault, and
10 Charlotte Casen [sp?] from New York Law School. If I
11 have mispronounced your name, please give me the
12 correct pronunciation when you introduce yourself.
13 Thank you.

14 CHAIRPERSON ROSENTHAL: Thank you so
15 much. If you could-- if you would like to start?

16 JULIET BARINGEA: Thank you for having
17 me. I appreciate the opportunity to testify. There's
18 plenty written in my written testimony, but my name
19 is Juliet Baringea [sp?]. I'm from the Anti-Violence
20 Project. AVP supports LGBTQ survivors of hate
21 violence, sexual violence, dating violence, and we
22 run a national coalition of anti-violence programs
23 which consists of 50 LGBTQ and HIV-impacted groups
24 across the country doing similar work. I'm here in
25 partnership with Girls for Gender Equity to reinforce

2 and support their advocacy for seven more fulltime,
3 fully-trained, Title IX Coordinators for New York
4 City public schools. Thank you.

5 CHARLOTTE CASEN: My name is Charlotte
6 Casen [sp?] and I am a law student at New York Law
7 School. I speak on behalf of the Cyber Harassment
8 Clinic at New York Law School. As part of the New
9 York Law School's Institute for Cyber Safety, the
10 clinic is the first of its kind law school, pro bono
11 clinic helping victims of cyber harassment obtain
12 justice. The clinic focuses on raising awareness
13 about cyber harassment and to provide direct services
14 to victims of non-consensual pornography, cyber-
15 bullying, and other forms of online harassment
16 through legal advocacy and policy analysis. We
17 believe that cyber harassment can be a form of gender
18 discrimination, and therefore could interfere with a
19 students' right to an education free from
20 discrimination under Title IX. Taunts, slurs, and
21 humiliating images can be easily disseminated to an
22 entire student body at the click of a button.
23 According to the 2017 Youth Risk Behavior Survey
24 among New York City public high school students, 1.33
25 percent of high school students reported being e-

2 bullied with the past year. In an environment where
3 federal protections under Title IX are being rolled
4 back or weakened, New York City has the opportunity
5 to step up and strengthen procedures. We applaud
6 that the Council is taking action through these
7 resolutions. We want to know that protections from
8 sexual and gender-based harassment includes cyber
9 harassment, abuse, and bullying. We offer the
10 following recommendations: One, recognize the harm
11 caused by cyber harassment and its deep effects on
12 students within New York City. There are 1.1 million
13 students in the over 1,800 DOE schools all of
14 different backgrounds. Students of color, LGBTQ, and
15 young women are disproportionately subjected to cyber
16 bullying and experiencing its devastating harms.
17 Nearly half of all lesbian, gay, bisexual, and
18 transgender youth experience cyber harassment each
19 ye. And LGBTQ teens are three times more likely than
20 heterosexual teens to be harassed online and are
21 twice as likely to receive threatening or harassing
22 text messages. Studies demonstrate that students
23 who are victims of cyber harassment report increased
24 anxiety, depression, suicidal behavior, and
25 psychosomatic symptoms. One study indicates that

2 kids who experience cyber bullying have a higher
3 likelihood of using alcohol and drugs and
4 experiencing health problems. Girls who are bullied
5 are more likely to have lower GPAs and standardized
6 [sic] test scores than kids who are not bullied, and
7 they are more likely to miss, skip, or drop out of
8 school. Two, we recommend improving protocol
9 responses by schools and Title IX Coordinators and
10 reporting procedures for victims of cyber harassment.
11 We recommend making processes for students reporting
12 cyber harassment written, explicit, and available
13 online. As students and parents may not be familiar
14 with the full extent of why types of acts are covered
15 under Title IX, the Department of Education should
16 publish Title IX policies online in a student and
17 parent accessible format. Thank you for the
18 opportunity to speak to these issues. The Cyber
19 Harassment Clinic at New York Law School would be
20 honored to partner further with those of you who
21 would like to examine this issue in greater detail.

22 NASTIA GORODILOVA: Good afternoon,
23 Chairs, staff members. Thank you so much for holding
24 this important hearing. My name is Nastia Gorodilova
25 and I'm the Senior Coordinator of Systems and

2 Training at the New York City Alliance Against Sexual
3 Assault. It is due to our work with young people and
4 with survivors of sexual violence in New York City
5 that we find it particularly important to be here
6 today. The Alliance leads Project Dot, a youth-led
7 sexual violence prevention program for underserved
8 minority youth. Our staff and youth facilitators
9 hold conversations with young people about healthy
10 relationships, [inaudible] or consent, and how gender
11 and social norms contribute to teen dating and sexual
12 violence. Yet it's challenging for us to create
13 safer spaces for young people to have these
14 conversations about harmful dynamics knowing that
15 this may not be continued in the space in which they
16 spend the majority of their time together in their
17 schools. The environment can be and is a key
18 contributing factor and can impact both prevention of
19 violence and minimizing harm in the aftermath.
20 Through our groups and conversations it's
21 consistently apparent just how much young people
22 crave this critical information, and yet, lack access
23 to it. We know that our young people are
24 experiencing gender-based harassment and violence too
25 young and too often. We've heard a lot of statistics

2 today. I just want to add one. That from a survey
3 of LGBTQ-identified high school students in New York
4 City, 24 percent reported being bullied on school
5 property and nearly 20 percent have attempted
6 suicide. I think it's critical that we continue
7 remembering exactly who Title IX is trying to
8 protect. Sexual and gender-based violence harassment
9 create a ripple-effect that permeates across
10 individuals in systems. It does not just affect
11 those directly involved. Our young people are
12 constantly taking in signs and signals from their
13 surroundings bystanders. Friends, classmates,
14 they're all internalizing messages, both explicit and
15 implicit that they receive from their teachers and
16 their systemic school's [sic] responses. So a
17 school's response to gender-based violence is
18 communicating what our society values, not just to
19 those directly involved, but to the entire school
20 community. So we have such an opportunity for our
21 New York City schools to demonstrate to young people
22 that gender-based discrimination is not acceptable.
23 Harassing queer and gender non-conforming folks is
24 not tolerated, and sexual violence will never be
25 okay. But we do not currently have the

2 infrastructure in New York City to support our
3 schools with this critical task. Increasing the
4 number of Title IX Coordinators is the necessary
5 steps towards this goal, so we support Girls for
6 Gender Equity's School Girls Deserve campaign, and
7 are calling on New York City Department of Education
8 and City Council to expand the number of fulltime
9 Title IX Coordinators and expand their roles so that
10 all students in New York City have the right to
11 accommodation, trained and skilled adults to report
12 violence to, clear education about their existing
13 Title IX rights, and access to inclusive prevention
14 education. Thank you for holding these hearings and
15 giving us the opportunity.

16 CHAIRPERSON ROSENTHAL: We're taking
17 notes from what you're all recommending and from your
18 testimony today. So, thank you so much for that.
19 One quick question. You referenced a 2015 study.
20 Could you send over to the committee the citation for
21 that?

22 NASTIA GORODILOVA: Yes, absolutely.

23 CHAIRPERSON ROSENTHAL: And some of the
24 other statistics. This was terrific. Thank you very
25 much.

2 NASTIA GORODILOVA: Thank you. Thanks
3 for staying.

4 CHAIRPERSON ROSENTHAL: Of course. We're
5 going to call up the next panel. Leslie Wright
6 [sp?], Greg Waltman [sp?], Ronald Schneider [sp?],
7 Wanda Rosario, Cartegenia [sp?], Mario Gene [sp?],
8 and Marie Percalis [sp?].

9 UNIDENTIFIED: [off mic]

10 CHAIRPERSON ROSENTHAL: With the buses?
11 No, that's fine. Why don't you speak last? Thank
12 you. Yeah, anyone who wants to talk about the bus
13 company issue, if they could just hold out, and
14 anyone else who wants to talk about Title IX, if you
15 could go first. So, is everyone here on the bus
16 issue? No, you are. Okay. If you could start?

17 GREG WALTMAN: Good afternoon, Chair
18 Rosenthal, Chair Barron. Greg Waltman from G1
19 Quantum, again here. It was interesting to hear all
20 the testimony from all the panelists and everybody
21 that participated today. And trying to flush out new
22 ways to find different types of data points to be
23 able to address these issues in the proper context. I
24 think that that was maybe an internal type of
25 director from perhaps the Chancellor's office

2 regarding the DOD to kind of put that all together
3 and type of aggregate where you have real-time data
4 to address the results would be, obviously from the
5 testimony today, very important. But from-- aside
6 from that, and the positive things to take away from
7 there, I wanted to address this and try to kind of
8 parse in the Green New Deal to an extent. So, taking
9 a step back from a federal level, you have Anita Hill
10 and Clarence Thomas, Justice Thomas, and those types
11 of context where you, you know, things aren't very
12 clear, you can easily kind of fall down a rabbit hole
13 of somewhat of a witch hunt where you can't really
14 see up from down or where things go, and if there
15 isn't data to support one way or the other, it
16 becomes kind of, you know, an issue that doesn't
17 reach clarity. And when I say that, in a 14 billion
18 dollar Green New Deal rabbit hole, you know, I've
19 been talking for quite some time now on different
20 types of climate initiatives, like I said, putting
21 solar panels on the border wall. If you're going to
22 have a border wall, you might as well create energy
23 from it. And to talk about a 14 billion dollar Green
24 New Deal, and then not articulate any point on these
25 different types of solar applications, whether it be

2 the US/Mexico border wall is just completely
3 disingenuous. And in line with the value-based hyper
4 protectionism wire-fraud and the rabbit hole that I
5 was alluding to where sometimes people become lost
6 within those types of narratives and they're not able
7 to see through the value imposing upon the Council or
8 whether it be the government in that type of capacity
9 to be able to reset relations to have, you know, a
10 type of normalized dialogue that supports, you know,
11 both parties' types of positions. So, I just wanted
12 to bring that to the Council's attention. I
13 appreciate Chair Rosenthal's time, Chair Barron's
14 time. I wish Chair Treyger and Chair Lander had a
15 little bit more time to hear me out on that, because
16 week after week, month after month, it seems that
17 these issues aren't being addressed. Thank you.

18 CHAIRPERSON ROSENTHAL: I will turn now
19 to the issue of the school buses. Please?

20 MARIO GENE: Good afternoon everyone.
21 Thank you Council Members for inviting us here today,
22 because of employment protection provisions and for
23 the resolution that you have introduced. My name is
24 Mario Gene [sp?]. I'm here to ask you to reinstate
25 the EPP, which is the employment protection

2 provisions. As a bus driver for the past 25 years,
3 EPP means everything to me. In 25 years I've been
4 through six different companies because of EPPs. I
5 was able to keep all my benefits at each. For
6 example, Atlantic Express had over 2,000 members
7 before they went out of business, and because of EPPs
8 our professional drivers and matron [sic] were able
9 to follow the work at various companies that have
10 EPPs. EPP means choice between drivers employment
11 [sic]. Without EPPs the industry will become a
12 revolving door, meaning professional drivers and
13 matron will be forced to leave. If a child gets sick
14 on the bus, the matron has to accompany the child to
15 the hospital and wait for the parents to show up
16 regardless of the time. We do care for the kids and
17 we make sure that the kids get to school safe, and
18 that's why I'm here today to ask you to please
19 reinstate the EPP for the bus drivers and parent
20 [sic] and also for the safety of our kids and the
21 security of the drivers. Thank you.

22 MARIE PERCALIS: Good afternoon. I'm
23 thanking you first of all. I'm thanking today's
24 resolution to call on the law makers to pass the EPP.
25 Thank you Council Member Barron and Rosenthal for

2 listening to us. My name is Marie Percalis [sp?],
3 and I'm a [inaudible] and member of the DTU [sic]
4 1181. For about 27 years I've been in this industry.
5 I climbed the ladder. I was a matron first; I became
6 driver, and I love my job. I love the children, first
7 of all. We call them our precious cargo. We are the
8 first face that they see in the morning, and the last
9 that they see when they leave the bus. They're used
10 to us. We are taking care of special needs children,
11 autistic, disabled. We don't call them like that
12 anymore, but they are very special and interesting.
13 Once they see us, they're used to us, they're
14 familiar to our face, they smile. Even they don't
15 talk, they try to. They are not shy anymore.
16 Parents see the difference. Once they leave the bus,
17 if there is something, they question us. What
18 happened? What's going on? If there is a change in
19 them, that's because of probably the way we great
20 them. We welcome them and we take care of them.
21 They feel safe under our care. Because of Mayor
22 Bloomberg's decision in 2012 to end the EPP and the
23 bus contract, we are suffering. We have no EPP.
24 We're supposed to go and [inaudible] Imagine after 27
25 years we've been shifting [sic] for years already.

2 The money was not great. Now that we are trying to
3 stand on our feet, we are losing it. The EPP means
4 to us stability and wages benefits. With the EPP I
5 can affirm to my family that okay, once if something
6 happened, I get sick or I'm getting to old I cannot
7 work, you can rely on the money, on the EPP. But
8 without it I don't know anymore. I don't know what
9 the future will bring to us. I'm telling you, I
10 feel-- I believe, because I believe in my creator and
11 God, but sometimes you wonder what's going on, what's
12 going to happen, because we're suffering. We are
13 supposed to get our wage for Easter. No, we don't
14 have the EPP. We got only one, one check, and that's
15 not the way it's been. I don't know anymore. As I
16 said, if we get laid off or if we get let go, we
17 don't get called, but with the EPP once something
18 happen, once we get off, we go to another company
19 because the company that we were at closed the door
20 for some reason or another. We get reported to
21 another company, no question asked. No question
22 asked. And I'm telling you I'm very grateful for it.
23 I'm really, really grateful for the EPP because 27
24 years, as I always said, it's not 27 days because of
25 the EPP I lasted so long. I hope, and I'm still--

2 since I look still young, and I feel young. I feel
3 very energetic. Still able to work. I hope that I
4 can continue doing what I love, taking care of our
5 precious cargo, the children, the New York City's
6 children. Also, as I said, I've been a matron and a
7 driver. I climbed the ladder. As I say again, I
8 desperately need to keep the job. That is why I'm
9 telling you I am grateful and thankful for you to
10 listening to us trying to help us out in this matter.
11 Thank you.

12 WANDA ROSARIO CARTEGENA: Good afternoon
13 Education Committee. My name is Wanda Rosario
14 Cartegena [sp?]. I'm a bus driver for 14 years, over
15 14 years. Thank you for the opportunity to listen to
16 us. I'm so hurt because I give to this community. I
17 give my time, my work, and I'm very proud of what I
18 do. I'm a bus driver, and I happy to have this
19 uniform every day. But I want you guys to see behind
20 this uniform. I'm a parent. I'm a grandmother. I'm
21 a-- I'm from this community. Four years ago I have a
22 grandson that he is disabled, and riding these buses
23 every day I feel that the same opportunity I give to
24 all the kids to be safe and be able to go to school
25 in time and be there for them, my grandson and other

2 kids deserve the same opportunity. Because the
3 decision of Mayor Bloomberg to eliminate the EPP in
4 2012 [inaudible]. Those try-- it was the first one in
5 33 years, because of Mayor Bloomberg decision. Now,
6 un-experienced, underpaid, and undertrained bus
7 drivers are taking and transport our children. I feel
8 that my grandson just like every other kid in this
9 community need our experience, need us, need new
10 drivers to have the same opportunity that we have,
11 14, 20, 30 years ago with the EPP. Thank you.

12 RON SCHNEIDER: Thank you. My name is
13 Ron Schneider, and I've spent the last four hours
14 and-- four and a half hours cutting my remarks down
15 in half, but that half will still leave me over two
16 minutes, and I hope you'll indulge me for that reason
17 and also because I believe I'm the only one here
18 speaking in opposition to the proposed resolution. I
19 am the attorney who did the initial drafting for most
20 of the legal documents submitted by the bus companies
21 in their successful lawsuit that prevented the DOE's
22 attempt to re-impose the EPP. As a result I'm very
23 familiar with the various issues involving the EPPs.
24 And also a resident of New York City, and as a
25 taxpayer I'm disappointed, disappointed in a number

2 of things. I'm disappointed one, for the record,
3 that if my eyes don't deceive me, we have two Council
4 Members and two staff members here out of all these
5 committees on this resolution that will still take in
6 this testimony and have a chance to talk about it and
7 ask questions, and that's a disappointment that
8 that's the process that's going through here when the
9 committee is going to pose-- you know, pass judgement
10 on resolution, that that's all the people willing to
11 take this input in this matter. I'm also disappointed
12 that once again it appears that the committee members
13 have allowed or at least a portion of the committee
14 members have allowed the interest supporting the EPPs
15 pull the wool over their eyes about what's really at
16 stake here and what the EPPs really do and don't do.
17 There's no doubt that a lot of the things that the
18 proponents are proposing as results of EPPs are good
19 things, but the question is whether or not the EPPs
20 are the things that cause those good things. And the
21 reality is that the arguments of that causation
22 effect relies on false narratives, misdirection's,
23 and in some cases outright lies. Now, given the
24 time, I do not have the time to even begin to go
25 through all of those failings. But it's just one

2 simple quick example. Let me give this. Arguments
3 are made that point to all the problems with school
4 busing, and no one denies that there are lots of
5 problems with school busing, including safety issues.
6 And then the advocates cry out, "Do it for the
7 children." Assuming that if we just had EPPs things
8 would be better, children would be safe. Of course,
9 everyone wants a safe and reliable busing system for
10 the children, but the problems that have occurred
11 have nothing to do with EPPs or not having EPPs. The
12 examples just giving here about a matron staying to
13 go with a sick child to a hospital, and a matron and
14 a driver being the first person they see and the last
15 person they see, those things are true whether there
16 are EPPs or not. Matrons under non-EPP contracts do
17 those things as well. They're not EPP-pro [sic] or
18 not. In fact, all of the instances that I've been
19 made aware that hit the newspaper over last year was
20 safety issues that came up where it involved
21 companies that are under EPP contracts, that EPP
22 contracts, and none of those issues involved
23 companies that didn't have EPPs. So if anything is
24 that EPPs foster these problems, not prevent these
25 problems. More generally, if you really want to get

2 into the specifics of the lack of causation between
3 it, you need to get into the details and read some of
4 the arguments in the court papers. There's been two
5 litigations on this matter, and there's lots of court
6 papers that have spent much more time than these two
7 minutes here today to get into it. Read the court
8 decisions. But putting those issues aside, what I
9 really want to focus my time on today, these about
10 two and a half more minutes, is something that's even
11 more insidious has come up, something that's even
12 found its way into the proposed resolution as one of
13 the "whereas" causes, and that's the idea that these
14 purported benefits from EPPs are cost-free. We live
15 in a wonderland where wan can sprinkle a little fairy
16 dust and get something for fee. We can have our cake
17 and eat it, too. Of course, in the real world there
18 is not any fairy dust. Instead, what we have is a
19 paid-for consultant that we prepared a supposed
20 comprehensive analysis to reach the desired result
21 that we can have all these benefits for free. And
22 wow, save 288 million dollars, too. The result of
23 this so-called Cherry Dale [sic] report is absurd on
24 its face. Accordingly it is not surprising that if
25 you actually look at it with the knowledge of the

2 background such as I have from working on this issue
3 and litigating it, that it is full of one-sided
4 conjecture and misdirection, falsehoods, and
5 ridiculous premises, and ignores the actual evidence.

6 I a moment I'll highlight just a couple of those
7 things, but there are two reasons why you should
8 dismiss this absurd assertion out of hand. First,
9 the question of whether the EPP saved the public
10 money has been litigated fully twice, and both times
11 the courts of this state concluded that there was no
12 evidence that the EPP saved money. The courts found
13 that EPPs were atypical anti-competitive provision
14 that are not found anywhere else in this country, and
15 as a result they were subject to heightened scrutiny
16 under which the DOE had to demonstrate that the EPP
17 saved money. Both times the courts found that the
18 DOE did not do so. They had two chances to show that
19 EPP saved money, and the courts ruled twice that they
20 didn't do so. Who are you going to believe, a one-
21 sided, paid-for consultant or an adversarial process
22 following defined procedures in the independent,
23 unbiased, neutral court system. Furthermore, the
24 result that the EPPs do not save money was not just
25 from a random judge or two, but a total of 18 judges

2 unanimously without descent reached this conclusion.

3 [inaudible] evidence in an adversarial proceeding, 18

4 independent judges, one paid for consultant. Who are

5 you going to believe? Second,-- yes, I just skipped a

6 whole page. Second, the empirical evidence-- and I'll

7 skip another page right here. The empirical evidence

8 shows that the costs are real. This council in 204

9 passed a grant program to reimburse contractors who

10 won contracts without EPPs if they pay their workers

11 as though they were EPPs. In other words, the exact

12 cost of EPPs, and those cost reimbursements have been

13 30 to 35 million dollars a year for just the 11

14 percent of bus routes covered by that, which means

15 you have empirical actual evidence of what the costs

16 really are, 30 to 35 million dollars a year for 11

17 percent of routes. That translates over five years

18 for all routes into one bill-- more than well over

19 one billion dollars. And so the idea that this study

20 comes up and you put a "whereas" clause in the

21 resolution that this going to save money, when the

22 actual evidence is that it's cost a billion dollars a

23 year is absurd. A couple of examples, the Cherry

24 Dale [sic] study doesn't consider and just washed

25 questions to the side, the actual empirical evidence.

2 The Cherry Dale [sic] study says no longer paying
3 this grant money will be a savings, yet that's
4 [inaudible] money. It just means it'll be paid under
5 the higher cost from the contracts instead of the
6 grant program. Third, the Cherry Dale [sic] study
7 says that you'll save 100 million dollars by not
8 paying for withdraw liability, but the federal courts
9 have already ruled all the way up to the second
10 circuit that the City is not liable for withdraw
11 liability. You can't save money to the city under
12 this program, if the city isn't obligated to pay it.
13 In sum, there's absolutely no doubt that the EPPs
14 cost not save money, and the empirical evidence
15 indicates the cost is well over a billion dollars
16 over five years. As illustrated by the example, EPPs
17 do not resolve any claim benefits, but even if you're
18 taken in by the honey [sic] words of the interest of
19 supporting EPPs and believe otherwise, at least be
20 honest and realize the billion dollar cost of seeking
21 these purported benefits, and make sure you're
22 willing to pay that billion dollar cost before you
23 vote for that resolution. Thanks.

24 CHAIRPERSON ROSENTHAL: Thank you, Mr.
25 Schneider. If you could send over to the committee

2 the information about the companies that had EPPs and
3 still had problems at the beginning of the school
4 year 2018, that would be very interesting.

5 RON SCHNEIDER: Who do I direct that to?
6 Is there an email address?

7 CHAIRPERSON ROSENTHAL: We'll give you a
8 card.

9 RON SCHNEIDER: Okay, thank you.

10 CHAIRPERSON ROSENTHAL: Okay.

11 CHAIRPERSON BARRON: Thank you, Madam
12 Chair. And also, in your opening remarks you cited
13 that there are only two of us here, and two council
14 here. I do want to make you aware that this is a
15 matter of public record, and those members who are
16 not here often times go back and review the
17 documentation as well as the text so that they become
18 familiar with what it was that transpired in the
19 hearing.

20 RON SCHNEIDER: I hope they do, and trust
21 that they will. It's just an appearance issue if
22 nothing else to the public where there's, you know,
23 many, many people sitting here for five hours, but
24 only two council people could sit here for the same
25 five hours. It's just a little disconcerting.

2 CHAIRPERSON ROSENTHAL: Thank you all for
3 coming and testifying today. We really appreciate
4 your time and thank you for your patience for waiting
5 until we were able to clarify some other issues that
6 were talking about this hearing tonight. So, thank
7 you for that. I just want to confirm, is Leslie
8 Wright here? Didn't want to miss her. Okay. Thank
9 you all. This was an incredibly informative hearing
10 for me, I think. Again, the testimony from the high
11 school students who summed up what consent means so
12 eloquently and were able to articulate why they
13 didn't feel safe in an environment where a teacher
14 tells them to put cardboard underneath their ripped
15 jeans was the most persuasive evidence for why we
16 need a comprehensive Title IX program in the schools.
17 I think that the programs and processes that CUNY
18 delivered today were excellent models that could be
19 replicated, and I do think we owe it to our 1.1
20 million school children to think harder about what we
21 could be doing to protect them from the minute they
22 walk in the door to the end of the school day. So
23 thank you everyone for your testimony today. More
24 likely than not we will be having a follow-up
25 hearing. Thank you. [gavel] Hearing is closed.

1 COMMITTEE ON WOMEN AND GENDER EQUITY, COMMITTEE ON EDUCATION,
AND COMMITTEE ON HIGHER EDUCATION 213

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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 June 14, 2019