

- NOTICE TO NEW YORK UNIVERSITY STUDENTS -
SEXUAL ASSAULT AND BIAS-RELATED CRIME PREVENTION ON CAMPUS

This notice is to inform you of the preventative measures taken by New York University (“NYU”) to address sexual assault and bias-related incidents and crimes on campus.

I. Sexual Assault Defined

As defined in *NYU’s Anti-Harassment Policy* and *New York University’s Policies and Procedures Concerning Sexual Assault*, sexual assault is a sexual act against the will and without the consent of the victim or where the victim is incapable of giving consent. This definition includes conduct that would not only be considered in violation of *NYU’s Anti-Harassment Policy*, but conduct criminal under the New York State Penal Code.

Under the New York State Penal Code, sex offenses are defined in Sections 130.00 to 130.70. Sexual offenses include rape, sodomy, sexual abuse and aggravated sexual abuse, and sexual misconduct. These criminal offenses are ranked by degrees (first degree, second degree, etc.) and carry prison sentences ranging from a few months for a misdemeanor to twenty-five years for a felony. For further information on state laws regarding sex offenses, please refer to *New York University’s Policies and Procedures Concerning Sexual Assault*.

Sexual assault is also a form of gender-based harassment that is prohibited by Title IX of the Educational Amendments of 1972; Title VII of the Civil Rights Acts of 1964 and 1990; and the New York State and New York City Human Rights Laws. Sexual assault and sexual harassment can occur between persons of the same or opposite gender and can include, but is not limited to, rape, stalking, unwanted touching, other unwanted verbal or physical conduct, and adverse conduct based on a person’s sexual orientation.

II. Bias-Related Incident or Crime Defined

Bias-related conduct, which also is referred to as “harassment,” or “discrimination”, is defined by *NYU’s Anti-Harassment Policy* and includes any adverse conduct based upon race, gender and/or gender identity or expression, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, citizenship status, or any other legally protected basis is prohibited by law and/or University policies.

Bias-related conduct is prohibited by laws that include, but are not limited to, Title VI and Title VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; the Americans with Disabilities Act of 1990; Section 504 of the Rehabilitation Act of 1973; the Civil Rights Restoration Act of 1988; and the New York State and New York City Human Rights Laws.

A bias-related crime occurs under the New York State Hate Crimes Act of 2000 (New York State Penal Code § 485.05) when a person commits a specified criminal offense and:

- 1) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct; or
- 2) intentionally commits the criminal act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

Examples of a bias-related conduct include but are not limited to physical or verbal assaults, theft, arson, electronic harassment, and hate mail.

A hate crime is classified as a violent felony offense. It will be ranked one degree higher (first degree, second degree, etc.) than the specified, underlying offense (i.e., theft, arson) or one degree higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense. Hate crime offenses carry prison sentences ranging from four to twelve years.

A bias-related incident does not have to meet the legal definition of a hate crime before NYU will take action under its own *Anti-Harassment Policy*.

III. Reporting Sexual Assault or a Bias-Related Incident or Crime

It is the responsibility of all members of the NYU community to report incidents of sexual assault or bias-related incidents or crimes. If you are the victim of a sexual assault or bias-related incident or if you have witnessed such an assault or incident, you should report the incident immediately pursuant to *NYU's Anti-Harassment Policy*. *The addendum to the policy identifies the person to whom a complaint should be made depending on the status of the accused (e.g. student, faculty, staff, non-University)*

You should also report the incident to the NYU Department of Public Safety. The Department of Public Safety will respond and advise the victim of his or her options regarding the criminal justice system and assist the victim in filing a police report, if the victim chooses to do so.

The Department of Public Safety can be reached 24 hours a day, 7 days a week at:

Department of Public Safety and Transportation
14 Washington Place
New York, New York 10003-6696
(212) 998-2222

Palladium Substation
135 East 13th Street
New York, New York 10003-4170
(212) 992-8602

In the event of an emergency, please dial 911 for the New York City Police Department.

IV. Unique Concerns When Reporting Sexual Assault

The emotional reactions that may follow a sexual assault often make the decision making process with regard to seeking legal, medical, and counseling services more complicated. The following information may be helpful to a victim of sexual assault.

Reporting a sexual assault does not obligate a victim to file criminal charges or pursue other legal action. However, prompt reporting and a comprehensive forensic examination completed at a hospital emergency department within ninety-six (96) hours of the assault will better enable the victim to file criminal charges at a later date if he or she chooses to do so.

A forensic examination will include a general examination, testing and treatment for sexually transmitted infections, and emergency contraception. It will also include the collection of evidence. Therefore, it is best not to shower, wash, douche, eat or drink after a sexual assault. It is also important to bring the clothes that were worn at the time of the assault with you in a paper bag. The hospital will store the forensic evidence for thirty (30) days which allows time for the victim to decide whether he or she will report the sexual assault to the police. Financial assistance for any expenses incurred at the hospital that are not covered by the victim's insurance may be covered by the New York State Crime Victim's Board.

Testing for the presence of date drugs can be done at a hospital emergency department up to ninety-six (96) hours after a sexual assault, however a police report must be filed immediately when date drugs are involved.

Please refer to *New York University's Policies and Procedures Concerning Sexual Assault* for more information.

V. Filing A University Complaint

Filing a report with the New York City Police Department or the NYU Department of Public Safety will not automatically initiate a disciplinary action at NYU. In addition to filing a criminal complaint, a victim or witness should file an internal complaint with NYU pursuant to the *NYU Anti-Harassment Policy* to prompt an investigation and address the incident on campus. For information, or to file a complaint, please contact one of the following persons:

- If the accused is a student - contact Thomas Grace, Director of Judicial Affairs and Compliance at (212) 998-4403.
- If the accused is a faculty member or third-party - contact E. Frances White, Vice Provost for Faculty Affairs and the Director of Equal Opportunity at (212) 998-2370.
- If the accused is a non-faculty employee - contact Josephine Katcher, the Senior Director of Employee Relations at (212) 998-1242.

Sexual assault and bias-related incidents will be investigated through the procedures outlined in *NYU's Anti-Harassment Policy*. The remedial action taken depends on the status of the offender. For example, if the offender is a student, that student may face penalties up to and including expulsion from the University. If the offender is a staff or faculty member, penalties may be up to and including termination of employment.

For further details on the internal complaint process or if the victim/witness is still unsure of where to report the incident, contact Thomas Grace at (212) 998-4403.

VI. Counseling and Other Support Services

Each of the following services offers health related, psychological, educational, and/or other support services. For information on additional resources that may be available for your particular needs but not listed below, call the Wellness Exchange at (212) 443-9999 or consult the *New York University Student's Guide*.

- University Counseling and Behavioral Health Services at the Student Health Center
726 Broadway, 3rd and 4th Floors
New York New York 10003, (212) 998-4780

Offers a range of free and confidential services, including short-term individual counseling, group counseling, workshops, emergency services, and referrals.

- Office for Health Promotion and Wellness Services
726 Broadway, 3rd and 4th Floors
New York New York 10003
(212) 443-9999 (Wellness Exchange Hotline available 24 hrs. per day)

Offers a range of services for victims of sexual assault, including counseling and education.

- Student Health Center
726 Broadway, New York, New York 10003, (212) 443-1000

The Health Center is available to provide medical treatment to victims of physical injuries arising from a sexual assault or bias-related incident. Medical services are available through the Women's Health Services, the men's Health Program, HIV Testing Services, and Urgent Care. If the victim has sustained a serious physical injury, he or she should call 911 for emergency assistance.

- Center for Multicultural Education and Programs
Kimmel Center, 60 Washington Square South, Suite 806
New York, New York 10012 (212) 998-4343

Offers a range of programs, services, and resources in the interest of racial and ethnic diversity.

- Lesbian, Gay, Bisexual, and Transgender Services
Kimmel Center, 60 Washington Square South, Suite 602
New York, New York 10012 (212) 998-4424

Offers a range of programs, services, and resources in the interest of sexual orientation and gender identity/expression.

- Henry and Lucy Moses Center for Students With Disabilities
240 Greene Street
2nd Floor
New York, New York 10012
Phone and TTY: (212) 998-4980

Offers a range of programs, services, and resources for students with disabilities.

- Student Resource Center
Kimmel Center, 60 Washington Square South, 2nd floor
New York, New York 10012 (212) 998-4959

Offers general support and advisement for students who may have been impacted by incidents of bias and are seeking information about related University services, policies, and procedures.

VII. Information and Updates about Sexual Assault and Bias Prevention are available through one or more of the following sources:

Campus E-mail - Please check and read your campus e-mail regularly for updates.

Campus Student Newspaper - Updates may be publicized in the student newspaper, The Washington News.

Student's Guide - Contains information on health and safety on campus.

Welcome Week - Information on safety and security procedures may be discussed during workshops and events.

NYU Today - Updates may be publicized in this publication.

The Reality Show - The nature and common circumstances of sexual offenses and bias situations are discussed in this popular new student orientation program.

Residence Hall Programs, Community Development Educators or Resident Advisors - Information is often communicated through residence programs. Community Development Educators and Resident Advisors also are available to assist and to make proper referrals.

Student Resource Center - Produces programs to educate current and incoming students on sexual assault and bias-related incidents.

Department of Public Safety Alerts - Distributed regularly to make the NYU community aware of recent incidents, crime patterns and trends, and to provide guidance and assistance. Distributed to the residence halls, NYU libraries, NYU Bookstore, NYU bus stops, cafeterias, and the lobby of NYU premises.

Campus Security Reports - Annual report including campus crime statistics, campus policies, and general campus safety information. Distributed every October 1st by e-mail to the University community.

New York University "About NYU" Web site page: (www.nyu.edu/about/alert.html) - Provides information to the University community regarding significant health and safety issues that may affect the campus.