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Institutionalized Silence: Breaking the Cycle of Sexual Violence--A Model for Pace University

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Institutionalized Silence:

Breaking the Cycle of Sexual Violence
A Model for Pace University

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Précis

In a study published by the United States Department of Justice in 2000, it was found that one in four college women experience rape or attempted rape during their time in college. Since this report was released, the numbers have not changed. According to the National Institute for Justice, fewer than three percent of all college women become victims of rape which translates into 35 such crimes per 1,000 women students (National Institute of Justice, 2005, p. 2). This research for practice also exposes that between eighty and ninety percent of victims and assailants know each other (National Institute of Justice, 2005, p.2). In his speech to the University of New Hampshire in April 2011, Vice President Joe Biden referred to this epidemic on college campuses as Americas “dirty little secret.”

Sexual violence is prevalent across institutions of higher education in American society. Because the issue is not explicitly recognized by university communities, students are not given the tools, discourse or safe space to express their experiences with sexual violence. This in-depth study on universities across the country sets out to understand why sexual violence is not being talked about, details the legal mandates that all postsecondary institutions receiving Title IX funds must comply with, outlines the components which make for effective sexual assault policy and programming and explains the roles of administration, faculty and students in creating a collaborative effort for combating sexual violence.

This thesis specifically focuses on Pace University and the issues it faces in effectively addressing sexual violence on its New York City Campus. The findings suggest that although Pace has made strides in responding to sexual violence by implementing a new, fairly comprehensive policy (Appendix C) in January 2011 there is still much more to be done. Funding must be reallocated so that Pace University can have a model framework for preventing,

responding and intervening in cases of sexual violence. This paper performs a comparative study between Pace University and other institutions of higher education which supports the idea that Pace University is not doing enough to protect its community. Recommendations include suggestions for improvement for Pace University specifically, and a general overview of the fundamentals which make for effective and comprehensive policy and programming for postsecondary institutions of higher education in the United States.

Using political theories of power and a sophisticated standpoint feminist stance, this research describes the factors that deters students from reporting sexually violent crimes, clarifies the features of policy and programming which encourages students to report and advocates for collaboration between individuals in positions of power and activists within the community, while arguing that a transformation in attitudes and behaviors toward sexual violence response and prevention is necessary for change.

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Introduction

Sexual violence is a common concern for college women. According to a study released by the United States Department of Justice in 2000, it is estimated that one in four college women experience completed or attempted rape during their time in college (Cullen, Fischer, & Turner, 2000, p. 10). The study suggests that most victims know their attackers; in fact, “for both completed and attempted rapes, about nine in ten offenders were known to the victim” (Cullen et. al, 2000, p. 17). From the time this report was released, the statistics of the sexual victimization of college women have not changed; because universities foster an environment of silence by neglecting to deal with these issues, this inadvertently paves the way for members of the university to continue perpetuating these violent crimes against one another without being held accountable. Lacking the proper tools to educate college communities about the implications of rape and sexual assault, many students are not aware of their options which leads to the systematic violation of women who in turn do not report their experiences to the authorities because of a number of variables including fear, shame and confusion.

Statistics show that college age women are four times more likely to be sexually assaulted by someone they know, with first year students having the highest risk from September through Thanksgiving (RAINN, 2009). Studies have also demonstrated that men are the most common perpetrators of these crimes especially when drinking alcohol. According to research performed by Gohm, Gross, Roberts and Winslett (2006) on violence against college women, “steady partners were most frequently the perpetrators of sexual coercion, whereas strangers and acquaintances were the perpetrators of rape” (p. 289). When mixing alcohol with a sexual situation, a decision that is common in social settings for college students, victims of date rape are often unable to label their experiences (Gohm et. al, 2006, p. 297). Because of how rape is

classically defined within blitz rape scripts, as a stranger in an alley prepared to violently attack his prey, women are less likely to report experiences of acquaintance and date rape. Bondurant's (2001) results suggest that "the most important aspect of blitz rape scripts is the belief in a high level of force, not who the perpetrators are or where the rapes occurred" (p. 308). Thus, victims of rape and sexual assault are not very likely to report their experiences because they cannot identify their experience as rape; when a victim is unable to articulate what happens as sexual violence, she does not have a reason to report since the elements of the crime do not fit the script (Bondurant, 2001, p. 308). Rape is commonly connoted with being extremely violent and aggressive, when in reality those types of sexual offenses are minimal.

Survivors of sexual violence fail to report rape and sexual assault to the proper authorities because of uncertainty in identifying their experience, fear of being blamed and distrust in a system that uses inaccessible language and fictional scripts to express a muted group's suffering (Bornsen, Burnett, Herakova, Kahl, Mattern, & Tobola, 2009, p. 469). As a result, "the extremely low frequency of reporting these acts to the authorities may lead college administrators to underestimate the magnitude of this problem on their campus" (Gohm et. al, 2006, p. 298). Although statistics that are available give an estimated reference point, the inaccuracy of the numbers fail to describe the brutal realities women pursuing a higher education undergo across colleges in the United States.

Pace University is experiencing problems in effectively addressing the prevalence of rape and sexual assault within the community due to many factors including: conflicts among key administrative offices about the appropriate response, an absence of adequate resources for students, a lack of funding for programming specific to these issues and a shortage of students who are willing to dedicate time to develop a movement in order to change the campus

environment. For a response to be effective, sexual assault policies and protocol must have a balance between prevention, risk reduction and crisis intervention strategies (SAFER, 2012, Flip It Conference). To help Pace University and institutions of higher education throughout the United States understand how to apply theory to praxis, this research will: explain the requirements and implications of Title IX through an analysis of Supreme Court cases; discuss and interpret the provisions within the *Clery Act*; examine the consequences when universities fail to adhere to the *Clery Act*; evaluate the content of Pace University's sexual assault policy; determine the definition of effectiveness; perform a comparative study of a sample of universities to decide components which promote reporting sexual violence; and make recommendations for policy improvement and programming that will help Pace University become a model for developing methods to end sexual assault in postsecondary institutions.

My findings suggest that although Pace University has demonstrated a commitment to ending sexual violence on the New York City campus by revamping its sexual assault policy in January 2011 (Appendix C), there are still many strides the university must take to sufficiently address sexual violence within the community. Even though it seems that Pace is in compliance with Title IX and the *Clery Act* on the surface, I suggest that the university engage with and implement the subsequent recommendations by reallocating funding in order to ensure that the underlying root causes of the issues are grappled with. The following is a set of recommendations I will conclude my research with:

Distinguishing on-campus and off-campus borders in written policy and with a visual guide.

Eliminate barriers to underreporting by:

- a) Changing discourse in the policy from unintentionally condoning victim-blaming to victim-supporting that prioritize the victim's needs.

- b) Defining experiences of rape and sexual assault that are relatable to students (i.e. in the framework of date rape and acquaintance rape).
- c) Incorporating provisions for confidential and anonymous reporting through an assortment of methods.
- d) Forming programming around the prevalence of acquaintance and date rape.
- e) Adding an amnesty clause to the alcohol policy.
- f) Creating a gender resource center fully equipped with a full-time coordinator that handles programming, trained and certified Sexual Assault Nurse Examiner (referred to as SANE), peer educators, crisis helpline, resources and referrals and educational programs.

Conducting a yearly climate survey on sexual violence to measure the needs of the Pace University community as a basis for evaluating policies and programming. Directing such a study would indicate what changes the university should make, thus validating my claim for an elastic sexual assault policy.

Review of the Literature

Ali, R. (2011). Dear Colleague Letter: Sexual Violence Background, Summary, and Fast Facts. Retrieved from http://www.whitehouse.gov/sites/default/files/dear_colleague_sexual_violence.pdf.

In April 2011, the Obama administration reasserted its commitment to ending sexual violence across America's educational institutions. The Dear Colleague Letter (referred to as DCL) was issued to "remind schools of their responsibilities to take immediate and effective steps to respond to sexual violence in accordance with the requirements of Title IX" (Ali, 2001, para. 5). This letter establishes a clear connection between sexual harassment and sexual violence, using both terms interchangeably to identify sex discrimination as required by Title IX. The letter highlights school's obligations under Title IX, provides guidance on handling allegations of sexual violence and discusses prevention efforts to "end such conduct, prevent its recurrence, and address its effects" (Ali, 2011, p. 2).

This letter is significant to my research because the government is not only recognizing that there is a problem of sexual violence, but is emphasizing that appropriate measures, as dictated by Title IX, must be taken by post-secondary institutions to ensure that its prevalence is minimized. I will use this letter to: 1) explain Title IX; 2) advocate for the importance of compliance with Title IX and; 3) show that the creation of an effective policy that includes the elements recommended in this letter serves as an entry way for activists to collaborate with administrators for the sake of providing improved programming and resources.

Bondurant, B. (2001). University Women's Acknowledgment of Rape: Individual, Situational, and Societal Factors. *Violence Against Women*, 7(3), 294-314.

This scholarly work uses an ecological model to explain which circumstances effect women's acknowledgement of rape. The study shows that women are more likely to label experiences as rape if physical force and great resistance is used or a stranger is involved. As

other research has proven, blitz rape scripts are uncommon as rape and sexual assault oftentimes occurs between individuals who know each other and are not necessarily physically violent. The findings in this piece are important to my research because they support my claim for an explicit standard definition of rape and sexual assault as well as the integration of peer to peer models within University 101 classes. This article also contributes to my advocacy for programming focused on acquaintance and date rape rather than solely on stranger rape.

Karjane, H.K., Fisher, B.S., & 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.

This all-encompassing report investigates nine major issues in the sexual assault policies and protocols of a sample of 2,438 institutions of higher education (referred to as IHEs) across the United States. Findings show that although IHEs have made great attempts to ensure student safety, there is much more to be done to further develop effective sexual assault policies and protocols. The report details barriers to reporting, lack of a standard definition of crimes such as rape and sexual assault, misidentification of sexual crimes and social stigmas within institutional communities of the issue of sexual assault. The authors outline useful policies and practices which have aided reporting, created safe spaces and legitimized the campus judicial system at specific institutions studied. The report's recommendations are very similar to my own. I will utilize this report to highlight Pace's strengths and weaknesses in accordance with the nine issues discussed; I intend to show how Pace can be a leader in sexual assault prevention, education, response and reporting by further strengthening the current policy and redistributing funds to robust sexual assault programming.

National Institute of Justice. (2005). *Sexual Assault on Campus: What Colleges and Universities are Doing About It* (NCJ Publication No. NCJ 20552). Washington, DC: U.S. Department of Justice

This Research for Practice authored by Heather M. Karjane, Bonnie S. Fisher and Francis T. Cullen for the Department of Justice outlines best practices for institutions of higher education to follow as a means of both preventing and responding to sexual assault on campus. This report focuses on the role of federal law, such as the *Clery Act* and Campus Sexual Assault Victims' Bill of Rights, to ensure that universities implement workable sexual assault policies. According to the report's findings, "most schools comply with the requirement to report data, but only a third do so in a way consistent with Federal laws" (National Institute of Justice, 2005, p. ii). A variety of factors including misinterpretation of Federal reporting requirements, fear of losing Title IX funds and significant differences in the way sexual assault is defined by the federal government, state government and schools as well as lack of reporting options for victims influence underreporting. In sum, the authors provide promising practices which are extensive recommendations schools can invoke to do more about reporting sexual assault crime statistics. The recommendations set out in this study are pertinent to my argument; using this report's promising practices as a baseline, I will demonstrate why these recommendations are valid by doing a comparative study of universities and add other tools universities can use to address sexual violence on campus.

U.S. Department of Education. (2011). *The Handbook for Campus Safety and Security Reporting*. Office of Postsecondary Education. Washington, D.C.

This handbook explains the specifications of the *Clery Act* and attempts to clarify any confusion administrators may have when reporting crime statistics. The handbook provides direction on what crimes to report, to whom crimes should be reported on campus and how to handle such reports. I have studied this manual to understand the protocol universities must

follow to be in full compliance with the *Clery Act*. Using this handbook, I argue that Pace can be more explicit about defining the New York City campus and will show that the university can institute better protocol for a safer campus. Pace University is unique in the sense that it is an urban campus, but its geography raises questions when violence happens off-campus but in a place where students frequent. In other words, there are better ways to go about complying with the *Clery Act* than what is already in existence.

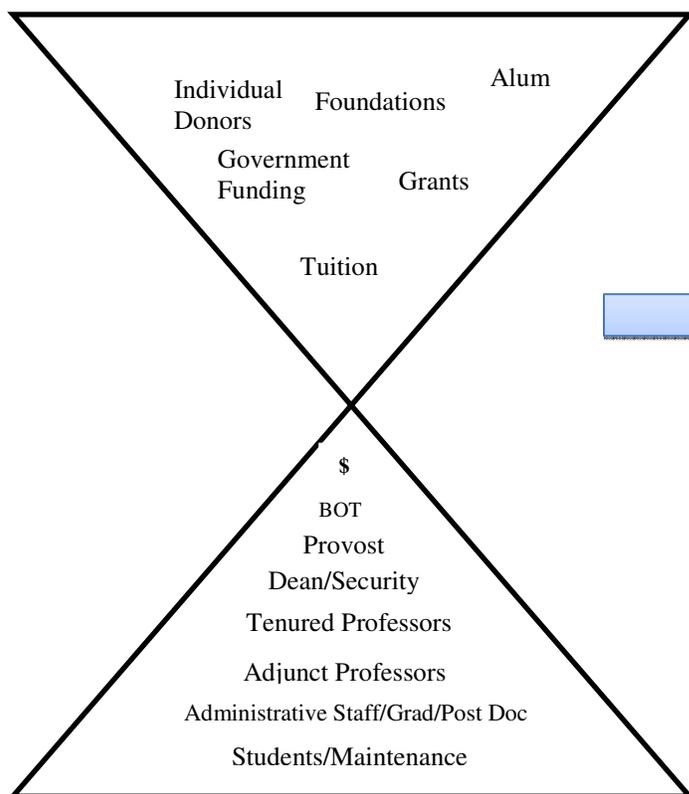
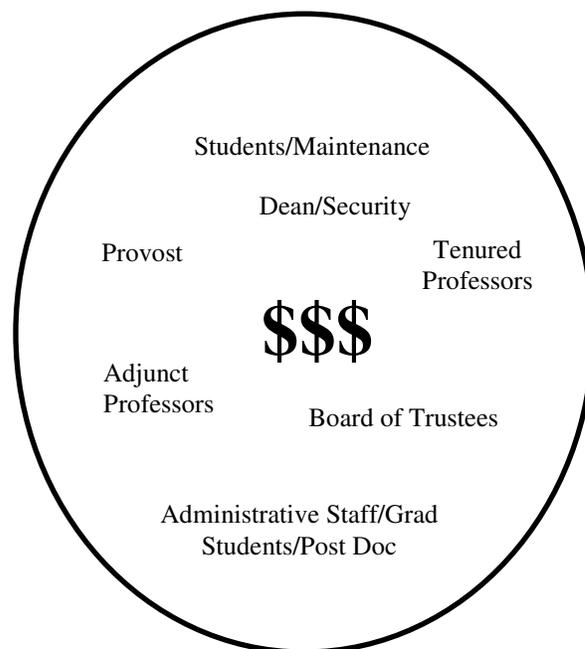
Walker, G.S. (2010). The Evolution and Limits of Title IX Doctrine on Peer Sexual Assault. *Harvard Civil Rights-Civil Liberties Law Review*, 45, 95-133.

Using a legal lens, this article discusses Supreme Court cases in which new standards were mandated for Title IX. The decisions in *Gebser*, *Davis*, *Williams* and *Simpson* have transformed the way Title IX is applied within universities, but loopholes which allow for sexual violence to occur continue to exist. Walker outlines the “doctrinal test for cases involving allegations of rape or sexual assault” (2010, p. 110) and concludes that ultimately Title IX is unenforceable because “a school is practically immune from Title IX liability” (2010, p. 115). In other words, the forfeiture of Title IX funds is difficult to take place under the circumstances that an institution of higher education was not proactive in preventing a sexual assault or did not respond effectively to an allegation. An excessive burden of proof, as argued by Walker, is placed on the victim and in many instances the case is never resolved. I use this piece to deconstruct the limitations of Title IX, providing background on the cases that have challenged the law to argue that although Title IX is imperfect it is a tool activists can use to improve sexual assault policies and protocols. Under the law, institutions of higher education receiving Title IX funding are *obligated* to implement sexual assault policy, protocol and programming for the community.

Thesis

I argue that sexual violence thrives within the Pace University community because institutionalization of silence has resulted in acceptance of socially dictated expectations of women, misperceptions about why sexual violence happens, and lack of recognition about the various types of consent and lack of consent. I contend that there are several factors which contribute to the underreporting of sex offenses at Pace University and in institutions of higher education across the United States which include: the way universities define sexually violent acts such as rape and sexual assault and in what way that definition is translated into programming, how the university defines its campus, the framework upon which the sexual assault policy is founded on (i.e. engages in victim blaming, is comprehensive, etc.), the types of reporting options highlighted within sexual assault policies and whether there is an alcohol policy that deters students from reporting their experiences.

Because laws and demands of the university body are not static, universities should incorporate flexibility into their policies in order to adequately respond to the dynamics of the social setting. I advocate for collaboration between administrators, faculty, staff and students as a method for reversing bureaucracy and achieving policies and protocols that benefit the entire community. It is only by engaging in discussion and debate and recognizing that sexual violence does occur that Pace University can become an exemplary model in this field. The following is a diagram of how I envision the transformation of relationships within the university body:

Model T.1**Model T.2**

SAFER Model, (2012)
Flip It Conference

Instead of functioning within hierarchical structures as demonstrated by the power map in Model T.1, the goal of my research is to convince the Pace community that by tearing down bureaucratic red tape there will be room for collaboration. Thus, Pace as a community of administrators, students, faculty and staff can determine how to fairly allocate Title IX funding to improve the sexual assault policy and increase sexual violence programming. Karjane et. al (2002) postulate that “when sexual assault is acknowledged and talked about by respected administrators, it creates the space for individuals to talk about their own experiences” (p. 126). In other words, by representing the voices of all populations that are affected by sexual violence, which is everyone, either directly or indirectly, Pace University can determine what kinds of

programs and outreach would combat sexual violence at its root and be an outstanding model for other postsecondary institutions.

Methodology

In this paper, I will use political theories of power to solely focus on the high rates of rape and sexual assault among college women by criticizing the role of the power structure in making sexual violence possible, analyzing student accountability in perpetuating these crimes, theoretically challenging the way universities treat survivors and perpetrators of violence and proposing the implementation of a framework that can help to eradicate sexual violence at Pace University. As such, the contribution of my research is enhancing the body of literature already present, directly responding to the call by the Obama Administration and the Department of Education for institutions of higher education to respond to sexual violence in accordance with Title IX standards, and synthesizing recommendations on behalf of government entities and nonprofit organizations to create a working model for effectively addressing sexual assault policies. The definition of effectiveness is a synthesis of recommendations set forth by the *Clery Act*, Title IX, the Handbook for Campus Safety and Security Reporting (2011), the Dear Colleague Letter (2011) and the National Institute of Justice Research for Practice (2005).

My methodology incorporates content analysis of Pace University's sexual assault policy, a comparative study of programming on a sample of institutions of higher education across the United States and legal research on federal legislation in an effort to deconstruct biases, create tangible solutions and provide a model specific to Pace University's needs, but general enough for urban universities within the United States to follow. The comparative study will assess the issues other urban universities face and compare their methods to address sexual violence in relation to Pace's approach as a way of defining Pace's position as a potential leader in antiviolence programming among competitive schools.

Limitations

As with any in-depth research study, I recognize that my work is an ongoing process and there are gaps which are outside of the scope of my research plan. The issues that are not covered in this study merit their own analysis and should be addressed by other researchers and scholars invested in the issue of sexual assault across college campuses in the United States. The most apparent limitations of my research study were time and ambitiousness.

Although I had plans to administer a survey to the student body at Pace University, conduct interviews with faculty and administration as well as interview outside organizations and professionals in this area, I found myself pressed for time. The process to have a survey approved by the Institutional Review Board is a lengthy one, and I underestimated how much time is needed to both fill out a thorough application and have it reviewed. Coordinating face-to-face interviews also proved challenging due to other obligations which caused time constraints.

With regards to ambitiousness, my goal was to survey and interview a sample of students from colleges and universities within New York City for my comparative study. I chose New York City because that is where I reside and attend school, thus collaborating with other students nearby would have been most feasible. Over the past four years, I have formed relationships with students at the New School and Fordham but it was not until the Flip It Conference which took place at Pace University on April 14, 2012 that I was able to meet students who are invested in this issue from schools spanning the entire city. Although I had met individuals dedicated to this cause at a meeting hosted by Borough President Scott M. Stringer in April 2011, titled “Denim Day Manhattan: Best Practices for University Sexual Assault Prevention,” the Flip It Conference really allowed me to create the relationships needed for such an effort to be successful, efficient and meaningful.

Other profound limitations are that my research only focuses on student-on-student sexual assault on and off campus which neglects the fact that teacher-on-student sexual harassment and sexual assault occurs. This study concentrates on male-on-female violence, leaving out female-on-male violence as well as sexual assaults that occur within LGBTQQI communities. My comparative study is centered on a random sample of schools which is not necessarily inclusive of every circumstance students confront or every experience students face. Finally, as I mentioned previously, my research lacks primary sources such as surveys, questionnaires and interviews which is critical to understanding the needs of diverse communities.

Chapter I - Title IX: Deconstructing the Limitations of Federal Law

Defining Sexual Violence: What Acts Does Title IX Encompass?

According to Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681 (referred to as Title IX from hereon in) (Appendix B), every student has the legal right to a campus free from sexual violence. Institutions that receive federal funding must ensure that “no person in the United States shall, on the basis of *sex*, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance” (emphasis added).¹ Even though Title IX makes a clear connection with sex discrimination, the Dear Colleague Letter has clarified that “sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX” (Ali, 2011, p. 1). In other words, Title IX has incorporated sexual violence in its jurisdiction as it is the duty of universities that receive federal money to create and enforce effective policies which not only respond to cases of rape and sexual assault but work to prevent such actions from taking place.

Sexual violence, a form of sexual discrimination, is prohibited under Title IX (Ali, 2011, p.3). The requirements which pertain to cases of sex discrimination also apply to sexual violence; sexual violence includes acts of rape, sexual assault, sexual battery and sexual coercion which are forms of sexual harassment covered under Title IX (Ali, 2011, p.1 &2). In many instances where sexual violence takes place, the victim is unable to continue participating in the educational program without proper support such as counseling, housing accommodations and the removal of the perpetrator; by denying the victim her right to an education free from the threat of rape and sexual assault, institutions cross prescribed boundaries ultimately admitting the

¹ <http://www.dol.gov/oasam/regs/statutes/titleix.htm>

scope of their power to be above the law which is intrinsically illegal.² Federal law and economic influence are the most powerful tools for reminding universities of their legal obligation to addressing sexual violence.

Institutions of higher education are mandated by Title IX as determined by the “Dear Colleague Letter” administered on behalf of the U.S. Department of Education *Office for Civil Rights*, to implement proactive steps in combating sexual violence on their respective campus rather than waiting for such occurrences to take place to develop a reaction (Ali, 2011). The letter affirms that the:

ED (Education Department) is issuing the DCL to explain that the requirements of Title IX cover sexual violence and to remind schools of their responsibilities to take immediate and effective steps to respond to sexual violence in accordance with the requirements of Title IX. (Ali, 2011, para. 5)

Because reactive policies lack a fundamental framework for preventing rape and sexual assault, students inevitably perpetuate the cycle of violence onto one another promoting an environment of impunity. Therefore, Title IX strongly encourages universities to develop “prompt and effective steps to end [...] sexual violence, prevent its recurrence, and address its effects” (Ali, 2011, para. 11). Because sexual violence is a form of sex discrimination as emphasized in the DCL, it is illegal for institutions of higher education not to address the aforementioned steps in their sexual assault policies. Policies which lack a firm stance on ending sexual violence run the risk of “interfere[ing] with students’ right to receive an education free from discrimination, and in the case of sexual violence, is a crime” (Ali, 2011, p. 1).

² By using the pronoun “her” I understand that I am incorporating gendered language based on power dynamics into my research. I will be referring to the victim as “she” and the perpetrator as “he” because according to statistics released by the United States Department of Justice, an overwhelming majority of victims of sexual violence on college campuses are women. Refer to the introduction of this paper for statistics.

By allowing students to preserve the cycle of sexual violence, schools become accomplices in such crimes. Title IX holds universities accountable for their policies by recognizing that the threat of violence is prevalent within all educational environments and works towards safeguarding victim's rights. But, Title IX has encountered many challenges in guaranteeing safe campuses and its doctrinal basis has evolved since its implementation.

Applying Title IX to Praxis: Proof Standards

The way Title IX is interpreted and applied in federal cases requires a high, demanding standard of proof that the university was even acutely aware of the alleged crime. This awareness can only derive from "actual notice for purposes of Title IX liability" (Walker, 2010, p. 108). That is, an institution must be made aware of sexual misconduct by the parties involved. According to Walker (2010), "commentators have noted that this holding '[creates] perverse incentives for schools not to have effective reporting mechanisms' as a means of insulating themselves from receiving actual notice of sexual harassment (p. 108)." This demonstrates that there is a higher standard of proof for sexual violence than with other forms of sex discrimination such as sexual harassment. Even though Title IX mandates that schools use a preponderance of the evidence standard (it is more likely that sexual violence occurred), many schools apply the "clear and convincing standard" (it is highly probable or reasonable certain that sexual violence occurred) which entails a higher standard of proof (Ali, 2011, p. 11).

Universities become accomplices to the crime by using a claim that they were unaware of the event, even though another agent may have reported it, to have standing in court. Invisible or ineffective procedural structures allow administrators to easily avoid dealing with cases involving sexual violence under Title IX.

Landmark Case Law

In order for the government to withdraw funds from a university, there must be substantial evidence in a case that the school has control over the perpetrator as determined by *Gebser v. Lago Vista Independent School District* (*Gebser*, 524 U.S. at 277-278). *Gebser* further “clarified the law by establishing an unmistakably high standard for institutional liability in the Title IX cases involving teacher-on-student sexual harassment” (Walker, 2010, p. 106). Even though Title IX has been implemented to facilitate the reporting process and encourage students to vocalize their experiences, the interpretations of the law throughout Supreme Court cases have resulted in setbacks for victims seeking justice. In *Gebser*, the Court invoked an almost impossible basis for proof which works against victims by dismissing the case if the evidence required is unavailable. This contributes to the many reasons a majority of victims decide to remain silent about their experiences. If the preponderance of the evidence standard is used as a basis for investigating allegations of sex discrimination, then there can be a more equitable trial as whatever evidence is available will be valuable.

In her opinion, Justice O’Connor asserts that it is necessary for the Court to establish this standard because the case “inherently entails a degree of speculation, since it addresses an issue on which Congress has not specifically spoken” (Walker, 2010, p. 107). To put it another way, because Congress had yet to discuss nonetheless develop public policy on the issue of sexual violence in universities, the Court took it upon themselves to establish a high standard of proof which ultimately set a precedent and shaped how Congress would write legal code and apply legislation in these instances later on. Victims continue to be burdened with the need to provide substantial evidence during trial when in cases involving sexual violence, “he said, she said” is usually the only grounds for proof even though Title IX necessitates the preponderance standard

to be applied. As such, it is my contention that victims have a higher burden of proof in universities rather than non-university settings because institutions of higher education are not fully complying with Title IX standards.

In *Davis v. Monroe County Board of Education*, the Supreme Court applied its decision in *Gebser* to allegations of student-on-student sexual harassment (Walker, 2010, p. 108).³ The Court declared that the deliberate indifference standard as defined by the *Gebser* decision was invalid because action by omission, even when made aware of the violation, “is so severe, pervasive, and objectively offensive that it can be said to deprive victims of access to the educational opportunities or benefits provided by the school” (Walker, 2010, p. 110). Therefore, schools could no longer use the claim that they were unaware of the incident since the institution should have reporting measures in place to alert them of circumstances where a sexually violent crime has occurred.

In its decision, the Court made it clear that institutions of higher education must have accessible and effective reporting standards to be in compliance with Title IX. By denying the victim the right to an education free from sexual violence, the school practices discrimination on the basis of sex which is in violation of Title IX and risks losing all federal funds. This is a landmark cases because it poses a very real threat that universities can lose revenue if it engages in or supports the perpetuation of sexual violence. Also, this decision impels schools to recognize that sexual violence is prevalent across college campuses and it is only by reporting the numbers that schools will be able to address the problem and meet the community’s needs.

³ Note: I define sexual violence as presented by the Dear Colleague Letter which states: “Sexual violence, as that term is used in this letter, refers to physical sexual acts perpetuated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol. An individual may also be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. All such acts are forms of sexual harassment covered under Title IX” (Ali, 2011, p. 1&2). I do not define sexual violence according to a university case by case basis, but rather use this standard, because university definitions tend to be conservative, narrow and less inclusive of the experiences of college students.

When schools explicitly show that they have a zero-tolerance policy, which is what Title IX reinforces, they are able to empower victims to report and send a clear message that acts of sexual violence are not acceptable.

Invoking Title IX in a Court of Law: Elements for Standing

As it currently stands, there are four key components for cases involving allegations of rape and sexual assault on college campuses to be eligible for a trial claiming Title IX as its fundamental argument. These elements include: (1) the institution of higher learning must have substantial control over the perpetrator and the environment in which the instance occurred; (2) the university must have actual knowledge of the violation; (3) the crime must be “so severe, pervasive, and objectively offensive” that it denies the victim an equal opportunity to educational programs and activities; and (4) if the university refuses to act after being made aware of the allegation, its response must be justified as “clearly unreasonable” (Walker, 2010, p. 110-111). Although Title IX invokes a preponderance standard, it continues to require a high burden of proof for victims seeking a just injunction or monetary relief in compensation for damages suffered. It can be argued that Title IX promotes an environment of impunity where universities can get away with refusing to address the issue of sexual violence by proving that “*some* type of investigation” occurred (Walker, 2010, p. 115). By beginning an investigation, organizing a body to hear the case or showing intent to deal with the case, institutions for higher learning are free from being held accountable to Title IX jurisprudence.

But, Title IX is an essential part for enforcing compliance with reporting standards on schools. Although this amendment has much maturing to do, it has set the stage for activists to demand laws that address prevention efforts and effective responses to sexual violence on college campuses. Without Title IX, individuals fighting to end sexual violence across

universities would have to essentially debate over the importance of recognizing sex as a basis for discrimination. Title IX, even with its limitations, has been used as a basis for present legislation as a means to improve the way universities handle cases involving sexual violence.

Chapter II: Legislative Responsibilities

Contextualizing the *Clery Act*: Background and Purpose

The *Student Right-to-Know and Campus Security Act* (20 U.S.C. § 1092) was enacted by Congress in 1990 to require institutions of higher education, both public and private that receive federal funds, to publicize campus crime statistics, security policies and protocol (Karjane et. al, 2002; Security on Campus, Inc., 2011). Before this law was put into practice, colleges and universities were not mandated to disclose such information thus giving a reason for most schools to keep their numbers a secret (Security on Campus, Inc., 2011). By failing to talk about the numbers, it was assumed that the problem of sexual assault on college campuses did not exist. In 1992, the law was amended to “require that schools afford victims specific basic rights and again in 1998 to emphasize reporting obligations regarding sexual assault on campus” (Karjane et. al, 2002, p. vi). These amendments brought the issues of student-on-student assaults and date rape to the forefront of the conversation on security and safety to ensure that campus environments are free from hostility as instructed by Title IX. The *Clery Act* is a method for preventing sexual assault from happening in the first place, thus affording every student the opportunity to take full advantage of the school’s program.

Included within the new provisions in 1992 was the *Campus Sexual Assault Victims’ Bill of Rights* introduced in May of 1991 by Congressman Jim Ramstad and signed into law by former President George H.W. Bush (Security on Campus, Inc., 2011). This bill outlines the basic right of survivors to report an assault to the appropriate law enforcement authorities if the survivor so chooses, undergo a fair and impartial disciplinary proceeding during which others can be present for both the survivor and perpetrator, obtain information on counseling services for the survivor and information on options for changing academic and living situations (Security

on Campus, Inc., 2011). In effect, this bill provides elements which make for effective sexual assault policies by assuring that crisis intervention takes place when a sexually violent crime occurs.

On October 7, 1998 former President Bill Clinton signed amendments to add new categories for reporting crime statistics, a requirement to report crimes that happen on public property in and adjacent to the campus, a geographic breakdown of statistics and the implementation of a daily crime log accessible to the public for schools with police or security (Security on Campus, Inc., 2011). The Department of Education is also obligated to collect and organize crime statistics as well as make them publicly available (Security on Campus, Inc., 2011).

In order for any sexual assault policy to be effective and comprehensive, three key components must exist: prevention, risk reduction and crisis intervention (SAFER, 2012, Flip It Conference). With the enactment of the *Clery Act* and the provisions added in 1991 and 1998, schools are obligated to have a working sexual assault policy and programming. Although the policy, protocol and programs may not be developed to their fullest potential, requiring institutions of higher education to assess their statistics for sex offenses and analyze why those numbers might exist is the first step in recognizing that sexual violence within colleges and universities is a problem nationwide, or that there are barriers within the policy which indicates that sexually violent crimes are being underreported. Proactive steps laid out in the *Clery Act* provide a broad framework for schools to exercise their agency to determine appropriate methodologies for fulfilling the three pillars mentioned earlier.

As demonstrated by the dynamic changes in the *Clery Act*, I posit that sexual assault policies should not be static as the legal framework constantly adapts to issues ubiquitous during

the current time. Institutions of higher education should have the flexibility to change their policies as the needs of the university body transform; to put it another way, there should always be varying frameworks or options available to support students who are victims of sexually violent crimes. Solutions for addressing sexual violence are not a one-size fits all glove.

Reporting Crime under the *Clery Act*: Identifying Key Factors for Accurate Reporting

The *Clery Act* requires that institutions of higher education report a wide range of criminal offenses including: “murder, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, manslaughter, arson and violations relating to alcohol, drugs, and weapons” (Karjane et. al, 2002, p. 32). I will only focus on the obligation to report Forcible and Nonforcible Sex Offenses as the other crimes are outside of the scope of my research.

According to “The Handbook for Campus Safety and Security,” there are four types of Forcible Sex Offenses and two types of Nonforcible Sex Offenses. The definitions of these crimes within the *Clery Act* are adapted from the Uniform Crime Reporting program (referred to as UCR) of the Federal Bureau of Investigation (Karjane et. al, 2002, p. 32). A Forcible Sex Offense is defined as “*any sexual act directed against another person, forcibly and/or against that person’s will where the victim is incapable of giving consent*” (*italics original*) (U.S. Department of Education, 2011, p. 37). The four types of Forcible Sex Offenses are Forcible Rape, Forcible Sodomy, Sexual Assault With an Object and Forcible Fondling (U.S. Department of Education, 2011, p. 38). A Nonforcible Sex Offense is “*unlawful, non-forcible sexual intercourse*” under which Incest and Statutory Rape are classified (*italics original*) (U.S. Department of Education, 2011, p. 39).

A couple of major issues arise for postsecondary institutions when attempting to define sexual violence within their sexual assault policies. First and foremost, every state has its own

criminal code therefore legal “definitions of acts that constitute sexual assault vary” (National Institute of Justice, 2005, p. 5; Karjane et. al, 2002, p. 32). Second, schools have their own way of defining sexual assault which may be narrower or broader than what is assigned by the UCR (Karjane et. al, 2002, p. 34). Institutions of higher education may utilize more inclusive terminology which affords victims of sexual assault greater power by providing the terminology for victims to name their experiences. Karjane et. al (2002) find that “an IHE’s (Institution of Higher Education) definition of sexual assault can help educate students on what constitutes a rape” (p. 45). By focusing on and mainstreaming the ideas of date rape and acquaintance rape, universities have license to give broader and more inclusive definitions for sexual assault and sexually violent acts such as rape which embody the experiences most victims face. Lastly, some states have passed legislation on campus crime which mandate what crime statistics must be provided for. These laws give specific definitions for sexual assault and require reports for other types of sexual assault not included in the *Clery Act* (Karjane et. al, 2002, p. 32).

Just as federal law trumps state law in issues regarding constitutionality, the definition of sex offenses as delineated by the *Clery Act*, a federal mandate, should overrule definitions set out by both states and postsecondary institutions. Evidently, there is a need for federal policy to level out the definition of sexual assault so that there is a standard of comparison across the board. Varying definitions of what constitutes sexual violence promotes a system of impunity as some schools take cases regarding discrimination on the basis of sex more seriously than others. For instance, of the schools studied by Karjane et. al (2002), “only about one-third of the schools (36.5 percent) reported crime statistics in a manner that was fully consistent with the *Clery Act*” (p. 48). This is problematic because the seriousness of the prevalence of sexual violence is delegitimized which leads to decreased funding and programming around the issues.

Geography of the campus location is of paramount importance when disclosing statistics for Clery crimes. It is extremely important for administrators of postsecondary institutions across the United States to properly define the parameters of the campus so that sexual offenses are properly reported. If students are unable to identify what constitutes on-campus and off-campus, this can serve as a deterrent for reporting sexually violent crimes to campus authorities as students may believe that the school might reject their requests for help or guidance.

In accordance with “The Handbook for Campus Safety and Reporting,” the following are definitions and explanations of on-campus and off campus categories. For Pace University’s New York City campus in particular, there are a couple of special circumstances which need to be considered as the campus is located in an urban area.

The *Clery Act* defines on-campus as:

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor.) (italics original) (U.S. Department of Education, 2011, p. 12).

In essence, the *Clery Act* states that on-campus includes any buildings or properties that: 1) the institution owns or controls; 2) are reasonably contiguous to each other; and 3) are used to directly support or relate to the institution’s educational purposes (U.S. Department of Education, 2011, p. 12). Also, the *Clery Act* makes a clear distinction by stating within the

second part of the aforementioned definition that on-campus also encompasses buildings and properties within the campus, or reasonably contiguous to the campus that: 1) the institution owns but does not control; 2) are frequently used by the institution's students; and 3) are used for educational purposes (U.S. Department of Education, 2011, p. 13). This definition is significant to my thesis as colleges and universities are responsible to report and address any act of sexual violence that occurs on campus parameters. Ignoring that such crimes have taken place is a violation of federal law and there is not only a very real threat that an institution may lose funding, but that the safety and security of the university community is compromised.

Off-campus is defined as:

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. (italics original) (U.S. Department of Education, 2011, p. 25)

The first part of this definition refers to any officially recognized building or property that is owned or controlled by a student organization, such as a sorority or fraternity house (U.S. Department of Education, 2011, p. 25). The latter part of the definition pertains to other locations that are associated with the campus but are not on-campus or separate campuses.

These locations commonly meet the following characteristics: 1) are owned or controlled by the institution; 2) are used to support the institution's educational purposes; 3) are regularly used by students; and 4) do not comprise the main campus (U.S. Department of Education, 2011, p. 26).

In order for victims of sexual crimes to identify whether the university is responsible for carrying

out justice, students must be aware and have access to information on what constitutes on-campus and off campus.

To make Pace University's sexual assault policy more precise and accessible, I recommend that administrators consider defining on-campus and off-campus borders according to the campus' geography by providing both written descriptions on the policy accompanied by visuals with a map. The New York City campus is a special case because it is located in a densely populated location, surrounded by adjacent public transit stops, City Hall Park, sidewalks and streets. A student can be easily confused about whether an assault happened on grounds for which the university is responsible. For example, students have expressed doubt over whether the through way on William Street located in front of Downtown Hospital and Beekman Tower complements the campus. Although Clery does not require maps to be published, providing maps within the sexual assault policy and the annual security report can help the campus community better understand where crimes have occurred and which locations they should steer away from (U.S. Department of Education, 2011, p. 31).

Pace University's Annual Security Report: An Analysis of the Discrepancy between Numbers and Student Experiences

From academic year 2008 through academic year 2010, Pace University reported zero sexual offenses. As a student activist working to end sexual violence on the Pace University New York City campus, there is a major discrepancy between what has been reported and the experiences students have disclosed to me in my capacity both as a friend and student leader. A study published by the National Institute of Justice (2005) concedes that fewer than 3 percent of all college women become victims of completed or attempted rape in an academic year, which translates into 35 such crimes for every 1,000 women students (p. 2). Pace University is not by any means immune from the scope of this problem.

A substantial reason victims do not report crimes of rape and sexual assault is because they are unsure of how to identify their experiences. In the same study, the National Institute of Justice (2005) ascertains that “the vast majority of these crimes – between 80 and 90 percent – victim and assailant know each other” (p. 2). When victims are naming their friends, classmates or even someone they may like a rapist in cases of acquaintance and date rape, they are in effect saying that individual with whom they associate is a criminal. Karjane et. al (2002) contend that “such labeling requires a radical redefinition of their previous relationship in a way that politicizes that relationship” (p. x). Once the politicization of identity politics becomes part of the bigger picture, many victims of sexual violence second-guess their experiences and form an illusion that something other than rape or sexual assault happened to avoid reporting the crime.

Blitz rape scripts also make it difficult for women to label their experience as rape. The reinforcement of these stereotypical scenarios of a violent attack by a stranger in an alley is overly emphasized within American culture. In reality, most instances of rape and sexual assault take place between two people who know and trust each other. Institutions of higher education that focus their policies and programming around this idea of stranger rape, which is “a statistically infrequent type of rape” (Bondurant, 2001, p. 296) perpetuate the cycle of violence by avoiding the confrontation that one in four college aged women will survive a rape or attempted rape by the time they graduate and 84% of them know their rapist (Warshaw, 1988, p. 11).

Colleges and universities across the United States must focus on education, programming and training that is centered on date and acquaintance rape, which are the most common forms of sexual violence. Very few victims of rape or attempted rape report their victimization to the authorities (Karjane et. al, 2002, p. ix); the first person to whom most victims disclose their

experiences to are friends, thus it should be mandatory for the entire student population to be trained on how to identify date and acquaintance rape as well as how to handle these issues through orientation programs, peer to peer workshops during University 101 classes and general student outreach efforts. Karjane et. al (2002) affirm that “active support of friends was found to be the primary factor that distinguishes those victims who report the crime to campus and/or local authorities and those that remain silent” (p. ix). Therefore, students who have the proper training know how to recognize a violation and can guide their friends in the direction of reporting sexually violent crimes, in effect bringing the issue to the vanguard of the school’s concerns.

A rise in reporting rates should be viewed as a proactive stance that promotes talking about rape and sexual assault in order to prevent its occurrence, shows a higher demand for programming and demonstrates a need for increased funding; in the words of Jon Eldridge, Dean of Students at Lewis & Clark College, “when parents ask if we have a problem with sexual assault on our campus because we talk about it, I tell them that we talk about it because we *don’t* want it to become a problem on our campus” (*italics original*) (Karjane et. al, 2002, p. 126). By admitting that sexual violence happens on campus and among students, institutions of higher education create safe spaces for communities to talk about the implications of rape and sexual assault.

Another reason reporting rates not only at Pace University but at campuses across the United States do not represent what is actually occurring among students is because institutions of higher education are not properly interpreting the *Clery Act*. In a General Accounting Office study, the National Institute of Justice (2005) learned that “schools find it difficult to consistently interpret and apply the Federal reporting requirements, such as deciding which incidents to cite

in the annual report, classifying crimes and the like” (p. 3). Administrators have expressed confusion over reporting crimes, as there are inconsistencies between how campus and students are defined within federal and state law and most schools fail to distinguish between forcible and nonforcible sex offenses (National Institute of Justice, 2005, p. 3). As such, it is not only the responsibility of administrators to seek guidance for their concerns but the obligation of the federal government to provide training and clarification on these legal mandates. Ignorance of the law is not an excuse for any institution of higher education to underestimate the number of sexual assaults and rapes occurring on campus and among students. Hence, the federal government must develop training for administrators on full compliance with the *Clery Act* and Title IX, and administrators have to be held accountable for attending these trainings and undergo examination on their understanding of the requirements.

Changing the Script: Title IX and the *Clery Act* as Tools for Activism

In the previous chapter, I claim that although Title IX has limitations, legislation such as the *Jeanne Clery Act* has been enacted to bolster student’s right to a campus free from sexual violence. The *Clery Act* can be used as oversight to fill in the gaps Title IX overlooks, simultaneously ensuring that Title IX is emphasized as the foundation for being in compliance with *Clery*; in other words, for an institution of higher education to meet *Clery Act* requirements it must first be in compliance with Title IX. It is only by enforcing Title IX that the *Clery Act* can be effective in ending sexual violence across college campuses.

I postulate that students and activists alike should use Title IX and the *Clery Act* as a basis for making change within their respective postsecondary institutions. Instead of being intimidated by a state of paralysis in which it is believed that students are incapable of igniting change, Title IX and the *Clery Act* provide a very real threat for institutions of higher education

to lose pertinent funds. As demonstrated in Model T.1 (p. 14), schools currently function within hierarchical structures; even though students pay tuition in exchange for an education, in circumstances where a demand for change regarding sexual assault policies and protocol is initiated their calls are not taken seriously. Therefore, understanding the dynamics of the aforementioned laws can empower students to seek change through collaboration before turning to resistance. Model T.2 (p. 14) represents a circle in which the institutional community has input in the formation of clear and accessible sexual assault policies and protocols.

From a standpoint feminist perspective, everyone's experiences are diverse and important thus it is critical to take into consideration how sexual violence affects distinct communities in different ways. Forming sexual assault policies and protocols that are inclusive of everyone's experiences can be accomplished through the development of a task force composed of proportional representation from each section of the hierarchy (refer to Model T.1, p.14) that lends itself to collaborative efforts as presented by Model T.2 (p.14). One case study found it "particularly helpful to have diverse representation on [their] Task Force as [their] members could speak to various institutional variables that may impact which method of addressing needs would have the highest likelihood of success" (Lichty et. al, 2008, p. 19). Put differently, effective sexual assault policies as defined by the Dear Colleague Letter (Ali, 2011) and modeled by Karjane et. al (2002) study cannot be functional if the laws are misinterpreted, student's experiences are not represented and administrators refuse to offer the community a safe access point for discussing the prevalence of sexual violence within colleges and universities.

Chapter III: Evaluating Policy: An Analysis of Pace University's Sexual Assault Policy

In January 2011, Pace University passed a new sexual assault policy after surmounting pressure on behalf of student advocates and professors. The final version of the policy was accomplished because of collaboration between administration, the legal division, the Affirmative Action Office, student activists, alum, professors and the Women's and Gender Studies Department. The new policy (Appendix C) represents drastic changes made to the previous inaccessible, victim-blaming policy. This innovative policy outlines the university's goals; definitions for sexual assault, stalking, domestic/intimate partner violence; procedures on how to handle a sexual violence case after the incident; grievance protocol; prevention tips; a confidentiality notice; as well as a robust list of resources within Pace University and throughout New York City for victims of sexual assault. With the implementation of this new sexual assault policy, Pace University has demonstrated its commitment to providing a campus free from sexual violence.

Even though Pace University has taken strides to improve its sexual assault policy and protocol while meeting student demands for change, I argue that there are further changes that must be made to this policy for Pace to become an exemplary model of a campus active in meeting all three pillars of a comprehensive policy: prevention, risk reduction and crisis intervention (Flip It Conference, SAFER, 2012). Using content analysis, in this section I will evaluate the qualities of Pace University's sexual assault policy and offer critiques on how the policy can be better. I will only focus on sexual violence perpetuated by male students onto female students as well as sexual acts of violence that occur on and off campus among students as other classifications are outside of the scope of my research and merit an investigation of their own. I have decided to concentrate on this specific area because according to Fisher et al.

(2000), 34% of rapes and 45% of attempted rapes of college women take place on campus. Almost 60% of rapes that take place on campus occur in the victim's residence with 31% occurring in another residence.

Discourse: Decoding Language

Throughout the policy, the victim is referred to as an “alleged victim” rather than “complainant,” serving as a barrier for reporting sexual violence since the term “alleged victim” insinuates that the victim may be lying.⁴ In her analysis of Karjane et. al (2002) study, McMahon (2008) reveals that another factor which deters reporting is the victim's concern that the authorities will not believe her (p. 363). According to the National Center for the Prosecution of Violence Against Women, the percentage of false accusations of rape falls somewhere between 2% and 8% (SAFER, Flip It Conference, 2012) so it is highly likely that the victim is not lying about her sexually violent experience. Using “alleged victim” suggests that campus authorities and administration have a bias towards the victim, and that the victim will have to meet a high standard of proof rather than follow the preponderance of the evidence standard explained in Chapter One as directed by Title IX.

A victim may also refuse to identify her experience as rape or sexual assault because “alleged victim” alienates her into a marginalized group that requires her to criminalize someone within her community. When a student-on-student violation happens, and the victim knows the perpetrator, victims are less likely to report the crime as that would involve categorizing her friend or acquaintance as a rapist (Karjane et. al, 2002, p. x). Referring to the victim as an “alleged victim” contributes to the cycle of victim blaming and shaming by giving the university body approval to question the victim and accuse her of lying.

⁴ I owe this realization to conversations with Professor Susan Herman, Criminal Justice Professor at Pace University.

To correct this issue, Pace University's sexual assault policy should identify the victim by the correct legal term – “complainant” – rather than the victim-blaming expression “alleged victim.”

Safety: A Victim's Responsibility?

In the subsection labeled “Safety” (Appendix C), the university leaves it up to the victim, who has been through a traumatic experience, to find a trustworthy source and secure space. Furthermore, in the section titled “Preventing Sexual Assaults and Other Violent Assaults” (Appendix C), the policy sets out risk reduction, not prevention, strategies to avoid crimes. SAFER (Flip It Conference, 2012) explains prevention, risk reduction and crisis intervention in the following ways:

Prevention: Not allowing sexual violence to occur in the first place by changing campus culture.

Risk Reduction: Taking proactive steps to help diminish the threat of sexual violence. Acts of sexual violence will always occur but there are ways to lessen its pervasiveness.

Crisis Intervention: This is addressing sexual violence after the incident has occurred. It is believed that sexual violence is inevitable, thus services must exist for survivors to receive support.

The sections on safety and prevention are problematic because it becomes the victim's responsibility to thwart sexual violence (even though rape and sexual assault can still happen regardless of what measures are taken) and refuging to a safe space that may not even exist after such an invasive crime. Karjane et. al (2002) assert that:

IHEs unintentionally condone victim-blaming when they circulate materials that focus primarily on the individual victim's responsibility to avoid sexual assault without balancing this risk management information with prevention education targeted toward men that stresses the perpetrator's responsibility for committing the crime. (p. xi)

Pace University inadvertently engages in victim-blaming practices by highlighting the victim's role in taking steps to circumvent situations in which sexual violence may occur. The risk reduction (not prevention) strategies listed on the policy are not paired with adequate prevention education, risk management or crisis intervention programming. Thus, Pace University has failed to create a comprehensive sexual assault policy as those three pillars are not existent. Even though the policy is effective in terms of defining terms, which in effect helps victims identify their experiences, it is lacking the three fundamental components that makes for a model policy.

For the policy to be effective and comprehensive, it must explain the efforts the university, as a community, has taken to eradicate sexual violence on campus. Thus, including programs such as Safety Week campaigns, Take Back the Night, the Sexual Assault Policy, Prevention and Education Working Group, Alcohol and Other Drugs Standing Committee and orientation outreach will give the university body an overview of what is being done and what needs to be done. I suggest that interactive peer-to-peer trainings which provide workshops on how to identify rape and sexual assault as well as bystander intervention workshops must be infused into the University 101 curriculum as all students should be taught how to address sexual violence. Gohm et. al (2006) findings support this claim: there are "potential benefits associated with teaching college students to assertively establish sexual boundaries within the context of their various social relationships" (p. 298). Thus, by students knowing what they are

comfortable with they can explicitly consent to the kinds of sexual acts they are willing to engage in.

In my experiences as a student activist on the New York City campus, I can describe student involvement as being very apathetic. Because of its location, Pace University is an institution where many students just go to class and do not get involved on campus due to other more demanding obligations such as a job or family. Informative passive education campaigns in which flyers are posted all over campus is essential in an environment like Pace's because students are not interested in the issue of sexual violence until it happens to them or someone they know. Combining the passive approach with other prevention strategies is another effective way to spark attention and raise awareness about the issues (Karjane et. al, 2002, p. 127). In this light, responsibility is shed on everyone who is part of the Pace community to be an active participant in preventing, ending and addressing sexual violence.

Reporting Options: A Need for More Choices

Under the section titled "Reporting a Crime" (Appendix C), Pace University urges victims to report crimes but does not take into consideration the fact that those who are informed about these experiences, mostly friends of the victims, also play a role in whether or not crimes of sexual violence are reported. As a result, I argue that all students should be required to complete sexual assault response or sensitivity training since it is highly probable that the friends and peers of victims are the first to hear about sexual assault on campus (Karjane et. al, 2002, p. ix).

Pace University's policy encourages victim's to report sexual assault, stalking and domestic/intimate partner violence to the university's Safety and Security Department and/or to

the local police department (Appendix C). No other reporting options are provided. Many students, nonetheless victims, feel at a loss when it comes to university bureaucracy therefore approaching an administrator in a position of power may daunt victims from reporting. Trying to relate to an individual in a high position, such as the head of security or the Dean for Students, at the university can be an intimidating task especially if the victim does not have any prior engagement with the authority. Also, a victim may not want to report her experience to a male security guard because the individual who perpetuated the crime was male and may be fearful of insensitivity and judgment.

In order for Pace University's sexual assault policy to become an exemplary model for postsecondary institutions, a variety of reporting options must be offered to students. Anonymous, confidential and third party reporting are critical for students who do not feel comfortable facing administrators, faculty or even resident advisors. These options allow students to seek the professional support services they need while ensuring that their confidentiality will be protected (Karjane et. al, 2002, p. 133). According to Karjane et. al (2002), "the use of an anonymous reporting option is widely credited by administrators as increasing the reports of assault that are included in the school's annual security report statistics" (p. 133). Anonymous, confidential and third party reporting can be facilitated by the ability to file a report online on the school's website or via the phone to the school's sexual assault hotline. These options not only demonstrate that there is a need for funding for sexual assault programming, but may enable a victim to get a sexual assault examination during which time sensitive evidence can be collected and used during a possible trial or adjudication.

Crafting a Model Policy: A Template for Institutions of Higher Education

The following details the most inclusive components which make for an ideal policy set forth by Dr. Patricia Pasky McMahon (2008). I have adapted this template because her research question and investigation overlaps with my research but we aim to accomplish different goals. This model synthesizes recommendations from all of my sources and emphasizes the need to have these pieced within sexual assault policies and protocols for institutions of higher education to effectively, satisfactorily and comprehensively address the issues of rape and sexual assault.

Model Policy for the Prevention and Response to Sexual Assault Template (McMahon, 2008, p. 364-365)

APPENDIX		
Model Policy for the Prevention and Response to Sexual Assault Template		
Parameter/criteria	Identified within IHE policy	
	YES	NO
I. Definition of sexual assault includes:		
A. Explanation of consent		
B. Descriptive scenarios of sexual assault including nonstranger sexual assault		
C. Definition of terms		
II. Design of the sexual assault policy incorporates:		
A. Clear statement of commitment to deter sexual assault		
B. Provisions for public acknowledgement of commitment		
C. Identified methods for policy distribution to campus community		
D. Ease of policy accessibility to entire campus		
III. Provisions for training for:		
A. Resident assistants and resident coordinators		
B. Students, faculty, and staff		
IV. Methods to support student reporting include:		
A. Information about what students are to do if sexually assaulted		
B. IHE response to a report of a sexual assault		
C. Plan to protect victim confidentiality		
D. Availability of anonymous victim reporting		
E. Clear response if victim has violated alcohol or drug policy		
V. Prevention efforts and resources for victims		
A. Published availability of resources that support:		
1. Sexual assault prevention programs		
2. Campus safety within residence halls		
3. Campus safety on campus		
4. Victim's health and on-campus forensic services		
5. Victim's mental health		
VI. Identification of methods/policies that prevent reporting		
A. Annual evaluation of students' knowledge of:		
1. Who to notify when a sexual assault has occurred		
3. IHE response to a sexual assault		
4. IHE policy for victim confidentiality		
5. IHE policy for victim protection		

(appendix continues)

Figure 3.1

APPENDIX (Cont.)		
Parameter/criteria	Identified within IHE policy	
	YES	NO
6. IHE response to victim's use of illegal drugs or under age alcohol consumption		
VII. Encourage victim reporting with inclusion of methods that:		
A. List services to aid victim		
B. Demonstrate victim safety		
C. Outline campus law-enforcement protocols		
D. Provide for health needs of the victim		
E. Outline prevention education for the campus community		
F. Show strong visible commitment to assure victim confidentiality		
VIII. Guidelines to investigate and punish perpetrators include:		
A. Methods to address dual jurisdiction		
B. Set procedures for investigating sexual assault		
C. Identified procedures for discipline and punishment of perpetrators		
IX. Policy demonstrates:		
A. Public record documenting IHE implementation of the policy		
B. Record of assessment of effectiveness of policy		
C. Record of policy implementation		
D. Periodic review for currency of policy		
<i>Note.</i> IHE = institutions of higher education.		

Figure 3.1 (Continued)

Chapter IV: Benchmarking Institutions of Higher Institutions – A Comparative Study

Selection of Sample Schools: Criteria for Study

There are several key elements institutions of higher education must include within their sexual assault policy and programming to be “effective” as defined by the Dear Colleague Letter (Ali, 2005), the National Institute for Justice (2005) and Karjane et. al (2002). For policy and programming to be workable, certain basic guidelines need to be met. In other words there is no tangible “perfect policy” (SAFER, Flip It Conference, 2012) as every campus is different and needs of communities change, but there are fundamental pieces every policy should have which are mandated by Title IX and the *Clery Act*. I conclude that the following components are essential to sexual assault policies in postsecondary institutions across the United States:

- Accessible and clear language.
- Anonymous, third-party and confidential reporting.
- Crime statistics from the last three years.
- Explicit definitions of sexual violence.
- Detailed definitions of campus with a visual campus map that outlines campus boundaries.
- Resource list of medical services, campus and local safety and security, support programs and legal advice which exist within the college or university and surrounding areas.
- Fully staffed resource center which directs programming and has a sexual assault nurse practitioner or trained medical personnel.
- Peer-to-peer models in which trained students are teaching other students about the issues and opening platforms for open, nuanced and respectful discussion.
- Student organization that is dedicated to exploring sexual violence and mobilizing the community around these issues.

The institutions I chose for this comparative study meet at least one of the above criteria. They were selected on the basis of geographic location, policy accessibility, references within the research and media coverage. The schools chosen in New York City are institutions which Pace benchmarks itself to, its competition. The following schools were selected for this study:

- Pace University – New York, NY
- Columbia University – New York, NY
- New York University – New York, NY
- The New School – New York, NY
- Boston University – Boston, MA
- George Washington University – Washington, DC
- University of New Hampshire – Durham, NH
- University of Washington – Seattle, WA
- University of California Los Angeles – Los Angeles, CA
- University of Dallas – Dallas, TX

Findings

“There is an *affirmative* responsibility of citizenship, there is an *affirmative* responsibility of colleges, universities, community colleges to be proactive in protecting what amounts as the civil rights of women on their campuses”

(*emphasis added*) (Vice President Joe Biden, April 2011).

In April 2011, Vice President Joe Biden visited the University of New Hampshire (referred to as UNH) to address sexual violence within institutions of higher education across the United States. The Obama Administration chose to speak at UNH because of its exemplary sexual assault policy and programming. UNH has a unique approach to handling sexual assault on its campus as it has both campus resources and a program dedicated to addressing sexual violence named “Sexual Harassment and Rape Prevention Program,” otherwise known as SHARPP. In addition to the basic pillars of prevention, risk reduction and crisis intervention (SAFER, Flip It Conference, 2012) that is included in the policy, SHARPP, which provides free and confidential services, has a website that defines different acts of sexual violence, details where to get help, provides tips on how friends can be supportive of a victim, outlines campus

resources and has options to contact an advocate via an online form or the 24/7 helpline.⁵

SHARPP also has online chat sessions and organizes awareness raising events around the issue.

UNH has the most robust and effective sexual assault policy and programming as defined by the Dear Colleague Letter (Ali, 2011).

Currently, UNH has a model sexual assault policy and programming which fit the demands from the White House and the Department of Education and are in total compliance with Title IX and the *Clery Act*. Institutions of higher education should refer to UNH for guidance when creating their sexual assault policy and programs. Even though every postsecondary institution is situated in a distinct environment, UNH's policy and programming is a valuable framework for institutions of higher education to adapt to their circumstances and implement.

In addition, Columbia University also has an effective sexual assault policy and programming which has been developed collaboratively between students, faculty, staff and administration. Columbia's well-rounded and comprehensive policy is easily accessible on its website⁶; its Annual Security Report is also accessible and in compliance with Title IX and the *Clery Act*⁷; demonstrates and defines its campus through an interactive campus map⁸; and has a Sexual Violence Prevention and Response Program that provides education, promotes a safe campus and advocates for support.⁹ This program is staffed by professionals and students.

Table 4.1 (Comparative Analysis) presents what my comparative study suggests:

⁵ <http://www.unh.edu/sharpp/askanadvocate.html>

⁶ http://www.columbia.edu/cu/dpsa/pdfs/Gender-Based_Misconduct_Policies_Students.pdf

⁷ <http://www.columbia.edu/cu/publicsafety/SecurityReport.pdf>

⁸ http://www.columbia.edu/about_columbia/map/

⁹ <http://health.columbia.edu/services/svprp>

School	Policy Content							
	Accessible and Clear Language	Anonymous, Confidential and/or Third Party Reporting	Crime Statistics (Last three years)	Definitions of sexual violence and campus	Resource List	Staffed Resource Center	Peer-to-Peer Models	Student Organization
Pace University	✓		✓		✓			
Columbia	✓	✓		✓	✓	✓	✓	✓
New York University	✓			✓	✓	✓		✓
CUNY – Hunter	✓		✓	✓		✓		
New School	✓			✓				
Boston University				✓	✓	✓		
George Washington University		✓		✓	✓	✓		
University of New Hampshire	✓	✓	✓	✓	✓	✓	✓	✓
University of Washington	✓	✓		✓	✓	✓		
UCLA	✓		✓	✓	✓	✓		
University of Dallas	✓		✓		✓	✓		

Table 4.1 – Comparative Analysis

My findings reveal that Pace University's sexual assault policy and programming is not on par with University of New Hampshire or Columbia University; in actuality, Pace ranks among the bottom three schools which lack many elements that make a sexual assault policy and programming workable and effective. The lowest three schools, deficient in at least five elements but no more than six components, on this scale include Boston University, the New School and Pace University.

Implications

The common reasons Boston University, the New School and Pace University were among the bottom three schools in this study is because anonymous, confidential and/or third party reporting are absent choices for victims, student organizations dedicated to raising awareness and bridging the gap between students, faculty and administration are inexistent and peer-to-peer models are not infused within the university's curriculum so that every student is trained on the prevalence of rape and sexual assault. Before Vice President Joe Biden's address to UNH, Secretary of Education Arne Duncan (2011) asserted that:

Every school would like to believe it is immune from sexual violence but the facts suggest otherwise. Our first goal is prevention through education. Information is always the best way to combat sexual violence. Our larger goal is to raise awareness to an issue that should have no place in society and especially in our schools
(Duncan, 2011).

No institution of higher education is invincible to sexual violence from occurring on campus among students. Although statistics show that sexual violence is a grave problem within the United States' education system, there are ways in which the issue can be effectively addressed through policy, community organizing and programming. Changing people's attitudes

and behaviors through education is the most crucial building block for creating a stable foundation that allows sexual violence to be discussed in safe spaces. By giving students the words to articulate and identify their experiences and providing an open, nonjudgmental and secure avenue for those experiences to be expressed, institutions of higher education will be able to decipher the community's most pressing demands. Creating an environment where sexual violence is at the forefront does not only require action on behalf of administrators, faculty and staff but proactivity within the student body. In other words, students should be educated to be responsible bystanders, trained to understand why sexual violence occurs and how it can be prevented and encouraged to break the red tape as a means of collaborating with members of the community to create the environment represented in Model T.2.

Chapter V: Recommendations

Recommendations for Pace University

While Pace University has attested its commitment to addressing sexual violence within the university community as shown by the implementation of a new and improved sexual assault policy in January 2011, there are other efforts the university can engage with to become a model framework for this issue. A change in policy must be supported by a transformation of attitudes as top-down approaches are futile if the entire community does not understand the reason such shifts are taking place. In other words, change must function on a continuum where both bottom-up and top-down approaches eventually meet for impactful change on campus to take place. I envision the continuum to look something like this:

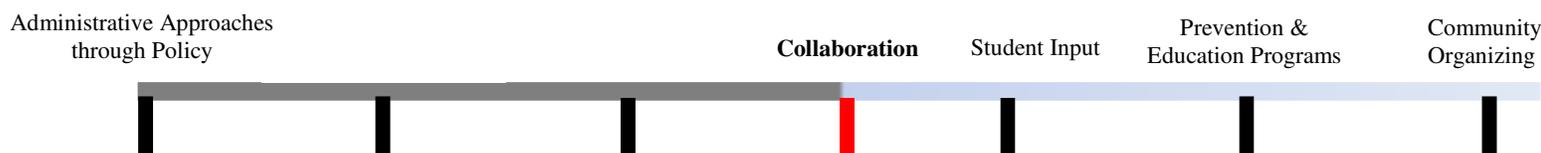


Figure 5.1 – Collaboration Continuum

On the left extreme of the continuum is “Administrative Approaches through Policy” and on the right extreme of the continuum is “Community Organizing.” The fading line signifies that these positions are interchangeable but that collaboration, which is in the middle, is the meeting point for both sides to create a space where discussion on policy and programming can happen. This continuum does not mean that one side has better tactics than the other, and I am not advocating for an “us versus them approach;” rather, this is a creative way in which diverse groups with different levels of power can come together to address the issue of sexual violence at Pace University.

Moreover, I suggest that Pace as a community comprised of students, alum, staff, faculty and administration implement the following recommendations in an effort to become a model institution of higher education in regards to sexual violence. My rigorous investigation on this issue has led me to conclude that for Pace University to have viable, sustainable and effective policy and programming, it must reallocate funding to addressing sexual violence. My recommendations are:

- 1) Distinguishing on-campus and off-campus borders in written policy and with a visual guide. By establishing the boundaries of campus, which is required by the *Clery Act*, victims will have a clear understanding of where the sexual assault took place (either on or off campus) and identify who is responsible for responding to the incident. There should be a “coordinated crisis response across campus and community” (Karjane et. al, 2002, p. xi) to facilitate reporting and assistance for the victim. Defining campus will also help administrators in reporting the correct number of forcible and non-forcible sex offenses for the Annual Security Report.
- 2) Eliminating barriers to underreporting by:
 - a) Changing discourse in the policy from unintentionally condoning victim-blaming to victim-supporting that prioritizes the victim’s needs. For example, instead of using “alleged victim,” the policy should substitute the term with the correct legal terminology, “complainant.” This neutral term does not automatically assume anything about the victim or perpetrator, whereas the words “alleged victim” implies that the victim may be lying about her experience.
 - b) Defining experiences of rape and sexual assault that are relatable to students (i.e. in the framework of date rape and acquaintance rape). Students must be able to identify and

pinpoint their sexually violent experiences in order for any reporting to take place. If the victim does not believe a rape or sexual assault occurred, either because it happened with someone she knows, it was not physically violent or it ensued while she was under the influence then she will not be able to report or at least talk about her experience with a friend who could potentially recognize what happened. To put it simply, policy and programming must make language available and accessible so that students can relate to sexual violence.

c) Incorporating provisions for anonymous, confidential and third party reporting through an assortment of methods. As previously mentioned, the research shows that when there are multiple reporting options, students are more likely to report assault and seek professional services (Karjane et. al, 2002, p. 133). Pace University must make options available on the internet, through an easily accessible anonymous and confidential reporting form. This can also be done via a hotline in which trained student advocates are available 24/7 to take calls regarding sexual violence.

d) Forming programs around the prevalence of acquaintance and date rape. Such programming would include peer-to-peer workshops infused into the University 101 curriculum, bystander intervention initiatives, behavioral illustrations of abstract legal concepts (Karjane, et. al, 2002, p. 131) wide-reaching education programs such as “student orientation, [...] campus events, interactive presentations, and passive information campaigns” (Karjane et. al, 2002, p. 127), as well as programs targeting all-male groups such as fraternities or athletes. I strongly advocate for every student to be trained on how to identify rape and sexual assault and in turn, how to respond to and report instances where sexual violence occurs either to themselves or their friends, peers,

acquaintances and classmates during the first semester of freshman year, and for transfer students during their first semester attending the university.

e) Adding an amnesty clause to the alcohol policy. Students may be deterred from reporting if they were under the influence of drugs or alcohol when the sexually violent experience happened. The way Pace University deals with students who arrive at their dorms intoxicated is absolutely unacceptable; there must be an explicit written procedure and protocol in the policy that details what will happen to a student if she or he abuses alcohol or drugs within the university. An amnesty clause needs to be added to this alcohol policy as studies show that sexual assault among college-aged individuals frequently occurs in tandem with alcohol and other drugs. By adding an amnesty clause, students will not have to fear dealing with the repercussions of the alcohol policy which may provide some sense of relief in this difficult situation.

f) Creating a gender resource center fully equipped with a full-time coordinator that handles programming, trained and certified Sexual Assault Nurse Examiner (referred to as SANE), peer educators, crisis helpline, resources and referrals and educational programs. I posit that there needs to be a space set up in 41 Park Row for this center to exist and its services should be paid for by Title IX funding the university receives.

g) Sensitivity training for security personnel. Security at Pace University should have to undergo intense training every year on how to be sensitive to and effectively respond to cases involving sexual violence. After friends and Resident Advisors, the next group of people to most likely hear about a sexually violent encounter is security. Students, especially female students, may not feel comfortable approaching a male security guard

about what happened if she feels threatened by his authority or if she believes that judgment will be incurred upon her. Showing that security knows how to respond to such cases may encourage victims to report and seek help.

- 3) Conducting a yearly climate survey on sexual violence to measure the needs of the Pace University community as a basis for evaluating policies and programming. Directing such a study would indicate what changes the university should make, thus validating my claim for an elastic sexual assault policy. An environmental scan will allow Pace's administration to identify whether resources exist and where there are major resource gaps, thus pointing to possible infrastructure improvements and a need for a more "coordinated, multipronged response" (Lichty et. al, 2008, p. 10-11).

Recommendations for Institutions of Higher Education across the United States

Because every school is located in a different environment and the needs of communities vary according to social, financial and political factors among others, one set model or ideal policy does not exist for every institution to follow. What is apparent is a set of guidelines or a framework based on a combination of legal mandates and best practices literature which institutions of higher education can use and apply according to their stage in the development process. The following is a set of recommendations for postsecondary institutions to include within their policy and programming which are essential to meet the effectiveness standard:

- 1) Having the three pillars for a comprehensive sexual assault policy as the basic foundation: prevention, risk reduction and crisis intervention (SAFER, Flip It Conference, 2012).

- 2) Consistent definitions of sexual violence (i.e. definitions for rape, sexual assault, sexual harassment, domestic violence, etc.).
- 3) Explicit definitions of on-campus and off-campus with a visual or interactive guide that highlights campus boundaries.
- 4) Provisions for anonymous, confidential and third party reporting.
- 5) Trained safety and security personnel, resident advisors, faculty, staff and administrators. Mandatory training for all students during their first semester freshman year and for transfer students during their first semester.
- 6) On-campus victim support services (i.e. health center that has a certified sexual assault nurse examiner, counseling center, resource center, etc.) and a list of resources accessible both in print and online. This list of resources should be included in the policy.
- 7) Educational programs and prevention efforts. This can include student groups, awareness raising events, bystander intervention, training programs. Prevention programs need to explicitly address non-stranger forms of rape such as date rape and acquaintance rape (Karjane et. al, 2002, p. 126).
- 8) Incorporating a proactive stance and victim-centered approach. Postsecondary institutions should be most concerned with first preventing sexual violence from occurring on campus in the first place and taking the appropriate measures, such as making avenues for expression available, to talk about the issues. Discussing the issue of sexual violence and its prevalence is one way of ensuring that it stops happening. Universities must also focus on making the victim's needs a priority during crisis intervention and ensure that the victim is aware of the grievance and adjudication process should she decide to move forward with the case (Karjane et. al, p. 131).

My recommendations for institutions of higher education in the United States are some of the major points which I continuously found within my research. These suggestions are in addition to the arguments made throughout this work.

Conclusion

Pace has a strong core curriculum focus on civic engagement and a desire to create a safe environment; this research study on the safety, education and awareness of sexual violence community serves as an indicator of Pace's commitment to its students and set Pace apart from other universities. My research puzzle determines whether the administration has implemented the types of approaches that will encourage students to report and provide victims with the support they need, while also addressing the role students play in collaborating, raising awareness about resources and holding the institution accountable. My paper presents recommendations that should be considered for implementation by top administrators at Pace University including President Friedman, the Board of Trustees, Interim Provost Harriet Feldman, Dean for Students Marijo O'Grady, Security, Legal Counsel, Affirmative Action, Housing and Residential Life and the Counseling Center.

I anticipate that students who are engaged in this type of activism read this work and figure out their role in combating sexual violence. My hope is that the next generation of student leaders will be inspired to become agents of change by working with administration and the student body to further the slight advancements that have already been made. My results have also created a general framework that urban universities in the United States can follow as a foundational approach for administrators across the country to approach these issues. I look forward to the implementation of my research study and recommendations into Pace University's sexual assault policy and curriculum in the near future.

APPENDICES

Appendix A

Title IX, Education Amendments of 1972

(Title 20 U.S.C. Section 1681) (<http://www.dol.gov/oasam/regs/statutes/titleix.htm>)

Section 1681. Sex

(a) Prohibition against discrimination; exceptions. No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, except that:

(1) Classes of educational institutions subject to prohibition

In regard to admissions to educational institutions, this section shall apply only to institutions of vocational education, professional education, and graduate higher education, and to public institutions of undergraduate higher education;

(2) Educational institutions commencing planned change in admissions

In regard to admissions to educational institutions, this section shall not apply (A) for one year from June 23, 1972, nor for six years after June 23, 1972, in the case of an educational institution which has begun the process of changing from being an institution which admits only students of one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such a change which is approved by the Secretary of Education or (B) for seven years from the date an educational institution begins the process of changing from being an institution which admits only students of one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such a change which is approved by the Secretary of Education, whichever is the later;

(3) Educational institutions of religious organizations with contrary religious tenets

This section shall not apply to any educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization;

(4) Educational institutions training individuals for military services or merchant marine

This section shall not apply to an educational institution whose primary purpose is the training of individuals for the military services of the United States, or the merchant marine;

(5) Public educational institutions with traditional and continuing admissions policy

In regard to admissions this section shall not apply to any public institution of undergraduate higher education which is an institution that traditionally and continually from its establishment has had a policy of admitting only students of one sex;

(6) Social fraternities or sororities; voluntary youth service organizations

This section shall not apply to membership practices --

(A) of a social fraternity or social sorority which is exempt from taxation under section 501(a) of Title 26, the active membership of which consists primarily of students in attendance at an institution of higher education, or

(B) of the Young Men's Christian Association, Young Women's Christian Association; Girl Scouts, Boy Scouts, Camp Fire Girls, and voluntary youth service organizations which are so exempt, the membership of which has traditionally been limited to persons of one sex and principally to persons of less than nineteen years of age;

(7) Boy or Girl conferences

This section shall not apply to--

(A) any program or activity of the American Legion undertaken in connection with the organization or operation of any Boys State conference, Boys Nation conference, Girls State conference, or Girls Nation conference; or

(B) any program or activity of any secondary school or educational institution specifically for--

(i) the promotion of any Boys State conference, Boys Nation conference, Girls State conference, or Girls Nation conference; or

(ii) the selection of students to attend any such conference;

(8) Father-son or mother-daughter activities at educational institutions

This section shall not preclude father-son or mother-daughter activities at an educational institution, but if such activities are provided for students of one sex, opportunities for reasonably comparable activities shall be provided for students of the other sex; and

(9) Institutions of higher education scholarship awards in "beauty" pageants

This section shall not apply with respect to any scholarship or other financial assistance awarded by an institution of higher education to any individual because such individual has received such award in any pageant in which the attainment of such award is based upon a combination of factors related to the personal appearance, poise, and talent of such individual and in which participation is limited to individuals of one sex only, so long as such pageant is in compliance with other nondiscrimination provisions of Federal law.

(b) Preferential or disparate treatment because of imbalance in participation or receipt of Federal benefits; statistical evidence of imbalance.

Nothing contained in subsection (a) of this section shall be interpreted to require any educational institution to grant preferential or disparate treatment to the members of one sex on account of an imbalance which may exist with respect to the total number or percentage of persons of that sex participating in or receiving the benefits of any federally supported program or activity, in comparison with the total number or percentage of persons of that sex in any community, State, section, or other area: *Provided*, that this subsection shall not be construed to prevent the consideration in any hearing or proceeding under this chapter of statistical evidence tending to show that such an imbalance exists with respect to the participation in, or receipt of the benefits of, any such program or activity by the members of one sex.

(c) Educational institution defined.

For the purposes of this chapter an educational institution means any public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education, except that in the case of an educational institution composed of more than one school, college, or department which are administratively separate units, such term means each such school, college or department.

Appendix B

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

20 U.S.C § 1092 (f) - <http://www.law.cornell.edu/uscode/text/20/1092#f>

(f) Disclosure of campus security policy and campus crime statistics

(1) Each eligible institution participating in any program under this subchapter and part **C** of subchapter **I** of chapter **34** of title **42**, other than a foreign institution of higher education, shall on August 1, 1991, begin to collect the following information with respect to campus crime statistics and campus security policies of that institution, and beginning September 1, 1992, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing at least the following information with respect to the campus security policies and campus crime statistics of that institution:

(A) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports.

(B) A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.

(C) A statement of current policies concerning campus law enforcement, including—

- (i) the law enforcement authority of campus security personnel;
- (ii) the working relationship of campus security personnel with State and local law enforcement agencies, including whether the institution has agreements with such agencies, such as written memoranda of understanding, for the investigation of alleged criminal offenses; and
- (iii) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate law enforcement agencies.

(D) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

(E) A description of programs designed to inform students and employees about the prevention of crimes.

(F) Statistics concerning the occurrence on campus, in or on noncampus buildings or property, and on public property during the most recent calendar year, and during the 2 preceding calendar years for which data are available—

- (i) of the following criminal offenses reported to campus security authorities or local police agencies:
 - (I) murder;
 - (II) sex offenses, forcible or nonforcible;
 - (III) robbery;
 - (IV) aggravated assault;

(V) burglary;
 (VI) motor vehicle theft;
 (VII) manslaughter;
 (VIII) arson; and
 (IX) arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession; and
 (ii) of the crimes described in subclauses (I) through (VIII) of clause (i), of larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and of other crimes involving bodily injury to any person, in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of prejudice.

(G) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off-campus housing facilities.

(H) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws and a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws and a description of any drug or alcohol abuse education programs as required under section [1011i](#) of this title.

(I) A statement advising the campus community where law enforcement agency information provided by a State under section [14071 \(j\)](#) ^[2] of title [42](#), concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.

(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures to—
 (i) immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, as defined in paragraph (6), unless issuing a notification will compromise efforts to contain the emergency;
 (ii) publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and
 (iii) test emergency response and evacuation procedures on an annual basis.

34 C.F.R §668.46 (<http://www.gpo.gov/fdsys/pkg/CFR-2011-title34-vol3/xml/CFR-2011-title34-vol3-sec668-46.xml>)

Institutional security policies and crime statistics.

(a) Additional definitions that apply to this section.

Business day: Monday through Friday, excluding any day when the institution is closed.

Campus: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

(2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Campus security authority: (1) A campus police department or a campus security department of an institution.

(2) Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (1) of this definition, such as an individual who is responsible for monitoring entrance into institutional property.

(3) Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

(4) An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

Noncampus building or property: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

(2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Pastoral counselor: A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

Professional counselor: A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

Public property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Referred for campus disciplinary action: The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

Test: Regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

(b) Annual security report. An institution must prepare an annual security report that contains, at a minimum, the following information:

(1) The crime statistics described in paragraph (c) of this section.

(2) A statement of current campus policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. This statement must include the institution's policies concerning its response to these reports, including—

(i) Policies for making timely warning reports to members of the campus community regarding the occurrence of crimes described in paragraph (c)(1) of this section;

(ii) Policies for preparing the annual disclosure of crime statistics; and

(iii) A list of the titles of each person or organization to whom students and employees should report the criminal offenses described in paragraph (c)(1) of this section for the purpose of making timely warning reports and the annual statistical disclosure. This statement must also disclose whether the institution has any policies or procedures that allow victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics, and, if so, a description of those policies and procedures.

(3) A statement of current policies concerning security of and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.

(4) A statement of current policies concerning campus law enforcement that—

(i) Addresses the enforcement authority of security personnel, including their relationship with State and local police agencies and whether those security personnel have the authority to arrest individuals;

(ii) Encourages accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies; and

(iii) Describes procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

(5) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

(6) A description of programs designed to inform students and employees about the prevention of crimes.

(7) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity in which students engaged at off-campus locations of student organizations officially recognized by the institution, including student organizations with off-campus housing facilities.

(8) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws.

(9) A statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws.

(10) A description of any drug or alcohol-abuse education programs, as required under section 120(a) through (d) of the HEA. For the purpose of meeting this requirement, an institution may

cross-reference the materials the institution uses to comply with section 120(a) through (d) of the HEA.

(11) A statement of policy regarding the institution's campus sexual assault programs to prevent sex offenses, and procedures to follow when a sex offense occurs. The statement must include—

- (i) A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and nonforcible sex offenses;
- (ii) Procedures students should follow if a sex offense occurs, including procedures concerning who should be contacted, the importance of preserving evidence for the proof of a criminal offense, and to whom the alleged offense should be reported;
- (iii) Information on a student's option to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that institutional personnel will assist the student in notifying these authorities, if the student requests the assistance of these personnel;
- (iv) Notification to students of existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses;
- (v) Notification to students that the institution will change a victim's academic and living situations after an alleged sex offense and of the options for those changes, if those changes are requested by the victim and are reasonably available;
- (vi) Procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that—

(A) The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and

(B) Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense. Compliance with this paragraph does not constitute a violation of the Family Educational Rights and Privacy Act (20 U.S.C. 1232g). For the purpose of this paragraph, the outcome of a disciplinary proceeding means only the institution's final determination with respect to the alleged sex offense and any sanction that is imposed against the accused; and

(vii) Sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other forcible or nonforcible sex offenses.

(12) Beginning with the annual security report distributed by October 1, 2003, a statement advising the campus community where law enforcement agency information provided by a State under section 170101(j) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(j)), concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.

(13) Beginning with the annual security report distributed by October 1, 2010, a statement of policy regarding emergency response and evacuation procedures, as described in paragraph (g) of this section.

(14) Beginning with the annual security report distributed by October 1, 2010, a statement of policy regarding missing student notification procedures, as described in paragraph (h) of this section.

(c) Crime statistics—(1) Crimes that must be reported. An institution must report statistics for the three most recent calendar years concerning the occurrence on campus, in or on noncampus

buildings or property, and on public property of the following that are reported to local police agencies or to a campus security authority:

- (i) Criminal homicide:
 - (A) Murder and nonnegligent manslaughter.
 - (B) Negligent manslaughter.
- (ii) Sex offenses:
 - (A) Forcible sex offenses.
 - (B) Nonforcible sex offenses.
- (iii) Robbery.
- (iv) Aggravated assault.
- (v) Burglary.
- (vi) Motor vehicle theft.
- (vii) Arson.
- (viii) (A) Arrests for liquor law violations, drug law violations, and illegal weapons

possession.

(B) Persons not included in paragraph (c)(1)(viii)(A) of this section, who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

(2) Recording crimes. An institution must record a crime statistic in its annual security report for the calendar year in which the crime was reported to a campus security authority.

(3) Reported crimes if a hate crime. An institution must report, by category of prejudice, the following crimes reported to local police agencies or to a campus security authority that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability:

- (i) Any crime it reports pursuant to paragraph (c)(1)(i) through (vii) of this section.
- (ii) The crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property.
- (iii) Any other crime involving bodily injury.

(4) Crimes by location. The institution must provide a geographic breakdown of the statistics reported under paragraphs (c)(1) and (3) of this section according to the following categories:

- (i) On campus.
- (ii) Of the crimes in paragraph (c)(4)(i) of this section, the number of crimes that took place in dormitories or other residential facilities for students on campus.
- (iii) In or on a noncampus building or property.
- (iv) On public property.

(5) Identification of the victim or the accused. The statistics required under paragraphs (c)(1) and (3) of this section may not include the identification of the victim or the person accused of committing the crime.

(6) Pastoral and professional counselor. An institution is not required to report statistics under paragraphs (c)(1) and (3) of this section for crimes reported to a pastoral or professional counselor.

(7) UCR definitions. An institution must compile the crime statistics required under paragraphs (c)(1) and (3) of this section using the definitions of crimes provided in appendix A to this subpart and the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection. For further guidance concerning the application of definitions and classification of crimes, an

institution must use either the UCR Reporting Handbook or the UCR Reporting Handbook: NIBRS EDITION, except that in determining how to report crimes committed in a multiple-offense situation an institution must use the UCR Reporting Handbook. Copies of the UCR publications referenced in this paragraph are available from: FBI, Communications Unit, 1000 Custer Hollow Road, Clarksburg, WV 26306 (telephone: 304-625-2823).

(8) Use of a map. In complying with the statistical reporting requirements under paragraphs (c)(1) and (3) of this section, an institution may provide a map to current and prospective students and employees that depicts its campus, noncampus buildings or property, and public property areas if the map accurately depicts its campus, noncampus buildings or property, and public property areas.

(9) Statistics from police agencies. In complying with the statistical reporting requirements under paragraphs (c)(1) through (4) of this section, an institution must make a reasonable, good faith effort to obtain the required statistics and may rely on the information supplied by a local or State police agency. If the institution makes such a reasonable, good faith effort, it is not responsible for the failure of the local or State police agency to supply the required statistics.

(d) Separate campus. An institution must comply with the requirements of this section for each separate campus.

(e) Timely warning and emergency notification. (1) An institution must, in a manner that is timely and will aid in the prevention of similar crimes, report to the campus community on crimes that are—

- (i) Described in paragraph (c)(1) and (3) of this section;
- (ii) Reported to campus security authorities as identified under the institution's statement of current campus policies pursuant to paragraph (b)(2) of this section or local police agencies; and
- (iii) Considered by the institution to represent a threat to students and employees.

(2) An institution is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

(3) If there is an immediate threat to the health or safety of students or employees occurring on campus, as described in paragraph (g)(1) of this section, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

(f) Crime log. (1) An institution that maintains a campus police or a campus security department must maintain a written, easily understood daily crime log that records, by the date the crime was reported, any crime that occurred on campus, on a noncampus building or property, on public property, or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or the campus security department. This log must include—

- (i) The nature, date, time, and general location of each crime; and
- (ii) The disposition of the complaint, if known.

(2) The institution must make an entry or an addition to an entry to the log within two business days, as defined under paragraph (a) of this section, of the report of the information to the campus police or the campus security department, unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim.

(3)(i) An institution may withhold information required under paragraphs (f)(1) and (2) of this section if there is clear and convincing evidence that the release of the information would—

- (A) Jeopardize an ongoing criminal investigation or the safety of an individual;
- (B) Cause a suspect to flee or evade detection; or
- (C) Result in the destruction of evidence.

(ii) The institution must disclose any information withheld under paragraph (f)(3)(i) of this section once the adverse effect described in that paragraph is no longer likely to occur.

(4) An institution may withhold under paragraphs (f)(2) and (3) of this section only that information that would cause the adverse effects described in those paragraphs.

(5) The institution must make the crime log for the most recent 60-day period open to public inspection during normal business hours. The institution must make any portion of the log older than 60 days available within two business days of a request for public inspection.

(g) Emergency response and evacuation procedures. An institution must include a statement of policy regarding its emergency response and evacuation procedures in the annual security report. This statement must include—

(1) The procedures the institution will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus;

(2) A description of the process the institution will use to—

(i) Confirm that there is a significant emergency or dangerous situation as described in paragraph (g)(1) of this section;

(ii) Determine the appropriate segment or segments of the campus community to receive a notification;

(iii) Determine the content of the notification; and

(iv) Initiate the notification system.

(3) A statement that the institution will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency;

(4) A list of the titles of the person or persons or organization or organizations responsible for carrying out the actions described in paragraph (g)(2) of this section;

(5) The institution's procedures for disseminating emergency information to the larger community; and

(6) The institution's procedures to test the emergency response and evacuation procedures on at least an annual basis, including—

(i) Tests that may be announced or unannounced;

(ii) Publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year; and

(iii) Documenting, for each test, a description of the exercise, the date, time, and whether it was announced or unannounced.

(h) Missing student notification policies and procedures. (1) An institution that provides any on-campus student housing facility must include a statement of policy regarding missing student notification procedures for students who reside in on-campus student housing facilities in its annual security report. This statement must—

(i) Indicate a list of titles of the persons or organizations to which students, employees, or other individuals should report that a student has been missing for 24 hours;

(ii) Require that any missing student report must be referred immediately to the institution's police or campus security department, or, in the absence of an institutional police or campus security department, to the local law enforcement agency that has jurisdiction in the area;

(iii) Contain an option for each student to identify a contact person or persons whom the institution shall notify within 24 hours of the determination that the student is missing, if the student has been determined missing by the institutional police or campus security department, or the local law enforcement agency;

(iv) Advise students that their contact information will be registered confidentially, that this information will be accessible only to authorized campus officials, and that it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation;

(v) Advise students that if they are under 18 years of age and not emancipated, the institution must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student; and

(vi) Advise students that, the institution will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

(2) The procedures that the institution must follow when a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours include—

(i) If the student has designated a contact person, notifying that contact person within 24 hours that the student is missing;

(ii) If the student is under 18 years of age and is not emancipated, notifying the student's custodial parent or guardian and any other designated contact person within 24 hours that the student is missing; and

(iii) Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, informing the local law enforcement agency that has jurisdiction in the area within 24 hours that the student is missing.

Appendix C

Policies and Procedures Concerning Sexual Assault, Stalking and Domestic and Intimate Partner Violence¹

It is the policy of Pace University to provide a safe environment, one that is free from violence, for every member of its community. Accordingly, the University prohibits and does not tolerate acts of violence that occur on University owned or controlled premises or at University-sponsored off-campus programs or events. Violent acts covered by this policy include sexual assault, stalking and domestic and intimate partner violence against any member of the University community.

This policy applies to all students, faculty and staff, as well as to visitors, guests, vendors, contractors and other third parties. Violators of this policy are subject to criminal prosecution as well as discipline by the University, including, but not limited to, termination of employment, expulsion from the University, and/or other appropriate sanctions that may be imposed by the University.

Pace University is committed to the following goals:

- Providing up-to-date information regarding the laws applicable to sexual assault, stalking and domestic/intimate partner violence and the criminal penalties for commission of those offences;
- Providing information to help members of the University community identify situations that involve sexual assault, stalking or domestic/intimate partner violence on college campuses;
- Providing clear and concise guidelines for students and other members of the University community to follow in the event that they or someone they know have (or think they have) been the victim of sexual assault, stalking or domestic/intimate partner violence;
- Providing an education program, which includes orientations for incoming students and other programs to help students and other members of the University community prevent sexual assault, stalking and domestic/intimate partner violence.
- Educating and training staff members, including counselors, security officers and Student Affairs and Human Resources staff to assist victims of sexual assault, stalking or domestic/intimate partner violence;

¹ This policy has been adopted pursuant to NYS Education Law Section 6432.

- Assisting victims of sexual assault, stalking or domestic/intimate partner violence in obtaining necessary medical care and counseling; and
- Ensuring that disciplinary procedures are followed in the event that the alleged perpetrator is a Pace student or employee.

DEFINITION OF SEXUAL ASSAULT²

Sexual assault is defined in this policy as any unwanted physical contact, or attempts to have physical contact, of a sexual nature without the clear and express consent of both individuals, or under threat or coercion. A sexual assault can be committed by a male or a female on a member of the opposite or the same sex. Sexual assault can occur forcibly and/or against a person's will. It can also occur when a person is incapable of giving consent (i) due to intoxication by drugs or alcohol, (ii) because she or he is under the age of 17, and/or (iii) because she or he has a disability (whether temporary or permanent, or mental or physical) or is unconscious or asleep and consequently is unable to give consent. Consent must be given freely, voluntarily, and with knowledge of the act proposed by the other person.

Examples of sexual assault include, but are not limited to, rape (whether by an acquaintance or a stranger) including penetration with a body part or foreign object, sodomy, oral copulation, sexual abuse, sexual battery, fondling (*e.g.*, unwanted touching or kissing for purposes of sexual gratification), and threats of sexual assault.³

DEFINITION OF STALKING⁴

In simplest terms, stalking is the unwanted pursuit of another person. By its nature, stalking is not a one-time event. The individual's actions must be considered in connection with other actions to determine if someone is being stalked. It includes repeated harassing or threatening behavior toward another person, whether that person is a total stranger, slight acquaintance, current or former intimate partner, or anyone else. Stalking behaviors can include *any* behaviors if they have no reasonable legitimate

² Sex offenses under New York State law are defined in Article 130 of the NYS Penal Code, which is available online at <http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=@SLPEN0P3THA130+&LIST=LAW+&BROWSER=BROWSER+&TOKEN=32323791+&TARGET=VIEW>. A summary of New York State Penal Code 130 sex offenses and the penalties for commission of sex offenses is attached to this policy as Appendix A.

³ Further information about sex offenses and resources for victims is available at http://www.svfreenyc.org/survivors_legal.html#A.

⁴ Stalking offenses under New York State law are defined in NYS Penal Code Sections 120.45 – 120.60, which are available online at <http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=@SLPEN0P3THA120+&LIST=LAW+&BROWSER=BROWSER+&TOKEN=32323791+&TARGET=VIEW>.

purpose, depending upon the context in which they are done. The acts committed are limited only by the stalker's creativity, access, and resources.⁵

DEFINITION OF DOMESTIC/INTIMATE PARTNER VIOLENCE

Domestic/Intimate Partner violence is abusive behavior - emotional, psychological, physical, or sexual - that one person in an intimate relationship uses in order to control the other. It takes many different forms and includes behaviors such as threats, name-calling, preventing contact with family or friends, withholding money, actual or threatened physical harm and sexual assault. Stalking can also be a form of domestic/intimate partner violence.

Most domestic/intimate partner violence is committed against women by their male partners or ex-partners. It also occurs in lesbian and gay relationships and is common in teenage dating relationships. In a small number of cases, men are abused by female partners. Every victim of domestic/intimate partner violence, whether female or male, gay or heterosexual, has the right to legal relief.⁶

WHAT TO DO IF YOU HAVE BEEN THE VICTIM OF SEXUAL ASSAULT, STALKING OR DOMESTIC/INTIMATE PARTNER VIOLENCE

Safety. If you have been the victim of sexual assault, stalking or domestic/intimate partner violence you may be fearful for your safety. If so, it is important to get to a place that is safe and secure as soon as you can. It may be helpful to contact someone you can trust and who will stay with you until the crisis has subsided and you feel safe again. This person may be a friend or a counselor or another person of your choosing.

Medical Attention. If you have been injured or believe you may have been injured as a result of a sexual assault, stalking or domestic/intimate partner violence, seek immediate medical attention. Injuries and medical treatment can be identified during a medical examination. In addition, if you have been raped, evidence that will be needed in case you decide to press criminal charges can be obtained during a medical examination. If you have been raped, it is important to try to preserve all physical evidence so that it can be collected during a medical examination. Therefore, do not bathe, shower, douche, or change clothing before a medical examination. Testing for sexually transmitted disease can be conducted during a medical examination and any necessary follow up arranged.

⁵ Further information about stalking and stalking behavior and resources for victims is available at the New York State Office for the Prevention of Domestic Violence Website at http://www.opdv.state.ny.us/professionals/criminal_justice/stalking/stalking-infoguide.html.

⁶ Further information about domestic violence and resources for victims is available at the New York State Office for the Prevention of Domestic Violence Website at <http://www.opdv.state.ny.us/help/fss/contents.html>.

Reporting A Crime. Sexual assault, stalking and domestic/intimate partner violence are crimes and the University urges victims to report crimes. Reporting a crime is not the same as pressing criminal charges; the decision to press criminal charges can be made at a later time. Sexual assault, stalking and domestic/intimate partner violence may be reported to the University's Safety and Security Department and/or to the local police department, both of which are available 24 hours a day to aid victims. Pace University has adopted a *Security and Police Coordination Plan for Investigation of Criminal Offenses (Including Violent Felony Offenses) And Missing Students Report*, which provides for the investigation of any violent felony offense occurring at a University owned or leased facility or at a University-sponsored off-campus program or event.⁷

University security officers and the local police can help ensure your safety at the scene as well as accompany you to the hospital for medical attention or arrange for ambulance service.

Counseling. Immediate crisis intervention services are available to victims of a sexual assault, stalking, or domestic/intimate partner violence as well as longer term supportive services. There are hotlines that are staffed 24 hours a day by staff trained to help you deal with the legal, medical and emotional issues associated with a sexual assault, stalking and domestic/intimate partner violence. The University's Counseling Center is available to provide psychological support to victims of a sexual assault, stalking and domestic/intimate partner violence and to assist them in evaluating their options for legal action and medical care. Deans for Students, Directors for Residential Life, Residential Advisors and Human Resources staff can also refer you to appropriate resources.

The phone numbers and addresses for resources available to victims of sexual assault, stalking and domestic/intimate partner violence may be found in Appendix B to this policy.

INTERNAL UNIVERSITY PROCEDURES FOR HANDLING SEXUAL ASSAULT, STALKING AND DOMESTIC/INTIMATE PARTNER COMPLAINTS AGAINST MEMBERS OF THE UNIVERSITY COMMUNITY

The University shall act promptly in response to information that a student, faculty member or staff member has committed a sexual assault or has engaged in stalking or domestic/intimate partner violence. Upon receipt of a complaint, pursuant to the appropriate University procedures, the University will investigate promptly the allegations and implement appropriate sanctions. Except as otherwise provided for, all members of the University community are expected to cooperate with the University's investigation and disciplinary and discrimination grievance procedures, and failure to do so may be grounds for discipline. Any member of the University community who retaliates against an individual reporting or complaining of sexual assault, stalking or domestic/intimate partner violence will be subject to University disciplinary action.

⁷ The *Pace University Security and Police Coordination Plan for Investigation of Criminal Offenses (Including Violent Felony Offenses) And Missing Students Reports* is available online at <https://www.pace.edu/general-services/safety-security/policy-and-procedures>

If you believe that you are the victim of a sexual assault committed by a Pace student, faculty member or staff member, you may file a complaint with the University's Equal Opportunity and Affirmative Action Office even if the assault did not occur on campus and/or at a University-sponsored off-campus program or event. The University urges the prompt reporting of complaints of sexual assault and encourages people who believe they have been subjected to sexual assault in violation of this policy, to invoke the University's discrimination investigation and grievance procedures [Insert Links], which are incorporated by reference into this policy).

If you believe that you are the victim of stalking or domestic/intimate partner violence committed by a Pace student, faculty member or staff member, if you are a student, you may report the incident(s) to your campus Dean for Students; and if you are an employee, you may report the incident(s) to the Vice President for Human Resources. If you are a visitor, guests, vendor, contractor or other third party, you may report the incident(s) to University Security. The University urges the prompt reporting of complaints of stalking and domestic/intimate partner violence and encourages people who believe they have been subjected to such conduct in violation of this policy, to invoke the University's investigation and disciplinary procedures applicable to students, faculty and staff .[Insert links], which are incorporated by reference into this policy.

Even if the alleged victim does not file a disciplinary or discrimination grievance complaint, the University may, at its discretion, initiate an investigation or disciplinary or discrimination grievance procedure against the accused party and impose appropriate sanctions. Furthermore, if a Pace student, faculty member or staff member is accused of committing a sexual assault, or has engaged in stalking or domestic/intimate partner violence on a person not associated with the University, the University reserves the right to investigate and impose such sanctions as may be appropriate, whether or not criminal charges have been or will be brought or a civil action commenced, and even if the assault did not occur on campus or at a University-sponsored off-campus program or event.

Pending completion of the an investigation or disciplinary or discrimination grievance procedure and/or the criminal proceeding, at the request of the alleged victim or the accused party, or pursuant to the University's own initiative, the University may implement changes in the academic, living, and/or workplace environments of the alleged victim and/or the accused party, provided such changes are reasonably practicable.

The University's investigations and its disciplinary and discrimination grievance procedures are separate from and independent of any criminal or civil proceedings that may be initiated as the result of a sexual assault, stalking or domestic/intimate partner violence. Consistent with the Pace University Security and Police Coordination Plan for Investigation of Criminal Offenses (Including Violent Felony Offenses, the University reserves the right to report any crime that is brought to its attention to the appropriate law enforcement agencies. Furthermore, at the request of the alleged victim or the accused party, or at the University's own initiative, the University may suspend its internal

investigation or disciplinary or discrimination grievance procedure until the completion of any criminal proceedings.

Any faculty member or employee in a supervisory capacity who witnesses or receives a written or oral report or complaint of sexual assault must promptly report it to University Security or the University's Equal Opportunity and Affirmative Action Officer. A failure to comply with this obligation is a violation of this policy and may subject the offender to disciplinary action. This obligation to report sexual assault does not apply to an individual who is required by her or his profession and University responsibilities to maintain the confidentiality of certain communications received while performing those University responsibilities, *e.g.*, counselor. Nevertheless, such individuals should, to the extent it is consistent with their role and the purpose of their position, strongly encourage any person who believes she or he has been subjected to sexual assault to report it to University Security or the Equal Opportunity and Affirmative Action Officer.

SANCTIONS

If it is determined either through criminal prosecution or a civil action or by the University's investigation in response to a report or complaint that a member of the University community committed a sexual assault, stalking or domestic/intimate partner violence, the University will impose appropriate sanctions. Sanctions may include, but are not limited to, termination of employment; suspension or termination of faculty status; letters of apology; warnings; reprimands; academic probation; suspension from employment, the University and/or residence halls; demotions; expulsion from the University and/or residence halls; reassignments of work or class, and/or residential space; reduction in wages; community service; a prohibition against contacting the alleged victim; and the like. Any sanction imposed by the University is in addition to any penalty that may be imposed as a result of a criminal proceeding.

PREVENTING SEXUAL ASSAULTS AND OTHER VIOLENT ASSAULTS

Crime may be prevented by anticipating, recognizing, and appraising crime risk and initiating some action to remove or reduce the risk. Actions that can reduce the risk of becoming a victim of a sexual assault and other violent assaults include but are not limited to:

1. Avoid walking alone after dark. If you must travel on campus by yourself at night, use the University's Safety and Security Department's escort Service or the campus bus.
2. Avoid working or studying alone in buildings at night.
3. Lock the door to your room when you are sleeping.

4. Never prop open exterior doors; a door that is propped is an invitation to a thief or attacker.
5. Comply with the rules of your residence hall. Sign in visitors. Do not allow anyone you do not know to enter the residence hall with you when the outside doors are locked.
6. Never allow access to residence halls or apartments to anyone you do not know; do not open the door unless you know the caller.
7. Do not use windows or fire escapes to enter or exit residence halls.
8. Call the University Safety and Security Department or notify the Resident Assistant if you see anyone in a residence hall who appears suspicious or does not belong there.
9. Never hitchhike or pick up hitchhikers.
10. Lock your car doors and keep your car windows rolled up whenever possible. Always check the rear seat of your car before entering your automobile.
11. Use only your last name and the initial of your first name on your door, mailbox, and telephone listing.
12. Never dress in front of a window. Draw blinds and curtains after dark. Call the University Safety and Security Department immediately if you believe someone is loitering outside your window, door or building.
13. Never hide your keys outside your room or apartment. Do not put your name and address on your keys.
14. Be clear about your own sexual intentions and communicate your limits clearly. Do not give mixed messages. Say "yes" when you mean "yes" and "no" when you mean "no."
15. Trust your instincts. If you feel uneasy or sense something is wrong, get away from the situation immediately. Do not worry about being polite.

CONFIDENTIALITY

The University recognizes that confidentiality is particularly important to victims of sex crimes, stalking and domestic/intimate partner violence. If the victim seeks counseling from a licensed medical professional (for example, a staff psychologist at a Pace Counseling Center), those communications will be confidential. The University

encourages victims in all circumstances to seek counseling in order to confidentially discuss her/his options and to begin recovery.

Information shared with other University representatives (for example, Security personnel, Deans for Students, Residence Hall Directors and Assistants, Human Resources staff and University administrators) is not confidential. However, while the confidentiality of those communications cannot be guaranteed, every effort will be made to maintain confidentiality on a “need to know” basis. Generally, the wishes of a victim not to report a sexual assault or incident of stalking or domestic/intimate partner violence to the police will prevail, though the University reserves the right to notify the police when it believes that such reporting is necessary for the protection of the University community. In addition, the University must adhere to legal mandates such as the Campus Security Act, which requires the University to issue campus-wide security alerts and make an annual report documenting the occurrence of violent crimes on campus, including sexual assault. However, these alerts and reports do not include any information identifying the individuals (including the victims) linked to these crimes.

AMENDMENTS

Like all of the University's policies, this policy statement does not create a contract and may be modified or amended at any time at the University's sole discretion. If the University makes any modifications or amendments to this policy, it will, to the extent possible, provide timely notice of the changes.

Revised: January _____, 2011

APPENDIX A

A Summary of New York State Penal Code 130 Sex Offenses and Penalties

D=defendant		V=Victim		
Offense	Conduct	Lack of Consent	Category/Maximum Sentence Range	Minimum Determinant Sentence
Sexual Misconduct 130.20	Sexual intercourse, oral or anal conduct or sexual conduct with animal or dead human body	V does not consent to conduct	Class A*Misdemeanor Max 1 year	
First Degree Rape 130.35	Sexual Intercourse	Forcible compulsion OR V physically helpless OR D18+ and V under 13 OR V under 11	Class B * Violent Felony Max 12½ -25 years	5 years
Second Degree Rape 130.30	Sexual Intercourse	Incapable of consent by reason of being mentally disabled or mentally incapacitated D over 18 V under 15	Class D Felony Max 2½-7years	
Third Degree Rape 130.25	Sexual Intercourse	Incapable of consent by reason D over 21 and V under 17 OR V lack of consent for reason other than age	Class E Felony Max1½-4 years	
First Degree Criminal Sexual Act 130.50	Oral or Anal Sexual Conduct	Forcible Compulsion OR V physically helpless OR V under 11 OR D 18+ AND V under 13	Class B *Violent Felony Max 12½ -25	5 years
Second Degree Criminal Sexual Act 130.45	Oral or Anal Sexual Conduct	Incapable of consent by reason of being mentally disabled or mentally incapacitated OR D 18+ and V under 15	Class D Felony *Violent Max 2 1/3 – 7 years	2 years
Third Degree Criminal Sexual Act 130.40	Oral or Anal Sexual Conduct	Incapable of consent by reason D over 21 and V under 17 OR V lack of consent for reason other than age	Class E Felony Max 1½-4 years	
Forcible Touching 130.52	Forcible Touching	Intentionally for no legitimate purpose, D grabs, squeezes or pinches the sexual or other intimate parts of V for purpose of degrading/abusing or gratifying own desire	Class A misdemeanor Max 1 year	
First Degree Sexual Abuse 130.65	Sexual Contact	Forcible compulsion OR physically helpless OR V under 11	Class D *Violent Felony Max 2 1/3 – 7 years	2 years
Second Degree Sexual Abuse 130.60	Sexual Contact	Any circumstances where V does not consent excepting D is not 5 years older than V and V is over 14	Class A misdemeanor Max 1 year	
Third Degree Sexual Abuse 130.55	Sexual Contact	Any circumstances where V does not consent excepting D is not 5 years older than V	Class B misdemeanor Max 3 months	
First Degree Course of Sexual Conduct Against a Child 130.75	Sexual Intercourse, oral or anal sexual conduct or aggravated contact	V under 11 and D engages in two or more acts over a period of not less than three months OR V under 13 and D 18+ and D engages in two or more acts over a period of not less than three months	Class B*Violent Felony Max 12½ - 25 years	5 years

Second Degree Course of Conduct Against a Child 130.80	Sexual Contact	V under 11 and D engages in two or more acts over a period of not less than three months OR V under 13 and D 18+ and D engages in two or more acts over a period of not less than three months	Class D *Violent Felony Max 3½ -7 years	2 years
First Degree Aggravated Sexual Abuse 130.70	Insertion of foreign object causing physical injury	Forcible compulsion OR V physically helpless OR V under 11	Class B *Violent Felony Max 12½ - 25 years	5 years
Second Degree Aggravated Sexual Abuse 130.67	Insertion of finger causing physical injury	Forcible compulsion OR V physically helpless OR V under 11	Class C *Violent Felony Max 7½ -15 years	3 ½ years
Third Degree Aggravated Sexual Abuse 130.66	Insertion of foreign object	Forcible compulsion OR V physically helpless or V under 11 OR physical injury and V incapable of consent due to mental disability	Class D Violent Felony Max 2½ -7 years	2 years
Fourth Degree Aggravated Sexual Abuse 130.65-a	Insertion of foreign object or finger	V incapable of consent other than age	Class E Felony Max 1 1/3 - 4 years	
Persistent Sexual Abuse 130.53	Second conviction of 2nd or 3rd degree sexual abuse or forcible touching in a ten year period	See PL §130.52 , §130.55 AND §130.60	Class E Felony Max 1½ - 4 years	
Female Genital Mutilation 130.85	Consents to or circumcises, excises, or infibulates the sexual organs of a female under 18	Female under 18	Class E Felony Max 1 ¼ -4 years	
Facilitating Sex Offense w/ Controlled Substance 130.90	Knowingly possess and administer controlled substance including GHB without consent with intent to commit Penal Code 130	V lack of consent D intends to commits felony offense defined in Penal Code 130	Class D Felony Max 3 -7 years	
**Sexually motivated felony. 130.91	A person commits a sexually motivated felony when he or she commits a specified offense for the purpose, in whole or substantial part, of his or her own direct sexual gratification.	Assault in the second degree as defined in section 120.05, assault in the first degree as defined in section 120.10, gang assault in the second degree as defined in section 120.06, gang assault in the first degree as defined in section 120.07, stalking in the first degree as defined in section 120.60, strangulation in the second degree as defined in 121.12, strangulation in the first degree as defined in 121.13, manslaughter in the second degree as defined in subdivision one of section 125.15, manslaughter in the first degree as defined in section 125.20, murder in the second degree as defined in section 125.25, aggravated murder as defined in section 125.26, murder in the first degree as defined in section 125.27, kidnapping in the second degree as defined in section 135.20, kidnapping in the first degree as defined in section 135.25, burglary in the third degree as defined in section 140.20, burglary in the second degree as defined in section 140.25, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, arson in the first degree as defined in section 150.20, robbery in the third degree as defined in section 160.05, robbery in the second degree as defined in section 160.10, robbery in the first degree as defined in section 160.15, promoting prostitution in the second degree as defined in section 230.30, promoting prostitution in the first degree as defined in section 230.32, compelling prostitution as defined in section 230.33, disseminating indecent material to minors in the first degree as defined in section 235.22, use of a child in a sexual performance as defined in section 263.05, promoting an obscene sexual performance by a child as defined in section 263.10, promoting a sexual performance by a child as defined in section 263.15, or any felony attempt or conspiracy to commit any of the		

		foregoing offenses.		
** Sentencing 130.92	When a person is convicted of a sexually motivated felony pursuant to this article, and the specified felony is a violent felony offense, as defined in section 70.02 of this chapter, the sexually motivated felony shall be deemed a violent felony offense.	When a person is convicted of a sexually motivated felony pursuant to this article, the sexually motivated felony shall be deemed to be the same offense level as the specified offense the defendant committed. Persons convicted of a sexually motivated felony as defined in section 130.91 of this article, must be sentenced in accordance with the provisions of section 70.80 of this chapter.		
*Predatory Sexual Assault 130.95	Same as first degree rape, criminal sexual act, aggravated sexual abuse or course of sexual conduct against a child causing serious physical injury OR uses/threatens use of dangerous instrument OR previously conviction of Penal codes 130, 255.25 (incest) or 263.05 (use of child in performance)	Forcible compulsion OR V physically helpless OR D engages in two or more acts over a period of not less than three months with V under 11	Class A-II Max 10-25 Persistent violent felony offender (2 or more felony convictions) Min= 25 years	
Predatory Sexual Assault Against a Child 130.96	Same as first degree rape, criminal sexual act, aggravated sexual abuse or course of sexual conduct against a child	D is 18+ and V is under 13	Class A-II Max 10-25	10 years

*Violent Felonies require determinate terms, which eliminate parole and add a period of post release supervision. Minimum sentences exist for first and second violent offenses as stated but persistent violent felonies retain the indeterminate terms of sentencing. More severe penalties apply to repeat offenders and are based on the class of the Felony.

Other offenses that may occur along with the above include incest, kidnapping, endangering the welfare of a child, assault, offenses against public sensibilities, unlawful imprisonment, sexual performance by a child, coercion, or harassment and are covered under other penal codes and carry similar penalties.

APPENDIX B***RESOURCES FOR VICTIMS OF SEXUAL ASSAULT*****I. Local Police and University Safety and Security Department*****NEW YORK CITY***

University Safety and Security Department

212-346-1800

New York City Police Department

911

BRIARCLIFF

University Safety and Security Department

914-923-2700

Briarcliff Police Department

914-941-2130

PLEASANTVILLE

University Safety and Security Department

914-773-3400

Mount Pleasant Town Police Department (has jurisdiction over Pleasantville campus)

914-769-1941

Pleasantville Police Department

914-769-1500

WESTCHESTER COUNTY

911

Westchester County Police

914-864-7700

WHITE PLAINS

University Safety and Security Department

Graduate Center 914-422-4166

Law School 914-422-4111

White Plains Police Department

914-422-6111

II. Other Key University Contacts

University Equal Opportunity and Affirmative Action Office

156 William Street, 12th Floor
 New York, NY 10038
 212-346-1310

861 Bedford Road (servicing Westchester County campuses) Costello House
 Pleasantville, NY 10570
 914-773-3856

University Deans for Students

212-346-1306 (New York City)
 914-773-3351 (Westchester County campuses)
 914- 422-4146 (Law School) University Directors for
 Residential Life
 212-346-1295 (New York City)
 914-923-2892 (Westchester County campuses)

University Human Resources Department

212-346-1893 (New York City)
914-773-3810 (Pleasantville)
914-773-2768 (Briarcliff)

III. Hotlines

NEW YORK CITY

New York City Police Department Sex Crimes Report Line

212-267-7273 (available 24 hours a day) Safe Horizon Rape &
Sexual Assault Hotline
212-227-3000 (available 24 hours a day)

WESTCHESTER COUNTY

Mental Health Association of Westchester Rape Hotline

914-345-9111 (available 24 hours a day)

NEW YORK STATE

New York State Hotline for Sexual Assault and Domestic Violence.

1-800-942-6906 : Spanish: 1-800-942-6908
1-800-818-0656 (TTY)

NATIONAL

National Domestic Violence Hotline

(800) 799-SAFE
For the hearing impaired: 1-800-787-3224

IV. Medical Treatment and Rape Crisis Centers*NEW YORK CITY*

Bellevue Hospital Center

462 First Avenue
New York, New York 10016
General Information number: 212-562-4141
Emergency Room (Adult): 212-562-4347

Rape Crisis Program
First Ave. & 27th St.
C&D Building, 4th Floor, Rm 408
New York, NY 10016
212-562-3755,

Beth Israel Medical Center, Petrie Division

16th Street and 1st Avenue
New York, NY 10003
General Number: 212-420-2000
Emergency Services 212-420-2840

Rape Crisis & Domestic Violence Intervention Program
Dept. of Social Work
317 E 17th St.
New York, NY 10003
212-420-4516

Harlem Hospital Center

506 Lenox Avenue
New York, New York 10037
212-939-1000

Center for Victim Support
Harlem Hospital Center, R. 6111 MLK
506 Lenox Ave.
New York, NY 10037
212-939-4621
Hotline: 212- 939-4613

The Mount Sinai Medical Center

One Gustave L. Levy Place
1190 Fifth Avenue
New York, NY 10029
212-241-6500

Mount Sinai Emergency Department
101st Street and Madison Avenue
212-241-7171

Sexual Assault and Violence Intervention Program (Manhattan)
1 Gustave Levy Place, Box 1670
New York, NY 10029
212-423-2140

New York Presbyterian Hospital/Columbia Campus

622 West 168th Street
New York, NY 10032
212-305-2500

Domestic and Other Violent Emergencies Program
622 W 168th St., HP2
New York, NY 10032
212-305-9060

New York Presbyterian Hospital/Weill Cornell Medical Center

525 East 68th Street
New York, NY 10065
212-746-5454

NYU Downtown Hospital

170 William Street
New York, New York 10038-2649
212-312-5000

St. Luke's-Roosevelt Hospital

Roosevelt Hospital
1000 Tenth Avenue at 58th Street
212-523-4000

St. Luke's Hospital
1111 Amsterdam Avenue at 114th Street
212-523-4000

Crime Victims Treatment Center
411 W 114th ST., Suite 2C New York, NY 10025
212-523-4728

Saint Vincent's Catholic Medical Centers

St. Vincent's Hospital Manhattan
170 West 12th Street, New York, NY 10011
212-604-7000

Rape Crisis Program
41-51 E 11th St., 9th Floor
New York, NY 10003
212-604-8068

University Health Care

41 Park Row, Suite 313
New York, NY 10038
212-346-1600
Monday-Friday, 9AM-5PM

WESTCHESTER COUNTY

Hudson Valley Hospital Center

1980 Crompond Rd
Cortlandt Manor, NY 10567
914-737-9000

Lawrence Hospital Center

55 Palmer Ave
Bronxville, NY 10708
914-787-1000

Mount Vernon Hospital

12 N 7th Ave
Mount Vernon, NY 10550
914-664-8000

Northern Westchester Hospital

400 East Main Street
Mount Kisco, NY 10549
914-666-1200

Phelps Memorial Hospital Center

701 North Broadway
Sleepy Hollow, NY 10591
914-366-3000

St. John's Riverside Hospital

967 N Broadway
Yonkers, NY 10701
914-964-7990

Sound Shore Medical Center

16 Guion Place
New Rochelle, NY 10801
914- 632-5001

University Health Care Center, Pleasantville Campus
(serving Westchester County campuses)

861 Bedford Road
Pleasantville, New York 10570
914-773-3760
Mon, Tues, Wed: 9AM – 8 PM Thurs & Fri: 9AM –
5PM

Westchester Medical Center

95 Grasslands Rd, Bldg 3
Valhalla, NY 10595-1696
914- 493-7000

White Plains Hospital Center

41 East Post Road
White Plains, NY 10601
914-681-0600

V. Counseling and Referrals

See also the hotlines and rape crisis centers listed above under Hotlines and Medical Treatment, respectively, for additional resources for counseling and referrals.

NEW YORK CITY

Pace University Counseling Center

156 William Street, 12th Floor
 New York, NY 10038
 212-346-1526
 Monday-Friday, 9AM–5PM, evening hours by appointment

Safe Horizon Rape & Sexual Assault Hotline

212-227-3000 (available 24 hours a day) Safe Horizon
 Alternatives to Violence Program
 718-834-7471

NYC Alliance Against Sexual Assault

32 Broadway
 Suite 1101
 New York, NY 10004
 (212) 229-0345 phone (english) (212) 229-0676 fax
 Email: contact-us@svfreenyc.org
 Web site: <http://www.svfreenyc.org/about.html>

WESTCHESTER

Mental Health Association of Westchester Rape Hotline
 914-345-9111 (available 24 hours a day) Victims Assistance
 Services
 Westchester Community Opportunities Program

2269 Saw Mill River Rd, Bldg. #3
 Elmsford, NY 10523-3833
 914-345-3113
 1-800-726-4041 Hotline

University Counseling Center, Pleasantville Campus
(servicing Westchester County campuses)

861 Bedford Road Administration Center, 2nd Floor
Pleasantville, NY 10570
914-773-3710
Mon-Fri: 9 AM–5PM by appointment
Mon-Fri: 1:00-2:30PM walk-in hours

Pace Women's Justice Center
(Legal services for victims of domestic/intimate partner violence)

Pace Law School
78 North Broadway
White Plains, NY 10603
Phone: (914) 422-4069
1-877-SAFE914 (1-877-723-3194) Fax: (914) 422-4102
Helpline: (914) 287-0739
Web site: http://web.pace.edu/page.cfm?doc_id=24082

NEW YORK STATE

New York State Coalition Against Sexual Assault (NYSCASA)

28 Essex Street, Albany, NY 12206
Phone: 518-482-4222
Fax: 518- 482-4248
Email: info@nyscasa.org
Web site: <http://nyscasa.org/>

New York State Office for the Prevention of Domestic Violence

80 Wolf Road
Albany, NY 12205
NYS Hotline: 1-800-942-6906 || Spanish: 1-800-942-6908
Phone: 518-457-5800
Fax: 518-457-5810
Web site: www.opdv.state.ny.us

VI. Miscellaneous Resources

Employee Assistance Program (for employees and faculty only) (24 hours)
1-866-248-4096

www.liveandworkwell.com

Access code 61530

VII. Sources for List of Individuals Registered As Sex Offenders

In accordance with the Campus Sex Crimes Prevention Act, law enforcement agencies must maintain a list of individuals that have registered as sex offenders with a state requiring registration, including employees, students, or persons carrying on a vocation with an educational institution within the jurisdiction of the local law enforcement agency. A list of the local law enforcement agencies having jurisdiction over each Pace site where a list of registered sex offenders is maintained follows below. Information may also be found at the New York State Offender Registry Information Line; 1-800-262-3257; <http://criminaljustice.state.ny.us/nsor/index.htm> .

NEW YORK CITY

One Pace Plaza

New York City Police Department
1 Police Plaza
New York, New York 10038
646-610-5000

Midtown

New York City Police Department
Mid-Town North Precinct
306 W. 54th Street
New York, New York 10019
212-767-8447-Community Affairs Unit

BRIARCLIFF

Briarcliff Manor Police Department
111 Pleasantville Road
Briarcliff, New York 10510
914-941-2130

PLEASANTVILLE

Mt. Pleasant Police Department
914-769-1941
www.mppdny.com (click on Sex Offender Registry)

WHITE PLAINS

White Plains Police Department
77 South Lexington Avenue
White Plains, New York 10601
914-422-6224-Special Victims Unit

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