

# SEXUAL HARASSMENT & ASSAULT

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The following is the text of the City University of New York's Policy Against Sexual Harassment, which was made effective throughout the City University as of October 1, 1995, and revised January 1, 2005.

## Policy Statement

It is the policy of the City University of New York to promote a cooperative work and academic environment in which there exists mutual respect for all CUNY students, faculty, and staff. Harassment of employees or students based upon sex is inconsistent with this objective and contrary to the CUNY's nondiscrimination policy. Sexual harassment is illegal under federal, state, and city laws, and will not be tolerated within CUNY.

The City University of New York, through its colleges, will disseminate this policy and take other steps to educate the CUNY community about sexual harassment. CUNY will establish procedures to ensure that investigations of allegations of sexual harassment are conducted in a manner that is prompt, fair, thorough, and as confidential as possible under the circumstances, and that appropriate corrective and/or disciplinary action is taken as warranted by the circumstances when sexual harassment is determined to have occurred. Members of the CUNY community who believe themselves to be aggrieved under this policy are strongly encouraged to report the allegations of sexual harassment as promptly as possible. Delay in making a complaint of sexual harassment may make it more difficult for the college to investigate the allegations.

## Prohibited Conduct

It is a violation of CUNY policy for any member of the CUNY community to engage in sexual harassment or to retaliate against any member of the CUNY community for raising an allegation of sexual harassment, for filing a complaint alleging sexual harassment, or for participating in any proceeding to determine if sexual harassment has occurred.

## Definition of Sexual Harassment

For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other oral or written communications or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing; or
2. submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic per-

formance or creating an intimidating, hostile, or abusive work or academic environment.

Sexual harassment can occur between individuals of different sexes or of the same sex. Although sexual harassment most often exploits a relationship between individuals of unequal power (such as between a faculty member and student, supervisor and employee, or tenured and untenured faculty members), it may also occur between individuals of equal power (such as between fellow students or coworkers), or in some circumstances even where it appears that the harasser has less power than the individual harassed (for example, a student sexually harassing a faculty member). A lack of intent to harass may be relevant to, but will not be determinative of, whether sexual harassment has occurred.

## Examples of Sexual Harassment

Sexual harassment may take different forms. Using a person's response to a request for sexual favors as a basis for an academic or employment decision is one form of sexual harassment. Examples of this type of sexual harassment (known as *quid pro quo* harassment) include, but are not limited to, the following:

- ▲ requesting or demanding sexual favors in exchange for employment or academic opportunities (such as hiring, promotions, grades, or recommendations);
- ▲ submitting unfair or inaccurate job or academic evaluations or grades, or denying training, promotion, or access to any other employment or academic opportunity, because sexual advances have been rejected.

Other types of unwelcome conduct of a sexual nature can also constitute sexual harassment, if sufficiently severe or pervasive that the target does find, and a reasonable person would find, that an intimidating, hostile, or abusive work or academic environment has been created. Examples of this kind of sexual harassment (known as hostile environment harassment) include, but are not limited to, the following:

- ▲ sexual comments, teasing, or jokes;
- ▲ sexual slurs, demeaning epithets, derogatory statements, or other verbal abuse;
- ▲ graphic or sexually suggestive comments about an individual's attire or body;
- ▲ inquiries or discussions about sexual activities;
- ▲ pressure to accept social invitations, to meet privately, to date, or to have sexual relations;
- ▲ sexually suggestive letters or other written materials;
- ▲ sexual touching, brushing up against another in a sexual manner, graphic or sexually suggestive gestures, cornering, pinching, grabbing, kissing, or fondling;
- ▲ coerced sexual intercourse or sexual assault.

## **Consensual Relationships**

Amorous, dating, or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur between a faculty member, supervisor, or other member of the CUNY community and any person for whom he/she has a professional responsibility. These dangers can include: that a student or employee may feel coerced into an unwanted relationship because he/she fears that refusal to enter into the relationship will adversely affect his/her education or employment; that conflicts of interest may arise when a faculty member, supervisor, or other member of the CUNY community is required to evaluate the work or make personnel or academic decisions with respect to an individual with whom he/she is having a romantic relationship; that students or employees may perceive that a fellow student or coworker who is involved in a romantic relationship will receive an unfair advantage; and that if the relationship ends in a way that is not amicable, either or both of the parties may wish to take action to injure the other party.

Faculty members, supervisors, and other members of the CUNY community who have professional responsibility for other individuals, accordingly, should be aware that any romantic or sexual involvement with a student or employee for whom they have such a responsibility may raise questions as to the mutuality of the relationship and may lead to charges of sexual harassment. For the reasons stated above, such relationships are strongly discouraged.

For purposes of this section, an individual has “professional responsibility” for another individual at CUNY if he/she performs functions including, but not limited to, teaching, counseling, grading, advising, evaluating, hiring, supervising, or making decisions or recommendations that confer benefits such as promotions, financial aid or awards or other remuneration, or that may impact upon other academic or employment opportunities.

## **Academic Freedom**

This policy shall not be interpreted so as to constitute interference with academic freedom.

## **False and Malicious Accusations**

Members of the CUNY community who make false and malicious complaints of sexual harassment, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action.

## **Procedures**

The City University of New York has developed procedures to implement this policy. The president of each constituent college of CUNY, the Senior Vice Chancellor at the Central Office, and the Dean of the Law School shall have ultimate responsibility for overseeing compliance with this policy at his/her respective unit of CUNY. In addition, each dean, director, department chair, executive officer, administrator,

or other person with supervisory responsibility shall be required to report any complaint of sexual harassment to the individual or individuals designated in the procedures. All members of the University community are required to cooperate in any investigation of a sexual harassment complaint.

## **Enforcement**

There is a range of corrective actions and penalties available to the University for violations of this policy. Students, faculty, or staff who are found, following applicable disciplinary proceedings, to have violated this policy are subject to various penalties, including termination of employment and/or student expulsion from CUNY.

## **Confidentiality**

The privacy of individuals who bring complaints of sexual harassment, who are accused of sexual harassment, or who are otherwise involved in the complaint process should be respected, and information obtained in connection with the filing, investigation, or resolution of complaints will be handled as confidentially as possible. It is not possible, however, to guarantee absolute confidentiality, and no such promises should be made by the Sexual Harassment Coordinator, a Deputy Coordinator, Awareness & Intake Committee member, or other CUNY employee who may be involved in the complaint process.

## **Making a Complaint of Sexual Harassment**

Any member of the CUNY community may report allegations of sexual harassment to the Sexual Harassment Coordinator, a deputy coordinator, or any member of the Awareness & Intake Committee. Employees who are covered by collective bargaining agreements may either use their contractual grievance procedures, within the time limits provided in those agreements, to report allegations of sexual harassment; or, they may report such allegations directly to the Sexual Harassment Coordinator, a deputy coordinator, or a member of the Sexual Harassment Awareness & Intake Committee. Members of the CUNY community who believe themselves to be aggrieved under the policy are strongly encouraged to report the allegations of sexual harassment as promptly as possible. Delay in making a complaint may make it more difficult for the college to investigate the allegations.

In the event that a student or employee on an assignment off campus files a complaint, the Sexual Harassment Coordinator should investigate the complaint promptly. Students who participate in field placement assignments should be informed, prior to reporting to the assignment, of CUNY's procedures regarding complaints of sexual harassment while on field placement assignments.

## **Responsibilities of Supervisors**

a. Each dean, director, department chair, executive officer, administrator, or other person with supervisory responsibility

ity (hereinafter “supervisor”) is responsible within his/her area of jurisdiction for the implementation of the policy and must report to the Sexual Harassment Coordinator, or in his/her absence a deputy coordinator, any complaint of sexual harassment or any incident of sexual harassment that he/she becomes aware of or reasonably believes to exist. Having reported such complaint or incident, the supervisor should keep it confidential and not disclose it further, except as necessary during the complaint process.

b. Each supervisor shall arrange for the posting, in his/her area, of the University Policy Against Sexual Harassment and the names, titles, telephone numbers, and office locations of the college Sexual Harassment Coordinator, deputy coordinators, and Awareness & Intake Committee members. Other materials provided to a supervisor by the Sexual Harassment Awareness & Intake Committee should also be posted.

### **Responsibilities of the University Community-at-Large**

Members of the CUNY community who become aware of allegations of sexual harassment should encourage the aggrieved individual to report the alleged sexual harassment to the Sexual Harassment Coordinator, a deputy coordinator, or any member of the Awareness & Intake Committee.

## **SEXUAL HARASSMENT COORDINATORS**

**The President has designated the following persons as the college’s Sexual Harassment Coordinators, responsible for investigating complaints made to members of the college’s Sexual Harassment Awareness & Intake Committee.**

Dr. Elizabeth McCaffrey, Coordinator,  
College Counseling & Resource Center  
Frese Hall, Room 111, 718-997-5421

Dr. A. David Baker, Deputy Coordinator,  
Chemistry & Biochemistry  
Remsen Hall, Room 117, 718-997-4219

Ms. Cynthia W. Rountree, Deputy Coordinator,  
Affirmative Action, Compliance & Diversity  
Kiely Hall, Room 147, 718-997-5888

## **SEXUAL HARASSMENT AWARENESS & INTAKE COMMITTEE**

**The President has designated the following persons to serve on the college’s Sexual Harassment Awareness & Intake Committee. Complaints of sexual harassment may be made to any member of the committee.**

Ms. Connie Capobianco, RN, Coordinator  
Health Service Center  
Frese Hall, Room 305, 718-997-2763

Ms. Deena Feldman  
Security & Public Safety Office  
Jefferson Hall, Room 201, 718-997-4443

Ms. Tsui-Fang Shen  
Health & Wellness Advisor  
Frese Hall, Room 303, 718-997-2762

Dr. Michael Steffy  
Anthropology  
Powdermaker Hall, Room 314, 718-997-5512

Dr. Joyce Warren  
Women’s Studies  
Klapper Hall, Room 609, 718-997-4620

Appendix F lists the official Procedures for Implementation of the City University’s Policy Against Sexual Harassment.

## SEXUAL ASSAULT AND OTHER SEXUAL OFFENSES

Contact: Security & Public Safety Office,  
718-997-4443; Main Gate, 718-997-5912

In compliance with Section 6450 of the New York Education Law, the college provides the following information about sexual assault, encourages reporting of any incident of sexual assault and other sexual offenses, and sets forth measures to facilitate its prevention. New York law on sex offenses is provided in Appendix G.

Possible sanctions for sex offenses (forcible or non-forcible) following an on-campus disciplinary procedure (if the perpetrator is found guilty by the Faculty Student Disciplinary Committee), can range from a reprimand and a letter in the student's file in the Office of the Vice President for Student Affairs to suspension or expulsion of the student.

### Preventing Date or Acquaintance Rape

- ▲ Convey strongly that you expect your rights to be respected.
- ▲ Meet new acquaintances in public places. Always have your own transportation or travel with good friends.
- ▲ Keep money in your pocket or purse for phone calls or to pay for transportation if you must leave a situation abruptly.
- ▲ Be aware of how much alcohol is being consumed. It's best to avoid using alcohol. While not a direct cause of date rape, alcohol can increase your vulnerability by lowering your alertness and ability to react.
- ▲ Know who is preparing your drink, even if it is not alcohol. Don't accept a drink from a stranger or someone you've just met. If you're drinking bottled water, make sure you see the bottle opened, or open it yourself!
- ▲ Don't leave your drink unattended. Something could be added to it while you are distracted. So-called "date-rape drugs" not only render you unable to react to unwanted sexual advances, but also impair your ability to remember the incident—making it difficult, if not impossible, to have the person(s) who assaulted you prosecuted.
- ▲ Clearly define your sexual limit. If someone starts to offend you, be direct. Passivity may be interpreted as permission. Say no clearly when you mean no.
- ▲ If you feel you are being pressured into unwanted sex, say something as soon as you can, before the behavior goes any further.
- ▲ It's okay to criticize your date's actions and still like your date. However, if you don't say anything, your date won't know what behavior to stop. If your date doesn't listen, leave.
- ▲ Embarrassment should not keep you from doing what is right for you. Don't hesitate to raise your voice, stand up abruptly, or scream if the situation warrants it.

### What to Do if You Are Attacked

- ▲ After an attack, try to be as calm as possible in order to think clearly. Get to a safe place and call for help immediately. If you are on campus, call Security at 718-997-5912; anywhere else, call the police at 911, call a relative or friend, the QC Counseling & Resource Center (718-997-5420), or a rape crisis service. The NYC Police Department Sex Crimes Report Line is always open at 212-COP-RAPE (212-267-7273). A female detective will handle your call.
- ▲ Remain in the same condition as when the attacker left. Do not change, wash, or destroy any clothing or any article that may be evidence.
- ▲ Do not wash or douche or comb your hair.
- ▲ Have a medical and internal/gynecological exam at the nearest hospital emergency room as soon as possible. The doctor should note and treat any injuries and test for and take measures to combat the possibility of sexually transmitted disease or pregnancy. If you report being raped, the doctor must collect semen smears as evidence.
- ▲ Show police any bruises or injuries, however minor, resulting from the attack. Also show injuries to a friend or relative who might be available as a corroborative witness at the trial. If possible, photograph bruises.
- ▲ Leave the crime scene exactly as it is. Do not touch, clean up, or throw anything away.
- ▲ Give any clothing that was stained or torn (including undergarments) during the crime to the police.
- ▲ When calm, write down every detail about the incident, including: who, what, when, where, and how; what the rapist looked like (height, weight, clothing, type of build, color of skin, hair, eyes, facial oddities, scars, jewelry, etc.); description of any vehicle used or the direction you last saw the rapist running; what kind of force or coercion was used; any objects touched, taken, or left by the rapist; if the rapist said anything, try to remember the words, the grammar, any accents or speech defects; and if there were witnesses, list who and where they might be.
- ▲ Seek psychological support as well as medical attention. Even though the actual incident is over, you may suffer from rape trauma syndrome, which includes a variety of difficulties commonly experienced after a sexual assault.

### Support Services for Victims of Assault

Any member of the Queens College community who has been the victim of sexual assault (including past sexual trauma) can turn to several campus support services. Information about these services, including current hours of operation (which are subject to change), are listed below.

Contact: College Counseling & Resource Center  
Frese Hall, 1st floor – Reception Area, 718-997-5420

Faculty and staff as well as students may use the Counseling & Resource Center, which is open 9 am–5 pm, Monday through Friday, and Wednesday, 5–7 pm when classes are

in session. Experienced psychologists and counselors (male and female), trained to deal with the consequences of sexual-assault trauma, are on hand to provide crisis intervention, in-office counseling, referral to other support services and self-help groups, and ongoing psychotherapy when indicated. The center can also refer victims to community-based support groups and professional organizations. Help can be provided, when requested, to assist in changing academic or living situations after an alleged incident.

**All counseling is confidential, and no fee is involved.**

### Health Service Center

Frese Hall, 3rd floor, 718-997-2760

Web site: [www.qc.cuny.edu/Health\\_Services](http://www.qc.cuny.edu/Health_Services)

Hours: Monday–Friday, 9 am to 5 pm

The Health Service Center is the campus's health ambulatory/infirmarary site. A registered nurse provides walk-in services to students, faculty, and staff who are injured or require medical assistance. Assistance is also provided for disabled students. The center ensures that all students meet the New York State Health Immunization mandate Public Health Law 2165. Free MMR, TB, and flu clinics are scheduled during the year for students and faculty who meet certain criteria. Scales for height/weight, eye tests for drivers, as well as blood pressure monitoring, health care referrals, and counseling are available. In addition, nutritional counseling is available from a nutritionist/health and wellness advisor.

The staff conducts ongoing health education workshops and lectures, as well as providing individual counseling on HIV/AIDS, STDs, substance and alcohol abuse, safer sex, birth control, nutrition, hypertension, cardiovascular disease, women's and men's health, stress reduction, and other health and wellness issues. First aid supplies and feminine hygiene products are provided for those in need of them. Health insurance information is also available.

The staff is especially sensitive to the needs of students, and preventive health care is a high priority.

**All health records and consultations are strictly confidential.**

### Educational Programs

There are ongoing programs, workshops, and seminars sponsored by the college, student organizations, and student governments that are designed to promote awareness of rape, acquaintance rape, and other sex offenses. Look for notices of such programs in college newspapers, the Student Union program listings, and other college calendars of events. An online calendar is available via the college's Web site ([www.qc.cuny.edu](http://www.qc.cuny.edu)).

### Off-Campus Resources

Emergency: 911

112th Precinct, Borough Sex Crimes Detective Squad,  
68-40 Austin Street, Forest Hills,  
718-520-9363

*The NYC Police Department Sex Crimes Report Line:* 212-COP-RAPE, open around the clock, is answered by a female detective at all times. It takes telephone reports of sex crimes, refers victims to counseling and other community services, provides information on police procedures, etc.

*The NYC Task Force against Sexual Assault:* Open Monday through Friday, 9 am–5 pm, 212-274-3210. Provides free literature, referrals to counseling services, and holds networking meetings for professionals in the field.

*The NYC Victims Service Agency:* Open 24 hours, 7 days a week, 212-577-7777. Provides crisis intervention for crime victims.

*The Gay & Lesbian Anti-Violence Project:* Open 10 am–8 pm, Monday–Thursday; 10 am–6 pm, Friday; 24-hour hotline: 212-807-0197. Provides short-term crisis counseling, advocacy services, and referrals for long-term counseling.

### Don't Victimize Others

▲ Any form of sex that is against a person's will is against the law. Do not risk your career or a possible prison term.

▲ It is never okay to force yourself on another person. No one owes sexual payment or deserves sexual assault. The fact that you paid for an expensive date or your date is wearing provocative clothing does not give you permission for sexual contact.

▲ If you have doubts about what your date wants, stop and ask. Discuss your sexual desires (and limits) openly. Believe in your right and your date's right to set limits.

▲ Do not assume that previous permission for sexual contact applies to the current situation.

▲ When someone says no to sex, she/he isn't rejecting you as a person. She/he is expressing her/his desire not to participate in a single act. Your desires may be beyond your control, but your actions *are* within your control. Always remember that *you* are responsible for your actions.

▲ Accept a person's decision not to have sexual contact. "No" *means* no! Do not read other meanings into the answer. If you proceed without consent, you are breaking the law.

▲ Do not let embarrassment or peer pressure keep you from doing what is correct for you.