

Surviving Sexual Assault:
New York University Policies and Procedures
Concerning Sexual Assault

2008-2009

Division of Student Affairs

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Surviving Sexual Assault:
NYU POLICIES AND PROCEDURES
CONCERNING SEXUAL ASSAULT 2008-2009

Sexual Assault: How Does it Affect Me?

Sexual assault touches everyone's life in many different ways. It affects us all, regardless, gender, sexual of age, race orientation, religion, ethnicity, class, or national origin. Sexual assault can encompass a variety of experiences a person may have, including unwanted sexual touching, non-consensual oral or anal sex, or rape, and can happen with someone you have just met, with an intimate partner, or with a stranger.

National statistics indicate that one out of five college women are raped during their college years and 10% of adult rape victims are male. In a survey at 171 institutions of higher education, alcohol was involved in 74% of all sexual assaults. Despite the prevalence of sexual assault on college campuses throughout the United States, less than 5% of completed or attempted rapes experienced by college students were reported to law enforcement officials. In many cases, individuals who have experienced interpersonal events that meet the legal definitions of rape do not define their experience in these legal terms. Factors that affect the likelihood of a survivor viewing their assault as rape may stem from self-blame, their relationship to the assailant, engagement in drinking before the assault occurred, or the degree of physical force used.¹

Talking about these issues can be very challenging. You are not alone, there are people who are here to help. This publication is intended to help you recognize misconduct of a sexual nature, to provide information about options and resources available as it relates to medical, legal, and counseling or support services, and to identify some tips to help reduce the risk of sexual assault. We encourage you to read this information, review it periodically so you will remember it, and keep this document for future reference.

Overview

New York University is committed to maintaining a learning and working environment that is free of bias, prejudice, and harassment - an environment that supports, nurtures, and rewards career and educational advancement on the basis of ability and performance. Harassment based upon race, gender, 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 undermines the character and purpose of the University. Such harassment is illegal and against University policy, and will not be tolerated. Refer to Appendix I to review the *New York University Anti-Harassment Policy and Complaint Procedures*.

Sexual assault is a term that can have a variety of meanings. Within the *New York University Anti-Harassment Policy*, the term sexual assault is defined as a sexual act

¹ Kajane, H.K., Fisher, B.S. and Cullen, F.T. (2002) Campus Sexual Assault: How America's Institutions of Higher Education Respond. Final Report, NIJ Grant # 1999- WA-vx 0008. Newton, MA: Education Development Center, Inc.

against the will and without the consent of the victim or where the victim is incapable of giving consent. Defining consent in sexually intimate relationships can be difficult, however the following includes some helpful guidelines: 1) the more impaired your partner is from alcohol or other drugs, the more impaired consent becomes, 2) having sex with someone who is “passed out” or sleeping is non-consensual sex, 3) both people must be free to say no and/or change their mind, and 4) both people must clearly and honestly communicate their desires and intentions. For further information on what constitutes consent, according to New York State Penal Code, see Appendix II

Legal definitions of unlawful sexual conduct differ from state to state. The New York State Penal Code uses the term “sex offenses” to include conduct that would be considered sexual assault by the University. For a list of these offenses, see Appendix II. Where criminal behavior is involved, the University will cooperate with victims and law enforcement authorities in prosecuting such violations.

I. University Procedures concerning Sexual Assault

Through the Wellness Exchange, members of the student community can access information and support concerning, either recent or past, sexual assault, intimate partner violence, stalking and sexual harassment. A Crisis Response Coordinator (CRC) can offer crisis intervention, medical advocacy, legal advocacy and academic interventions. In addition, CRCs can provide links to, and help in using, an extensive network of related services on campus and in the city of New York. The approach of a CRC is to allow for a student to set the pace for their healing process and to be in charge of making their own decisions related to medical, legal, academic, and counseling services. CRCs are accessible 24 hours a day, 7 days a week through the Wellness Exchange 24/7 Sexual Assault Support Line at (212) 443-9999. A survivor can also call the University Counseling Service (212-998-4780) to set up an appointment. Survivors can also call the Wellness Exchange to talk and they can do so anonymously, if they prefer. Student can write to the Wellness Exchange at wellness.exchange@nyu.edu and a counselor will respond within 24 hours.

Additional University offices and departments have also been designated to address sexual assault. Students are encouraged to report such offenses as soon as possible, whether they occurred on or off campus, to Residential Education staff, the Dean of Students in their school, NYU Department of Public Safety, or to a staff member in the Division of Student Affairs. Trained staff members in these areas are able to provide links to resources for additional help and support.

Students may seek redress regarding sexual assault through University procedures and/or legal channels. Information about complaint procedures is included in Section II.

An additional resource for students is The Health Promotion Office which is part of the Student Health Center. The primary mission of the Health Promotion Office is to protect and promote the health and well-being of NYU students. Health educators provide comprehensive wellness information, advocacy and referrals on topics including alcohol and other drugs, mental and sexual health, body image and sexual assault prevention.

Wellness programs include peer education, workshops, health fairs and one-on-one consultations. The Health Promotion Office is located at 726 Broadway, Suite 344, 212-443-1234.

II. Victims' Needs, Rights and Choices When Sexual Assault Occurs

Victims of sexual assault may encounter a bewildering number of choices related to medical services, legal assistance, and counseling/support services. The emotional reactions that may follow a sexual assault often make the decision making process even more complicated. Supportive friends, family, and professionals can significantly improve the victim's ability to cope with their experience and make informed decisions.

Sexual Assault Survivor's Bill of Rights

- You have the right to seek and receive help.
- You have the right to be given the same credibility as any other crime victim.
- You have the right to courteous, efficient treatment.
- You have the right to be treated with dignity and respect, without prejudice against race, class, lifestyle, age, gender, religion, sexual orientation or occupation.
- You have the right to accurate information, presented in a way that you understand.
- You have the right to ask questions.
- You have the right to make your own decisions.
- You have the right to change your mind.
- You have the right to get help and support from others.
- You have the right to heal.
- You have the right to the same opportunity as the accused to have others present during on-campus disciplinary actions.
- You have the right to be informed of the outcome of any disciplinary proceeding.
- You have the right to be informed of your options to notify law enforcement.
- You have the right to be notified of counseling services.
- You have the right be notified of options for changing academic and living situations.

Medical Needs

Victims of sexual assault or attempted sexual assault should receive a comprehensive medical examination as soon as possible after the incident occurs. This is important for two reasons. One is to provide an immediate opportunity to treat medical conditions that may arise as a result of the sexual assault. A victim of sexual assault may also have injuries that are not physically visible. The second reason is to help in the collection of evidence.

A victim of sexual assault can go to the hospital for a forensic examination up to 96 hours after a sexual assault. This will include a collection of evidence. Therefore, when

possible, it is best not to shower, wash, douche, eat, or drink. It is also important to bring, in a paper bag, the clothes that were worn at the time of the sexual assault. At the hospital emergency department, a victim can also be given a general medical examination, antibiotics and testing for sexually transmitted infections, emergency contraception, and HIV prophylaxis and testing. After completing a forensic examination, the victim does not have to immediately file a report with the police. A hospital will store the rape kit for 30 days, which allows for the victim to later decide if she/he wants to report to the police. Financial assistance for any expenses that are 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. Rape crisis centers affiliated with several local hospitals are listed on page 12.

If the victim does not choose to have a forensic examination completed, she/he also has the option to go to the NYU Student Health Center, a local health clinic or their private physician for a general examination, emergency contraception, and sexual transmitted infection treatment and testing. Medical assistance at the SHC is available at Women's Health, the Men's Health Program, HIV Testing and Counseling and Primary Care Services.

Testing for the presence of date rape drugs can be done at a hospital emergency department, up to 96 hours after a sexual assault, when a police report is filed. Rohypnol usually remains in the blood for only 2-4 hours after ingestion, but it can be detected in urine for up to 72 hours. GHB usually remains in the blood for at most 4 hours and in the urine for at most 12 hours.

Emotional Needs

Victims of sexual assault can experience emotional as well as physical consequences. Initial reactions vary and may include shock, denial, anxiety, guilt, anger, and self-blame. A victim may experience nightmares, changes in their eating or sleeping patterns, and depression. Individuals who have been sexually assaulted are strongly encouraged to obtain help from a professional counselor as soon as they are ready after the incident occurs. Call Counseling & Behavioral Health Services at SHC, (212) 998-4780, or the Wellness Exchange hotline, (212) 443-9999, for further information.

Seeking Legal Action

The Department of Public Safety at NYU can assist and support a student through the process of reporting a sexual assault to the New York City Police Department. Reporting a sexual assault to the police does not obligate the victim to file criminal charges or pursue other legal action. In the case of sexual assault, however, prompt reporting and a comprehensive medical examination completed at a hospital emergency department within 96 hours of the assault will enable the victim to file criminal charges at a later date if he or she wishes to do so. Try to note details of the incident and characteristics of the offender. Try not to clean the scene of the sexual assault, including furniture and any items that the offender may have touched. The Department of Public Safety can be reached by telephone 24 hours a day, seven days a week at (212) 998-2222.

Seeking University Action

A member of the University community wishing to file a sexual assault complaint against a student should contact Thomas Grace, Director of Judicial Affairs, at (212) 998-4403. A student wishing to file a sexual assault complaint against a faculty member should contact the Office of the Dean of the appropriate school. Complaints involving a student alleged to have sexual assaulted a faculty or staff member may be directed to Thomas Grace, Director of Judicial Affairs. A member of the University community who wishes to file a sexual assault complaint against a staff member or administrator should contact the Humans Resources Representative of the appropriate department or the Office of Employee Relations. A member of the University community who wishes to file a sexual assault complaint against a visitor, vendor, or other third party should contact e. Frances White, Vice Provost for Faculty Affairs and Director of Equal Opportunity at (212) 998-2192. For further information regarding University procedures for reporting a complaint, refer to Appendix I.

III. Counseling and Other Support Services for Sexual Assault Victims

NYU students are urged to avail themselves of on-campus services for support and information. The Wellness Exchange serves as a primary resource for such support and information. A CRC can be reached 24 hours a day, 7 days a week through the Wellness Exchange hotline at (212) 443-9999. Students can request assistance with class schedules, assignments or other academic issues. Resident students can request assistance with room assignments or other housing-related issues. General assistance and explanation of options for any concerns related to sexual assault is also available. Counseling & Behavioral Health Services at SHC is another resource and offers both counseling and support. You can contact Counseling & Behavioral Health Services at (212) 998-4780 to schedule an appointment. You can call the Wellness Exchange hotline, visit us during walk-in hours or write an email to a counselor as well.

An additional resource for students is The Health Promotion Office which is part of the Student Health Center. The primary mission of the Health Promotion Office is to protect and promote the health and well-being of NYU students. Health educators provide comprehensive wellness information, advocacy and referrals on topics including alcohol and other drugs, mental and sexual health, body image and sexual assault prevention. Wellness programs include peer education, workshops, health fairs and one-on-one consultations. The Health Promotion Office is located at 726 Broadway, Suite 344, 212-443-1234.

In addition, a number of staff members from the schools, Division of Student Affairs, Counseling & Behavioral Health Services at SHC, Department of Housing, Residential Education, NYU Student Health Center, and the Department of Public Safety are trained in rape crisis intervention. These staff members, Rape Crisis Intervention Team Members, are identified as individuals with 1) sensitivity around the topic of sexual assault, 2) understanding of the dynamics of sexual assault and 3) information about resources for victims of sexual assault and their significant others. A list of current NYU

Rape Crisis Intervention Team Members can be found in Appendix III.

IV. How To Help Someone who has been Sexually Assaulted: Tips for Friends, Partners, Family, and Loved Ones

The support and understanding of a friend, partner, family member, and loved one can be very helpful for a sexual assault victim. It is important to let someone who has been sexually assaulted know that you are there to help and that they are not alone. It is also helpful to acknowledge their strength in disclosing to you about their experience. Below you can find some tips to follow when helping someone who has been sexually assaulted:

- **Listen and allow the victim to speak at her/his own pace.** Sexual assault is a crime about power and control, not sex. It is important to return the control that was taken away from the victim by allowing her/him to reveal information and make decisions when she/he feels comfortable.
- **Believe unconditionally.** Only 2% of reported rapes are false reports. This is no different from any other crime. It is important to assure your friend or loved one that you support her/him.
- **Don't question actions.** THE VICTIM IS NOT TO BLAME. A victim's behavior does not cause sexual assault. No one asks to be sexually assaulted. Be careful of asking blaming questions such as "Why didn't you scream?" or "Why did you go home with that person?"
- **Encourage the victim to seek help.** She/he may need medical attention or additional support services. Encourage the victim to contact the Wellness Exchange at (212) 443-9999 to speak with an advocate about options and for support.
- **Don't ignore your own need to discuss your feelings.** You can contact the Wellness Exchange for information and support. You can also contact Counseling & Behavioral Health Services at SHC.

V. Minimizing the Risk of Sexual Assault

Although there is no guarantee when it comes to preventing sexual assault, the following tips are important to help minimize the risk:

Communication

- **Communicate your sexual desires and limits clearly.** If you feel uncomfortable about a behavior, someone is crossing your boundaries. **Verbal cues** are the most
- direct way to let someone know your limits.
- **Be assertive and direct.** Forget about being nice if you feel threatened. You have the right to protect yourself.

- **Say what you are thinking, what you really want.**
- **Be an active partner** in relationships and share decisions about what to do, where to meet and when to be intimate.
- **Never take silence as consent.** If you feel you are getting double messages, speak up and ask for clarification.
- **Accept a person's decision.** Respect the word "no".

Assessment

- **Trust your instincts.** If you feel uncomfortable or think you may be at risk, leave the situation immediately and go to a safe place.
- **Exercise caution when dating.** Have first dates in public places. Let someone know where you are going and when you will return. Try to provide your own transportation.
- **Avoid anyone who puts you down,** is physically violent or does not respect you or your decisions.
- **Do not assume that a person wants to have sex** just because they are drinking heavily, dressed in a particular manner, or agrees to go home with you. Do not assume that if a person agrees to kissing or other sexual intimacies, that they are also willing to have sexual intercourse.
- **Know your limits when using alcohol or other drugs.**

Some Things to Think About...

- Do not assume you know what your partner wants.
- If you have doubts about what your partner wants, STOP and ASK!
- Sexually interacting with a person who is mentally or physically incapable of giving consent (drunk, stoned, etc.) is sexual assault.
- Speaking out against sexual assault shows your support.
- You can stand up to racist, sexist, homophobic, and classist statements and jokes.

Tips Related to "Date Rape Drugs"

- Never go to a bar, party or social event alone.
- Use the buddy system.
- Watch your drink being poured and never leave it unattended-even take it to the bathroom with you.
- Don't share drinks with another person.
- Don't leave a party with someone you just met.
- Inform others of this information.
- If you have a strange reaction to a drink, get help.

VI. Penalties for Committing Sexual Offenses

The University will act promptly in response to information that sexual assault has occurred. Cases involving sexual assault by students are subject to adjudication under the University's Student Disciplinary Procedures as outlined in the current Student's Guide.

Such cases can be pursued simultaneously through the appropriate University processes and the criminal courts, if the victim wishes to do so.

For additional information on procedures, students should refer to the Rules of Conduct, Statement of Policy on Student Conduct and Student Disciplinary Procedures as outlined in the current *Student's Guide*. Disciplinary sanctions for student violators can range from warning, censure, or disciplinary probation to suspension or dismissal. Descriptions of the sanctions are found in the current *Student's Guide*.

Employees who are found to be in violation of the University Anti-Harassment Policy and/or public laws related to sexual misconduct are subject to disciplinary action, up to and including termination of employment.

The University may also, as it deems appropriate, refer violators to the applicable civil authorities. Penalties for sex offenses under the New York Penal Code are included with the offenses listed in Appendix II.

VII. Sources of Advice and Information about Security

NYU students are educated about safety practically from the moment they first arrive on campus. During Welcome Week, each incoming student receives the *Student's Guide*. This publication is also available on-line. Within this guide, students can access safety information including: locations of University buildings with 24-hour security, locations of call boxes and 911 telephones, a description of the 24-hour safe haven program for students, and maps showing University buildings. General safety tips on the street, within University buildings, at home, in residence halls, on subways, buses or bikes are outlined for students. More specific safety information on con games, cults and sexual assault is also included within the guide.

The third annual mandatory orientation session for incoming students, titled *The Reality Show NYU*, will address issues such as sexual assault, bias and harassment, and general safety. Students also have the option to attend safety workshops during Welcome Week such as Safety in the City, Sexual Assault Awareness 101, Protect Yourself: Preventing Sexual Harassment on Campus, and On the Go.

Special information about preventing sexual assault is included in the *Campus Security Report* distributed on-line each year at the beginning of the fall semester. The *New York University Anti-Harassment Policy* is printed annually in the *Washington Square News* and is available on-line at www.nyu.edu/eo.

In addition:

- Updated safety information is included in each issue of the *Student's Guide* and the *NYU Summer City Guide*, which is available on-line.

- Special reports on campus safety are included in *NYU Today*, a University newsletter published monthly during the academic year.
- “Safety Alerts” are distributed as necessary to inform the community about safety- related issues, risk-reducing precautions, and sources of help and additional information.

VIII. NYU and New York City Resources

New York University

The Wellness Exchange Hotline	(212) 443-9999 *
NYU Student Health Center	(212) 443-1000
• Health Promotion	(212) 443-1234
•	
• Women’s Health	(212) 443-1166
• Men’s Health	(212) 443-1122
• HIV Testing and Counseling	(212) 443-1122
• Counseling & Behavioral Health Services	(212) 998-4780
Department of Public Safety	(212) 998-2222 *
• Department of Public Safety Special Victims Liaison	(212) 998-9829
Office of Residential Education	(212) 998-4311
• Melissa Sterba, Associate Director	(212) 988-4885
Student Resource Center Helpline	(212) 998-4411
NYU Judicial Affairs	(212) 998-4403

New York City Support Services

In addition or as alternatives to NYU support services, students may seek help from a number of community agencies. The following are other helpful numbers:

Police emergency	911 *
NYPD Sex Crimes Hotline	(212) 267-7273 *
NYC Gay and Lesbian Anti-Violence Project	(212) 714-1141 *
Safe Horizons: Rape and Sexual Assault Hotline	(212) 227-3000 *
Safe Horizons: NYC Domestic Violence Hotline	(800) 621-4673 *
New York Asian Women’s Center	(888) 888-7702 *

NYC Alliance Against Sexual Assault	(212) 229-0345
NYS Victim Information and Notification Everyday	(888) VINE-4NY
NYS Crime Victim's Board	(718) 923-4325
Manhattan DA's Office	(212) 335-9000
Brooklyn DA's Office	(718) 250-2000
Bronx DA's Office	(718) 590-2000
Queens DA's Office	(718) 286-6000

Rape Crisis Centers (affiliated with hospitals)

Manhattan

Beth Israel Medical Center	(212) 420-4516
Bellevue Hospital Center	(212) 562-3435
Columbia Presbyterian Medical Center	(212) 305-9060
Harlem Hospital	(212) 939-4613 *
Mt. Sinai Medical Center	(212) 423-2140
New York Presbyterian Hospital	(212) 305-9060
St. Luke's Roosevelt Hospital	(212) 523-4728
St. Vincent's Hospital & Medical Center	(212) 604-8068

Brooklyn

Coney Island Hospital	(718) 616-3000
Long Island College Hospital	(718) 780-1459

Bronx

North Central Bronx Hospital	(718) 519-5722
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Queens

Elmhurst Hospital Center	(718) 736-1288
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Staten Island

Rape Advocacy Agency, Staten Island (Advocates on call 24-hours, responding to hospitals)	(718) 720-2591*
Safe Horizons (borough-wide)	(212) 227-3000 *

**indicates 24-hour number*

APPENDICES

I: NEW YORK UNIVERSITY ANTI-HARASSMENT POLICY AND COMPLAINT PROCEDURES

STATEMENT OF POLICY

New York University is committed to maintaining a learning and working environment that is free of bias, prejudice, and harassment - an environment that supports, nurtures, and rewards career and educational advancement on the basis of ability and performance. Harassment 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 undermines the character and purpose of the University. Such harassment is illegal and against University policy, and will not be tolerated.

This policy covers all members of the University community and those who affect the University community such as vendors or visitors. The University encourages everyone to report all incidents of harassment regardless of who the offender may be.

I. DEFINITION OF PROHIBITED HARASSMENT

Prohibited harassment is conduct based on 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 status when:

- (1) submission to or rejection of the conduct is either an explicit or implicit term or condition of employment, basis for participation or advancement in an academic program, or basis for participation in a University activity or benefit; or
- (2) such conduct creates an intimidating, hostile or offensive work, academic or residential environment; or
- (3) such conduct otherwise adversely affects employment or academic opportunities.

Examples of such prohibited conduct when based upon a legally protected status include, but are not limited to:

Verbal abuse or hostile behavior such as insulting, teasing, mocking, degrading or ridiculing another person or group;

Unwelcome or inappropriate physical contact, comments, questions, advances, jokes, epithets or demands;

Physical assault or stalking;

Displays or electronic transmission of derogatory, demeaning or hostile materials;

Unwillingness to train, evaluate, assist, or work with an employee, faculty member, or student.

Harassment is unacceptable in the workplace, classroom, student and faculty housing, sports, University facilities, and in other University-related settings, such as study abroad programs and University-sponsored social functions and events. This behavior violates University policy even when it may not be sufficiently severe or pervasive to constitute a violation of law.

II. RESPONSIBILITIES TO REPORT

All members of the University community should report incidents of harassment in order to support the University policy. In order to assure the University is free of prohibited harassment, University officers, deans, department heads, faculty members, directors, and supervisors are required to report all incidents of harassment that they may have witnessed or have been advised of.

The most appropriate recipients of reports are:

- (1) The Office of The Vice President for Student Affairs or the appropriate School's designee if the alleged harasser is a student;¹
- (2) The Human Resources Representative of the appropriate School or Department or The Office of Employee Relations of the Human Resources Division if the alleged harasser is an employee, including a student employee;²
- (3) The Dean of the appropriate School or Faculty or the Dean's designee if the alleged harasser is a faculty member;³ or
- (4) The Director of Equal Opportunity if the alleged harasser is a visitor, vendor, or other third-party.⁴

It is not always easy to interpret words or actions that may be ambiguous and one may think are inappropriate. Therefore, the offices noted above are available to discuss the circumstances and address matters before they become severe or pervasive.

¹ See Contact List or call Title IX and Title VI Officer Thomas Grace, 212-998-4403.

² See Contact List for Human Resources Representatives, 212-998-1242.

³ See Contact List for the Dean of the appropriate school.

⁴ e. Frances White, 212-998-2370.

If a report is made to any of these offices, and that is not the appropriate office to receive the report, it becomes the responsibility of that office to forward the report to the appropriate office. If any of the persons at these offices is implicated in the harassment, or if a conflict of interest arises, the report should be made to the Director of Equal Opportunity. If that office is implicated, the report should be made to the Provost.

III. REPORTING A HARASSMENT COMPLAINT

All individuals who believe they have been harassed should file a complaint with the appropriate individuals or offices cited above. Verbal complaints should be reduced to writing by either the complainant or the individual who receives the complaint in order to preserve an accurate record. The written complaint should identify the parties involved; describe the harassing behavior; when and where it occurred; and identify by name or description any witnesses.

Complaints should be promptly reported so that appropriate action may be taken in a timely manner. However, the late reporting of complaints may not prevent appropriate remedial action.

Any conduct that may be in violation of this policy will be investigated, regardless of whether a complaint is filed, and appropriate remedial action will be initiated.

Effort shall be made to complete the investigation of a complaint within thirty (30) days of the report of the harassment. Extensions of the time frame may be necessary in some circumstances. The complainant and alleged harasser will be notified of the extension.

IV. CONFIDENTIALITY

The University will maintain the confidentiality of the complaint to the greatest extent consistent with our goal of conducting a thorough and complete investigation. Effort will be made to safeguard the privacy and rights of all persons involved.

V. INVESTIGATION AND DISPOSITION OF THE COMPLAINT

The investigator will conduct a prompt, thorough and impartial investigation of the complaint in the manner he or she deems necessary. The parties to the complaint will each have an opportunity to be heard during the investigation. The parties will also be informed of the status of the investigation as deemed appropriate. The investigation process is strictly internal to NYU, so the presence of legal counsel or third parties is not permitted at any stage of the process unless otherwise required by law.

If it is determined that a violation of the University's harassment policy has occurred, prompt remedial action shall be taken. The nature of the remedial action and the process for its implementation will depend upon the particular facts and

circumstances. If remedial action involves the imposition of sanctions, appropriate disciplinary procedures will be used. Sanctions imposed may be appealed through the appropriate appeals process. The disposition of the complaint shall be communicated to the complainant and the alleged harasser.

If it is determined that no violation has occurred, such findings shall be communicated to the complainant and the alleged harasser.

If the results of an investigation show that the complainant knowingly filed false accusations of harassment, or that a witness gave false statements, such individuals will be subject to the appropriate disciplinary action.

VI. RETALIATION

The University will take every step necessary to protect the complainant and any witnesses against retaliation for reporting the harassment or for participating in the investigation of a complaint.

Any employee, faculty member, or student who retaliates against an individual who complains of harassment, witnesses harassment, or participates in the investigation of a harassment complaint violates University policy and may be subject to sanctions. Complaints of retaliation should be reported as violations of this policy.

VII. 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 includes conduct that would be considered criminal under the New York State Penal Code. Since the medical, emotional, and legal needs of a sexual assault complainant may differ from those of other harassment complaints, sexual assault victims should, in addition to filing a University complaint, report the assault to the police and pursue counseling and other services available at the University. Students should consult the publication, *New York University's Policies and Procedures Concerning Sexual Assault* for guidance on medical and counseling services. Faculty members and employees should consult New York University's Faculty and Staff Assistance Program for medical and counseling service referrals.

VIII. CONSENSUAL RELATIONSHIPS

Sexual behavior that is welcome or consensual does not constitute sexual harassment under the law. However, romantic relationships in situations where one individual has greater power or authority over another frequently result in claims of harassment when the relationship ends and a perception of favoritism while the relationship continues. Such relationships are inappropriate. A "consensual" relationship between a professor and his/her student, a supervisor and a subordinate, or a coach and team player are examples of inappropriate relationships. If a consensual relationship

occurs, any situation of authority must be discontinued and appropriate action may be taken.

IX. EDUCATION

The University supports a complete program for the education of its community with respect to the meaning and implementation of this policy. Training will be scheduled accordingly.

This policy does not form a contract of any kind. The University reserves the right to change or modify this policy as it deems appropriate and without notice. Any comments or suggestions concerning this policy should be forwarded to e. Frances White, Director of Equal Opportunity and Vice Provost for Faculty Affairs.

II: NEW YORK STATE LAWS REGARDING SEX OFFENSES

Sex offenses are defined in the New York State Penal Law, Sections 130.00 to 130.90. Sex offenses are ranked (first degree, second degree, etc.), and carry different punishments ranging from a few months imprisonment for misdemeanors, to up to 25 years imprisonment for felonies.

What constitutes consent?

Consent- “Lack of consent” is defined in New York State’s Penal Law as occurring in the following circumstances:

(a) forcible compulsion

- actual physical force
- the threat of physical force, expressed or implied, that puts the victim in fear of being physically harmed or of another person being physically harmed
- the imminent threat to kidnap the victim or third person

(b) physically helpless

- physically unable to indicate a lack of consent (e.g. because the victim is unconscious or because of a physical disability that makes one unable to physically or verbally communicate lack of consent)

(c) under 17 years of age

- if the victim is under 11, or a person over 18 has sex with someone less than 13, this constitutes a 1st degree sexual offense
- if a person 18 or over has sex with someone less than 15, this constitutes a 2nd degree sexual offense
- if a person at least 21 years old has sex with someone less than 17,

this constitutes a 3rd degree sexual offense

- if the victim is under 17 and the perpetrator is an adult, this is constituted as a misdemeanor

(d) mentally incapacitated

- When the victim is made temporarily incapable of understanding or controlling his or her conduct (e.g. the victim was given a drug or other intoxicating substance without his or her consent)

(e) mentally disabled

- when a person suffers from a mental illness or condition that renders him or her incapable of understanding the nature of his or her conduct .

(f) inmate

- when a person is literally or physically under the control of others. Some examples are: The victim is an inmate in either a state or city correctional facility, the victim is committed to a psychiatric institution, or the perpetrator is a mental health provider and the victim is her/his client.

(g) some factor other than incapacity to consent

- Rape 3 and criminal sexual act 3 have been modified with a “no means no” clause. In cases of intercourse, oral sexual conduct, or anal sexual conduct,, if the victim clearly expressed that he or she did not consent to the sex act in such a way that a reasonable person would have understood those words or acts as expressing lack of consent, this would be prosecutable as Rape in the third degree or criminal sexual act in the third degree.

What constitutes a sexual offense?

If any of the following acts are perpetrated against a victim “without his or her consent,” as defined above, it is a crime under the New York State Law:

Sexual Intercourse: the penetration of the penis into the vagina, however slight - in other words, if the penis goes into the vagina just a little, not in its entirety, that is considered completed “sexual intercourse”. (There is no requirement of physical injury and there is usually no requirement that ejaculation or orgasm have occurred).

Oral sexual conduct: does not require any penetration and occurs upon contact between penis and mouth, mouth and anus, or mouth and the vulva or vagina..

Anal sexual conduct: conduct between persons consisting of contact between the penis and anus.

Sexual Contact: any touching of the sexual or intimate parts of the body whether over or under clothing:

- between persons not married to each other
- done for the purpose of gratifying the sexual desire of either party
- includes the touching of the victim's sexual or intimate parts by the perpetrator AND the touching of the perpetrator's sexual or intimate parts by the victim

Aggravated Sexual Contact: insertion of a foreign object into the vagina, urethra, penis or rectum.

Depending on the precise circumstances, this can constitute a 1st, 2nd, 3rd, or 4th degree sexual offense.

*[Information adapted from NYC Alliance Against Sexual Assault
www.nycagainstrape.org]*

III: NYU Rape Crisis Intervention Team Members

NYU Rape Crisis Intervention Team Members 2008-09

Academic Units

College of Dentistry

Brenda Dawkins, Manager of Department of Implant Dentistry, (212) 998-9218

School of Law

Alison Moppett, Associate Director of Residence Services, (212) 998-6034

Marguerite Sharkey, Director of Residence Services, (212) 998-4686

Stern School of Business

Diana Daniels-Maina, Associate Director of Special Events, (212) 998-0932

Athletics

Trine Aschim, Assistant Operations Manager, (212) 998-2023

Gail Stentiford, Assistant Director of Recreation and Club Sports, (212) 998-2018

Central Housing

Yvonne Forteau, Assistant Director of Human Resources, (212) 998-4596

Howie Glassman, Assistant Director Housing, (212) 998-4609

Nancy Mah Chau, Assistant Director for Housing Administration, (212) 998-4600

Department of Public Safety

Irma Rivera-Duffy, Special Victim's Liaison, (212) 998-9829

Jamie Dottin, Security Officer, (212) 998-2222

Shakema George, Security Officer, (212) 998-2222

Janella Hamilton, Senior Operations Manager, (212) 998-1347

Judith Heng, Security Officer, (212) 998-2222

Patricia Phelan, Security Officer, (212) 998-2227

Thomas Schindler, Captain, (212) 998-2226

Ronald Songen, Captain, (212) 998-2226

Nellie Washington, Security Officer, (212) 998-2222

Residential Education

Craig Jolley, Director of Administration, (212) 443-4872

Anna Schmidt, Associate Director of Residential Education, (212) 998-4065

Student Affairs

Bob Butler, Director of the Office Student Activities, (212) 998-4718

Yolanda Cacciolo, Moses Center for Students with Disabilities, (212) 998-4975

Stephen Polniaszek, Associate Director, Spiritual Diversity Network, (212) 998-4956
Thomas Grace, Director of Judicial Affairs and Compliance, (212) 998-4403

Kimmel University Center

Pamela Bolen, Director of Kimmel Operations, (212) 998-4901

Student Health Center (SHC)

Elaine Berte, Physician Assistant, (212) 443-1106

Jane Bowman, Health Promotion, (212) 443-1219

Susan Orand, Nurse Practitioner/Manager, Women's Health Services, (212) 443-1174

Counseling & Behavioral Health Services at SHC

Margaret Bailey, Clinical Social Worker, (212) 998-4786

Rachel Terte, Clinical Social Worker, (212) 998-1954

Wellness Exchange

Zoe Ragouzeos, Director, Wellness Exchange, (212) 443-9999

Melissa Maxwell, Clinical Manager of Wellness and Crisis Services, (212) 998-4305

Rebecca Whiting, Crisis Response Counselor, (212) 998-4169

Kate Higgins, Crisis Response Counselor, (212) 443-1225

Jessica Garet, Crisis Response Counselor, (212) 443-4301

Lindsay Napier, Crisis Response Counselor, (212) 443-1107

Nikole Barnes, Crisis Response Coordinator, (212) 443-1227

Erika Richman, Crisis Response Coordinator, (212) 443-1253