





December 6, 2013

**MEMORANDUM**

To: Cabinet  
Council of Presidents  
Deans and Vice Presidents of Student Affairs/Student Development  
Directors of Public Safety  
Title IX Coordinators  
Legal Designees

From: Frederick P. Schaffer, General Counsel and Senior Vice Chancellor for Legal Affairs   
Frank Sanchez, Vice Chancellor for Student Affairs   
William Barry, Director, University Public Safety   
Gloriana B. Waters, Vice Chancellor for Human Resources Management 

Re: Mandatory Protocol for Reporting and Responding to Allegations of Sexual Harassment, Including Sexual Assault, or Stalking or Domestic and Intimate Partner Violence Against Students

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In April 2011, in response to the improper handling of allegations of sexual harassment and sexual assault against students on the part of several prominent U.S. colleges, the Department of Education's Office for Civil Rights issued its Dear Colleague Letter ("DCL"), in which it stated: "[i]f a school knows or reasonably should know about...student harassment that creates a hostile environment, Title IX requires the school to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects." Accordingly, the DCL sets forth specific requirements for handling complaints alleging sexual harassment, including sexual assault, stalking or intimate partner violence against students.

In light of these very specific requirements under Title IX, as well as our significant interest in supporting our student population by providing education in the prevention of sexual harassment, offering as many support services as possible to students who are victims, and taking aggressive measures against perpetrators of violence, we are instituting the following Protocol to which all CUNY schools must adhere:

If information is received regarding an allegation that a student has been the victim of sexual harassment, including sexual assault, stalking, or domestic and intimate partner violence perpetrated by another CUNY student, faculty or staff member, the following individuals on each campus must be notified:

- 1) Title IX Coordinator;
- 2) Director of Public Safety, who in turn will contact University Director Bill Barry; and
- 3) Chief Student Affairs Officer (CSAO).

If one of these individuals becomes aware of such an allegation, she/he must promptly notify the other two.

Once notified, these individuals are expected to play the following roles:

- Title IX Coordinator (in most cases the Chief Diversity Officer): is responsible for coordinating and leading the investigation of an allegation that a student has been the victim of sexual harassment or sexual assault, regardless of whether the incident occurred on or off-campus, whether a formal complaint was filed, whether confidentiality is requested or whether a criminal investigation is pending, consistent with Title IX requirements and CUNY policies. She/he is also required to inform and obtain consent from the complainant to conduct the investigation, inform the complainant of the option to file a criminal complaint, take prompt and effective steps reasonably calculated to end any harassment or violence, including interim measures, and to prevent/redress retaliation, provide both parties with periodic status updates of the investigation and notice of outcome of the investigation, and maintain all documents of the investigation, including a log.

- Campus Director of Public Safety: in consultation with University Public Safety, will assist the Title IX Coordinator in conducting the investigation when needed and will contact and communicate with the NYPD and other law enforcement agencies when appropriate, consistent with Title IX requirements and CUNY policies. Campus public safety is also responsible for assisting the complainant in filing a criminal complaint and obtaining immediate medical and mental health attention, as well as preserving any evidence of the crime that may exist. During the pendency of the investigation, public safety shall assist the complainant in getting around campus safely, as needed.

- Chief Student Affairs Officer: will assist the Title IX Coordinator and campus Public Safety Director in the investigation as needed. The CSAO is also expected to play a critical role in working with the students involved in the investigation, when appropriate and consistent with Title IX requirements and CUNY policies, such as: 1) informing the complainant of her/his option to notify law enforcement authorities; 2) assisting the complainant in obtaining a student advocate or an appropriately trained counselor to guide her/him through the various aspects of her/his ordeal; 3) making necessary changes to the parties' academic programs and residential housing situation; 4) helping the complainant access medical and counseling services; and 5) ensuring a fair and impartial student disciplinary process.

This process will ensure not only that Title IX investigations are being conducted in an adequate, reliable and impartial manner, in accordance with the Department of Education's requirements, but also that these cases are being handled consistently throughout the University and that students needs are being fully met. If any questions or concerns arise regarding requirements under Title IX or CUNY Policies, always feel free to contact your campus legal affairs designee or Kristen Bowes at the General Counsel's Office at 646-664-9234. Additionally, to avoid compromising investigations, all public communications concerning these matters must be coordinated with the General Counsel's Office and the Office of University Relations.