

***Surviving Sexual Assault:***  
**New York University Policies and Procedures**  
**Concerning Sexual Assault**  
**2009-2010**

**Effective Date:** August 19, 2009

**Issuing Authority:** Marc Wais, Office of the Vice President for Student Affairs

**Responsible Officer:** Thomas Grace - Director of Community Standards and Compliance

**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.

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 acts of bias, prejudice, and harassment, which undermine the character and purpose of the University, and to creating a campus climate that supports, nurtures, and rewards educational and career advancement on the basis of ability and performance. The University Anti-Harassment policy (see Appendix A) is based upon federal, New York State, and New York City laws and expressly prohibits acts of harassment, assault, bias, or discrimination that are based upon one's actual or perceived race, sex, gender identity, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, citizenship status, or other such legally protected basis. The Anti-Harassment Policy is applicable to all of the University's Campus sites and to all University sponsored programs and activities whether those take place on a University campus or at another location.

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 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 keeping the following

guidelines in mind may be helpful:

- the more impaired your partner is from alcohol or other drugs, the more difficult it can be to clearly establish his/her consent to a particular action ,
- having sex with someone who is “passed out” or sleeping is non-consensual sex
- both people must be free to say no and/or change their mind, and
- both people must clearly and honestly communicate their desires and intentions.

While legal definitions of unlawful sexual conduct differ from state to state and from country to country in the case of the University’s Study Abroad sites, it is important to recognize that behavior which violates the University Anti-Harassment policy may also be in violation of the laws of the locality in which the incident occurred and may subject the perpetrator to criminal action by the presiding authority. Where criminal behavior is involved, the University will cooperate with victims and law enforcement authorities in prosecuting such violations.

**A) New York 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 further information, including on what constitutes consent according to the New York State Penal Code, see Appendix B)

**B) Study Abroad sites:** students who are studying at one of the University’s Study Abroad sites should be aware that they are subject to the laws of that country in regard to what constitutes sexual assault or another sex-based offense. Thus, students are strongly advised to familiarize themselves with the laws of the country in which they will be living while studying abroad.

## **I. University Procedures concerning Sexual Assault**

### **A) Obtaining Medical and Counseling Support:**

- 1) **New York City Campus:** 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](mailto:wellness.exchange.@nyu.edu) and a counselor will respond within 24hrs.

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. A list of specific campus and community resources available to students in New York City is as follows:

**a) On-Campus Support Services**

|   |                  |
|---|------------------|
| 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 * |
| • Special Victims Liaison                 | (212) 998-9829   |
| Office of Residence Life                  | (212) 998-4311   |
| • Melissa Sterba, Associate Director      | (212) 988-4885   |
| Student Resource Center Helpline          | (212) 998-4411   |
| NYU Student Conduct and Compliance        | (212) 998-4403   |

**b) 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   |
| <b>Brooklyn</b>  |                  |
| Coney Island Hospital  | (718) 616-3000   |
| Long Island College Hospital   | (718) 780-1459   |
| <b>Bronx</b>   |                  |
| North Central Bronx Hospital   | (718) 519-5722   |
| <b>Queens</b>  |                  |
| Elmhurst Hospital Center   | (718) 736-1288   |
| <b>Staten Island</b>   |                  |
| Rape Advocacy Agency, Staten Island<br>(Advocates on call 24-hours, responding to hospitals) | (718) 720-2591*  |
| Safe Horizons (borough-wide)   | (212) 227-3000 * |

\*indicates 24-hour number

## 2) Study Abroad Sites:

New York University students studying at NYU Study Abroad sites can access services offered by the Wellness Exchange, Student Health Center and Counseling and Behavioral Health Service via phone or email. Additional services are available at each of the sites. A list of the staff and healthcare providers available to assist students at each site follows. For information about specialized services on or near your campus site, call the Site Wellness Coordinator.

| CAMPUS                     | WELLNESS COORDINATOR   | COUNSELING  | MEDICAL FACILITY   |
|----------------------------|--|---|--|
| <b>NYU in Ghana</b>        | Christa E Sanders<br>Associate Director NYU<br>In Ghana<br>New York University<br>ces9@nyu.edu   | Angela Ofori-Atta, PhD<br>38 Josiah Tongogara St.<br>Labone<br>Accra 3859<br>Ghana<br>233.21.763.050<br><br>Araba Sefa-Dedeh, PhD<br>University of Ghana Medical School<br>KorleBu<br>Accra - Ghana<br>233.21.665.102 | Please contact site<br>Wellness Coordinator                                |
| <b>NYU in Berlin</b>       | Cornelius Ludwig<br>Adalbertstraße 61/1171<br>D-10179 Berlin, Germany<br>mobile: +49-172-4410539<br>landline: +49-30-34648122<br>cl104@nyu.edu | Dr. Lisa Liccini<br>Windscheidstr. 31<br>Eingang Pestalozzistr. 58<br>10627 Berlin<br>Tel: +49 30 324 18 87<br>Fax: +49 30 32 70 23 89<br>E-mail:<br>medicaloffice@doctorliccini.com                                  | Charite Hospital<br>Charitéplatz 1<br>10117 Berlin<br>tel: +49 30 450 - 50 |
| <b>NYU in Buenos Aires</b> | Marcela Torino<br>Assistant Director of<br>Student Life  | Andrea Lardani and Andrea Czar<br>www.eaplatina.com<br>Tel./ Fax:(5411) 4706-0527   | Hospital Alemán<br>Av. Pueyrredón 1640<br>C1118AAT Buenos                  |

|                               |  |  |  |
|-------------------------------|--|--|--|
|                               | <p>NYU in Buenos Aires<br/> Anchorena 1314<br/> Capital Federal 1425,<br/> ARGENTINA<br/> Tel: +54 11 4828-5205<br/> Fax: +54 11 4828-5201<br/> Cel.: +54 911 3180-8298<br/> marcela.torino@nyu.edu</p>  |  | <p>Aires -<br/> Tel. (54-11) 4827-7000<br/> Fax: (54-11) 4805-6087</p>   |
| <p><b>NYU in Florence</b></p> | <p>Mary L. Barbera<br/> Assistant Director for the<br/> Office of Student Life<br/> Office of Student Life<br/> NYU in Florence<br/> mlb226@nyu.edu</p>  | <p>Dr. Mary Ann Santoro Bellini<br/> Licensed Clinical Psychologist<br/> Lungarno Cellini 25<br/> Tel. 055-680721<br/> E-mail: mab26@nyu.edu</p> <p>Dr. Sandro Rosseti<br/> Psychiatrist and Psychotherapist<br/> Via della Palancola 20<br/> Tel. 055-585013<br/> E-mail: s.rosseti@nyu.edu</p> <p>Dr. Carlo Smorlesi<br/> Toxicologist<br/> Clinic: Via Lorenzo Il Magnifico 59<br/> Tel. 055-475411<br/> Fax 055-474983</p> | <p>Careggi Gynecology and<br/> Obstetrics<br/> Viale Pieraccini 17<br/> Tel. 055-7947493<br/> Rape Crisis and Anti-<br/> violence tel. 800-261167</p>  |
| <p><b>NYU in London</b></p>   | <p>Nigel Paul Freeman<br/> nigel.freeman@nyu.edu</p>   | <p>Susan Maise Strauss, Ph.D.<br/> Head of Wellness Services<br/> NYU in London<br/> an affiliate of New York University<br/> 6 Bedford Square, London WC1B 3RA,<br/> UK<br/> t: +44 (0) 20 7907 3230<br/> f: +44 (0) 20 7907 3350<br/> e: sms16@nyu.edu<br/> <a href="http://www.nyu.edu/global/london">http://www.nyu.edu/global/london</a></p>  | <p>The Havens in<br/> Paddington<br/> <a href="http://www.thehavens.co.uk/">http://www.thehavens.co.uk/</a><br/> St Marys Hospital, Praed<br/> Street, London W2 1NY<br/> Tel: 020 7886 1101</p> |
| <p><b>NYU in Prague</b></p>   | <p>Thea Favaloro<br/> Associate Director<br/> New York University in<br/> Prague<br/> Male namesti 2<br/> Praha 1 110 00<br/> Czech Republic<br/> phone: +420 224 226 658<br/> fax: +420 224 226 873<br/> mobile: +420 602 617 971</p>         | <p>City Practice<br/> info@city-practice.com<br/> Tel: (00420) 224 930 510<br/> (Office hours)<br/> GSM: (00420) 731 181 268<br/> (Outside office hours)</p>   | <p>Please contact site<br/> Wellness Coordinator</p>   |
| <p><b>NYU in Shanghai</b></p> | <p>Hannah E. Olson<br/> Student Life Administrator<br/> New York University in<br/> Shanghai<br/> East China Normal<br/> University<br/> 3663 Zhong Shan Bei<br/> Road,<br/> Science Building, Room<br/> A302<br/> Shanghai, 200062, China</p> | <p>Peter Calafiura, MD<br/> Parkway Health<br/> 203-4 West Retail Plaza<br/> 1376 Nanjing Xi Rd<br/> Shanghai 200040<br/> China<br/> 86.21.6445.5999</p>   | <p>Please contact site<br/> Wellness Coordinator</p>   |

|                         |  |   |  |
|-------------------------|--|---|--|
|                         | <p>Tel: 011-86-21-5271-1341 ext. 17<br/>         Fax: 011-86-21-5271-1340<br/>         Mobile: 011-86-15000588113<br/>         Email: hannah.olson@nyu.edu<br/>         Website: <a href="http://www.nyu.edu/global/shanghai">http://www.nyu.edu/global/shanghai</a></p>   |   |  |
| <b>NYU in Tel Aviv</b>  | <p>Debra London Ben-Ami<br/>         Associate Director<br/>         NYU Tel Aviv<br/>         Tel. 972-54-2332309<br/>         debra.london@nyu.edu</p>   | <p>Shlomo Beinart, MA<br/>         Siach Group<br/>         1 Fierberg Street<br/>         Tel Aviv 65216<br/>         Israel<br/>         972.3.560.4480</p>   | <p>Please contact site<br/>         Wellness Coordinator</p>   |
| <b>NYU in Madrid</b>    | <p>Anjouli Janzon, Ph.D.<br/>         Resident Director<br/>         NYU in Madrid<br/>         Tel. 91 590 2923<br/>         aej2@nyu.edu</p>   | <p>Laura Rojas-Marcos, MA<br/>         Calle Cinca, despacho 25<br/>         Madrid 28002<br/>         Spain<br/>         34.686.477.346</p>  | <p>Please contact site<br/>         Wellness Coordinator</p>   |
| <b>NYU in Paris</b>     | <p>Dr. Cynthia Mitchell<br/>         cynthia.mitchell@nyu.edu</p>  | <p>Dr. Cynthia Mitchell<br/>         cynthia.mitchell@nyu.edu</p>   | <p>Nancy Salzman, M.D.<br/>         Hopital Hotel Dieu<br/>         Place du Parvis Notre Dame<br/>         Tel. 011-33-1-42-34-82-34</p>                |
| <b>NYU in Singapore</b> | <p>Kartini A. Rahman<br/>         Associate Director,<br/>         Student Services<br/>         New York University<br/>         Tisch School of the Arts<br/>         Asia<br/>         NYU Tisch School of the Arts Asia, Ltd.<br/>         3 Kay Siang Road<br/>         Singapore 248923<br/>         Phone: (65) 6500 1702<br/>         Fax: (65) 6500 1719<br/>         www.tischasia.nyu.edu.sg<br/>         Email: tisch.asia@nyu.edu</p> | <p>Dr Vanessa San<br/>         Life Psychology:<br/> <a href="http://www.lifepsychology.com.sg">www.lifepsychology.com.sg</a><br/>         1 North Bridge Road #06-33 High Street<br/>         Centre<br/>         Singapore 179094<br/>         Tel: +65 6735 5612<br/>         Fax: +65 6338 8612</p> | <p>Mt. Elizabeth Hospital<br/>         3 Mount Elizabeth<br/>         Singapore 228510<br/>         Tel +65 6737 2666<br/>         Fax +65 6734 0518</p> |

## **B) Reporting a Sexual Assault:**

As set forth in the University's Anti-Harassment Policy (Appendix A), in addition to obtaining medical and counseling support, students are encouraged to report such offenses as soon as possible, whether they occurred on or off campus, to the appropriate person identified in the Anti-Harassment Policy, the NYU Department of Public Safety, a Residence Life and Housing staff member, or the Dean of Students in their school. Students at a Study Abroad site should report an incident to the Wellness Coordinator at the site, a campus security officer at the site, a residence hall staff member at the site, or the office of the Site Director, or they may directly contact one of the appropriate persons identified in the Anti-Harassment Policy.

## **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 if the incident took place in New York.

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, the health service provider at the Study Abroad site, 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.

### **Seeking Action**

Students may seek redress regarding sexual assault through University procedures and/or legal channels. Information about complaint procedures is included in the University Anti-Harassment Policy in Appendix A.

**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 or to the local police in the country in which the assault occurred at a Study Abroad site. 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.

### **University Action:**

- A member of the University community wishing to file a sexual assault complaint against a student should contact Thomas Grace, Director of Community Standards and Compliance, at (212) 998-4403 or via email at [thomas.grace@nyu.edu](mailto:thomas.grace@nyu.edu).
- A student wishing to file a sexual assault complaint against a faculty member should contact the Office of the Dean of the appropriate school.
- 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 and the Executive Director of Equal Opportunity. For further information regarding University procedures for reporting a complaint, refer to Appendix A.

## **III. Other Support Services for Sexual Assault Victims**

In addition to the services identified above, a number of staff members in the schools, Division of Student Affairs, Counseling & Behavioral Health Services at SHC, Department of Residence Life and Housing, NYU Student Health Center, and the Department of Public Safety are trained in rape

crisis intervention. These Rape Crisis Intervention Team Members listed below, 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.

## **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

## **RESIDENCE LIFE AND HOUSING SERVICES**

Craig Jolley, Director (212) 443-4872

Howie Glassman, Director (212) 998-4609

Anna Schmidt, Associate Director (212) 998-4065

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

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

## **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

## **STUDENT AFFAIRS**

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

Stephen Polniaszek, Associate Director, Student Activities, (212) 998-4956

Thomas Grace, Director of Community Standards 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) 998-2319

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

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

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

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

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

- **Support.** 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.
- **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 you 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 which are outlined on the website of the Office of Community Standards and Compliance section of the Division of Student Affairs website: [www.nyu.edu/student.affairs/](http://www.nyu.edu/student.affairs/)

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

Disciplinary sanctions for student violators can range from warning, censure, or disciplinary probation to suspension or dismissal.

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 B.

## **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 attends a mandatory orientation session for incoming students, entitled *The Reality Show NYU*. This program addresses 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](http://www.nyu.edu/eo).

In addition:

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.

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.

## APPENDIX A:

### **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;<sup>1</sup>
- (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;<sup>2</sup>
- (3) The Dean of the appropriate School or Faculty or the Dean's designee if the alleged harasser is a faculty member;<sup>3</sup> or
- (4) The Executive Director of Equal Opportunity if the alleged harasser is a visitor, vendor, or other third-party.<sup>4</sup>

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 Mary Signor.

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.

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 Executive 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 Mary Signor, Executive Director of Equal Opportunity .*

## APPENDIX B:

### NEW YORK STATE LAWS REGARDING SEX OFFENSES

The following is a summary description of sex offenses as they 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. Readers are urged to consult the following New York State government website for specific information: <http://public.leginfo.state.ny.us/menugtf.cgi?COMMONQUERY=LAWS>

#### **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:

- a) 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).
- b) 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..
- c) Anal sexual conduct: conduct between persons consisting of contact between the penis and anus.
- d) 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
- e) Aggravated Sexual Contact: insertion of a foreign object into the vagina, urethra, penis or rectum.
- f) 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](http://www.nycagainstrape)]