



Legislation Text

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Res. No. 874

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation that would require institutions of higher education to provide survivors of sexual assaults that occur on campus with resources and assistance on obtaining information regarding their legal rights.

By Council Members Crowley, Cumbo, Mealy, Chin, Eugene, Gentile, Johnson, Mendez, Palma, Richards, Rose and Cohen

Whereas, According to the most recent United States Census Bureau data and the New York State Education Department's Office of Higher Education, there are over 678,000 students enrolled at 131 private and public college and university campuses in New York City; and

Whereas, New York is home to some of the best colleges and universities in the country but for some students, the dream of obtaining a high quality education in the city is upended by sexual violence; and

Whereas, Title IX of the Education Amendments Act of 1972 ("Title IX") is a federal civil rights law that prohibits discrimination on the basis of sex in federally-funded education programs and activities; and

Whereas, Under Title IX, a school violates a student's rights regarding sexual violence when the alleged conduct limits or denies a student's ability to participate in or benefit from the school's educational program and the school, upon notice, fails to implement prompt and effective measures to end the sexual violence, eliminate the hostile environment, prevent recurrence and, as appropriate, remedy its effects; and

Whereas, The U.S. Department of Education (DOE) defines sexual violence as "physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent... including [but not limited to] rape, sexual assault, sexual battery, sexual abuse, and sexual coercion"; and

Whereas, As of September 9, 2015, the DOE's Office for Civil Rights (OCR) reported that there are 159 sexual violence cases at 136 postsecondary institutions currently under Title IX investigation for potentially

mishandling of such cases; and

Whereas, New York State, with 25 cases at 22 schools, including nine cases at eight NYC schools, has more postsecondary institutions under federal investigation for mishandling sexual violence than any other state in the country; and

Whereas, OCR does not make public the number of postsecondary institutions currently under Title IX investigations for potentially mishandling sexual harassment cases; and

Whereas, According to a three-month investigation of campus crime logs from 15 NYC colleges recording crimes from January 2010 to September 2014, conducted by Al Jazeera America, only 43 percent of reported sexual offenses met with some form of discipline and only 27 percent were referred to the New York City Police Department; and

Whereas, According to a national Washington Post-Kaiser Family Foundation poll (“poll”) published on June 12, 2015, 20 percent of young women and 7 percent of young men who attended college during the past four years say they experienced sexual assault while at school; and

Whereas, Sexual violence on campus is severely underreported, with the poll revealing that while 71 percent of survivors said they told someone about the incident, only 12 percent informed police or college authorities; and

Whereas, Sexual violence devastates the survivor and can have serious consequences, including physical injury, depression, low self-esteem and anxiety disorders, potentially damaging his or her education and future; and

Whereas, Sexual violence can also result in unexpected expenses, including the loss of income; and

Whereas, Catherine Lhamon, OCR Assistant Secretary, testified on June 26, 2014 before the U.S. Senate Committee on Health, Education, Labor, and Pensions that since the beginning of the Obama Administration, her office has investigated over a hundred sexual violence cases at the postsecondary level and has become aware that some schools have been unsupportive and even hostile to survivors; and

Whereas, Survivors of sexual violence have the right to have their voices heard, the crime investigated and receive medical attention vital to their physical and psychological well-being; and

Whereas, Survivors of sexual violence have the right to bring legal action and obtain counsel who can assist not only in a university action or civil case, but can also inform the survivor of their legal rights and be a personal advocate and support system; and

Whereas, The search for legal representation can be stressful and frustrating for survivors of sexual violence and they should not have to bear the burden of navigating it alone; and

Whereas, There is a need for institutions of higher learning to seriously commit to justice and better assist survivors by taking measures to provide any known victim with a hard copy document with clear and accurate information on where and how to access local legal assistance; and

Whereas, It is imperative that New York State empower sexual violence survivors and provide them with the information they need to seek justice themselves, so that they may be given the respect and dignity that they deserve; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, legislation that would require institutions of higher education to provide survivors of sexual assaults that occur on campus with resources and assistance on obtaining information regarding their legal rights.

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CGR