



**MEMORANDUM**

**October 2, 2014**

**TO: Members of the Board of Trustees**

**FROM: Nancy L. Zimpher, Chancellor, at the request of  
Governor Andrew M. Cuomo**

**SUBJECT: Sexual Assault Response & Prevention**

**Action Requested**

Consistent with the leadership of Governor Andrew M. Cuomo and to build upon the State University of New York's nationally-recognized efforts to address sexual violence on its campuses, the proposed resolution will establish a comprehensive, system-wide, uniform set of sexual assault prevention and response practices at SUNY campuses, which can be a model for colleges and universities across the State and the nation.

This proposed resolution will require:

- All SUNY campuses to adopt a uniform Sexual Assault Victims' Bill of Rights to notify and assist victims of sexual assault of their right to contact campus, local and/or State law enforcement, and to widely publicize the Bill of Rights to all students and distribute it to victims;
- All SUNY campuses to adopt a system-wide definition of affirmative consent as a clear, unambiguous, and voluntary agreement between the participants to engage in specific sexual activity, and shall widely disseminate this definition to the college/university community;
- All SUNY campuses to adopt a uniform, system-wide sexual assault student reporting amnesty policy;
- SUNY, working with the State, to conduct statewide coordinated training with all SUNY campuses, including training by University Police and State Police, mandatory to the fullest extent possible, on best practices for campus response and investigation plans and victim sensitivity, and training by expert SUNY and statewide officials for college administrators and adjudicators on preventing



and addressing sexual violence and how to improve compliance with existing federal laws. SUNY will also release a uniform training for students to be included at each freshman orientation;

- SUNY, in coordination with the State, to undertake a statewide public awareness campaign, to increase awareness among college students, high school students, and parents of individual safety and prevention techniques as well as the importance of bystander intervention in any unsafe situation;
- All SUNY campuses to adopt a uniform, system-wide Confidentiality and Reporting Protocol; and
- All SUNY campuses to conduct a uniform campus climate assessment.

### **Resolution**

I recommend that the Board of Trustees adopt the following resolution:

Whereas sexual assault and violence on campuses cause unmeasurable trauma to victims and cannot and will not be tolerated; and

Whereas New York State and SUNY are committed to taking great care in protecting the safety and well-being of all of its students, employees and personnel and to creating and maintaining a safe educational and learning environment free from all sexually related harms, whether occurring on or off campus; and

Whereas SUNY recognizes the need to take all possible precautionary steps to prevent sexual assaults from occurring, and finds that college/university officials can play a crucial role in combatting sexually-related crimes that injure our dedicated students and employees, and finds that we must do everything possible to assist and safeguard the victims of these horrendous crimes and to hold offenders accountable for their actions in accordance with due process; and

Whereas Governor Andrew M. Cuomo has taken an active leadership role in addressing sexual violence on college/university campuses; and

Whereas consistent with the Governor's leadership, SUNY has done a comprehensive review of existing policies and

procedures, and recognizes that many of its campuses have long maintained programs that are best practices aimed at responding to and preventing sexual assault and other forms of sexual violence on and off campus, and finds that it is critical that these best practices be replicated consistently at all SUNY campuses so that there is a clear and uniform policy system-wide; now, therefore be it

Resolved that all SUNY campuses shall adopt the system-wide, uniform Sexual Assault Victims' Bill of Rights, to notify and assist victims of sexual assault of their right to contact campus, local, and/or State law enforcement; and, be it further

Resolved that the Sexual Assault Victims' Bill of Rights shall include campus-specific and local community victim resources, and shall be widely publicized to all students, with a hard copy document being made specifically available to any known victim, so that students have clear and effective information on what rights and options they have as well as how to access immediate and on-going assistance after an act of sexual assault has occurred; and, be it further

Resolved that all SUNY campuses shall adopt the following uniform definition of affirmative consent, and widely disseminate this definition to the college/university community:

- Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- A person is deemed incapable of consenting when that person is mentally defective, mentally incapacitated, physically helpless (whether induced by drugs, alcohol or otherwise), or asleep; and, be it further

Resolved that all SUNY campuses shall adopt the uniform sexual assault student reporting amnesty policy granting amnesty for various student code of conduct violations, for example, minor alcohol or drug infractions, for students reporting incidents of sexual assault or other sexual violence; and, be it further

Resolved that SUNY will work with the State to convene statewide coordinated training by University Police and State Police, mandatory to the fullest extent possible, on best practices for campus response and investigation plans and victim sensitivity, as well as training by expert SUNY and statewide officials for college administrators and adjudicators throughout New York State on preventing and addressing sexual violence and how to improve compliance with existing federal laws at a time to be announced by SUNY, and all SUNY campuses shall implement the uniform freshman orientation training; and, be it further

Resolved that SUNY will coordinate with the State to undertake a statewide public awareness campaign to increase awareness among college students, high school students, and parents of individual safety and prevention techniques as well as the importance of bystander intervention in any unsafe situation; and, be it further

Resolved that all SUNY campuses shall adopt the uniform Confidentiality and Reporting Protocol, encouraging the prompt and accurate reporting of acts of sexual assault, allowing the campus community to respond quickly to allegations of sexual assault, and ensuring that students have timely and accurate information about available confidential resources; and, be it further

Resolved that all SUNY campuses shall conduct the uniform campus climate assessment in order to gauge the prevalence of sexual assault on campus, test students' attitudes and awareness of the issue, and provide campuses with information to help them form solutions for addressing and preventing sexual assault on and off campus; and, be it further

Resolved that, in consultation with the SUNY State-operated campuses and community colleges, within sixty (60) days, the Chancellor, or designee, shall adopt a comprehensive, uniform, system-wide sexual assault prevention and response plan to be implemented at all SUNY campuses

that will include the following: (1) the uniform Sexual Assault Victims' Bill of Rights; (2) the uniform sexual assault student reporting amnesty policy; (3) the uniform freshman orientation training; (4) the uniform Confidentiality and Reporting Protocol; (5) the uniform campus climate assessment; and (6) the uniform definition of affirmative consent; and, be it further

Resolved that all SUNY campus Presidents must report to the Chancellor, or designee, by March 31, 2015, the actions they have taken to address the measures set forth above, and the Chancellor shall subsequently report to the Board on the consolidated actions of the campuses and that the Chancellor shall also report these actions to the Governor.