

## Memorandum

TO: Chief Academic Officers and Vice Presidents of Student Affairs

FROM: Interim EVC Julia Wrigley, VC Frank Sanchez, VC Schaffer, VC Gloriana Waters

CC: CUNY OAA and College International Education Officers, College Student Affairs Officers; College Title IX Officers; CUNY and College Legal Designees; CUNY OEHSRM and College EHS Officers

DATE: May 28, 2015

### RE: Title IX and Travel Abroad

Although mandatory Title IX training has been implemented across the campuses, its protocols need further elaboration to provide clear guidance to CUNY students traveling abroad and to CUNY faculty and staff supervising students abroad. A Title IX Travel Committee chaired by Jane Sovern, CUNY Deputy General Counsel, has created two documents to ensure that all CUNY students traveling abroad (including all students on CUNY programs and CUNY students traveling on non-CUNY programs) and the faculty and staff accompanying them (when applicable) receive consistent written information on how Title IX applies when students participate in activities outside the U.S. connected with their CUNY education (whether for credit or not).

Since we have our largest annual wave of students departing for study, internship, volunteer and other opportunities abroad this summer, we ask that you ensure the distribution of the attached documents as follows:

- *Understanding Title IX Guidelines When Abroad: A Student Guide*  
Distribute this guide to all students going abroad for study, internship, volunteer and other activities related to their CUNY education.
- *Title IX Compliance Guidelines for CUNY Employees Traveling Abroad with Students*  
Distribute to all faculty and staff accompanying students abroad.

These documents will be periodically revised and redistributed as further changes are needed regarding Title IX's application when students are abroad. The documents may be distributed at orientation sessions, but since many sessions have already been held they may also be distributed electronically. The student document will be posted at <http://www1.cuny.edu/sites/studyabroad/wp-content/uploads/sites/11/2013/09/TIX-Abroad-Student-Guide.pdf> and you may link to it on your website. The employee document should not be posted online.

We realize that the risk of sexual assault abroad is regularly addressed in pre-departure orientations and faculty training. These documents are designed to supplement your orientations and trainings, but they are essential to document that specific points have been communicated.

# Title IX Compliance Guidelines for CUNY Employees

## Traveling Abroad with Students



### I. General

- Students who experience sexual misconduct while participating in a CUNY-sponsored trip or program abroad, whether for credit or not, have certain rights and responsibilities. This guide explains these rights and responsibilities, and the responsibility Program Directors and other CUNY employees traveling abroad with students have to minimize the risk of sexual misconduct on programs abroad and to respond to students' complaints of sexual misconduct abroad.
- All CUNY faculty and staff who accompany students abroad are **required** to report allegations of sexual misconduct of which they become aware.
- Please be reminded that CUNY policy prohibits faculty members and other employees from engaging in intimate relationships (even if they are consensual) with students for whom they have a "professional responsibility."

### II. Before departure, Program Directors must:

- Offer a **pre-departure orientation** that includes information about different customs, norms, and laws in the destination country. This orientation should emphasize that compliance is a matter of personal safety as well as cultural sensitivity. Locally appropriate attire and behavior should be reviewed, and any special risks based on gender and/or sexual orientation should be highlighted. Although Title IX issues should be covered in a general orientation offered to all students going abroad, faculty directors should also take care to supplement this with site-specific considerations and their first-hand knowledge of the destination.
- Distribute the **orientation handout** *Understanding Title IX Guidelines when Abroad: A Student Guide* and review as a focused component of the orientation program, or remind students about its content if it was distributed in a general orientation. The incident reporting process, including that all CUNY employees must report incidents of sexual misconduct, and rules protecting witnesses and those who experience sexual misconduct from penalty when reporting sexual misconduct (CUNY Amnesty Policy) should be reviewed.

### III. During the program:

- A. **CUNY employees abroad with students should continue to inform students on ways to minimize the risk of sexual misconduct by:**
- Addressing behavioral issues that could put students at risk **as they occur**.
  - **Documenting** measures taken to inform, protect, and/or discipline students.
- B. **If a student reports sexual misconduct (as defined in CUNY's Policy on Sexual Misconduct) while on a program with a CUNY employee on site, the CUNY employee must:**
- Help a student who reports an experience of sexual misconduct to obtain **prompt medical attention**. Regardless of whether a criminal case will be pursued, the student should be encouraged to request forensic evidence collection.

- Take measures to ensure the safety of all students and integrity of the program. **If the Accused is a CUNY student**, this may mean removing the Accused from the program. Individuals who are accused of sexual misconduct should be informed that program removal is a precautionary measure and that they will receive due process in accordance with CUNY's Sexual Misconduct Policy and the opportunity to earn program credit through alternative assignments when they return to campus. Inform all individuals involved that retaliation of any kind is prohibited under the CUNY Policy on Sexual Misconduct.
- Help the Complainant contact the nearest **U.S. consular authorities** so the Complainant can understand his or her options. Local U.S. consular authorities can also provide support during interactions with local law enforcement. U.S. consulates will generally provide support to students enrolled in programs sponsored by a U.S. institution, even if they are not U.S. citizens. If the Accused is also a program participant, the student should also be offered access to consular advice.
- **Be open** with students about the obligations of faculty and other chaperones to report; reassure them that sensitive information will only be shared on a **need-to-know basis**.
- **Immediately report incidents** to the senior staff member in the office sponsoring the program (campus Office of Study Abroad or Student Affairs Office) and the college Title IX Coordinator. The senior staff member in the office sponsoring the program should be the primary contact while abroad. He or she will work with the campus Title IX coordinator. Emails about sexual assault should not contain student names; identifying details should be communicated through secure methods. In consultation with the Title IX coordinator, and to the extent possible, the Program Director will conduct a preliminary investigation of the complaint while abroad.
- Offer to help the student establish contact with a trusted friend, family member, or a qualified mental health professional for **emotional support**. Although Program Directors are not qualified to provide psychological treatment, they must keep in mind that people who have experienced incidents of sexual misconduct may be traumatized, and must be treated with sensitivity and understanding.
- Work with the Complainant to determine **whether he or she wants to continue with the program**. If the Complainant chooses to return to campus before the program ends, the Program Director should assist the student with logistical arrangements (such as flight rebooking) and (if applicable) offer alternative assignments to earn program credit.

#### **IV. Upon returning to the home campus, CUNY employees who have dealt with alleged sexual misconduct abroad must:**

- Work with the office coordinating the trip and the Title IX coordinator to ensure that the student is offered counseling and other services as appropriate.
- Work with the office coordinating the trip to determine the factor(s) that contributed to the incident. If any contributing factor(s) are under the program's purview (e.g. orientation content, accommodations, program rules, outside vendors), develop a plan to address these issues. If any contributing factor represents an ongoing risk that cannot be remedied by the program, the Provost should be alerted and asked to review the program's viability.
- Retain all documentation related to any incidents. Share the documentation with the Study Abroad Office, the Title IX coordinator and your campus counsel and/or the CUNY Office of General Counsel.

## ***Understanding Title IX Guidelines When Abroad: A Student Guide***



**If you are a CUNY student who experiences sexual harassment, gender-based harassment, or sexual violence, including sexual assault, stalking, domestic violence, intimate partner violence or dating violence, while abroad on a CUNY program, you are entitled to the following rights:**

- To make a complaint to the program director, who will notify the Campus Chief Study Abroad Officer, Chief Student Affairs Officer, and Campus Title IX Coordinator.
- To have your complaint investigated in a prompt, impartial and thorough manner, to the extent possible abroad.
- To have the investigation of your complaint continued upon your return to campus by individuals who have received appropriate training in conducting investigations and the issues related to sexual misconduct.
- To have any allegations of retaliation investigated in a prompt, impartial and thorough manner upon your return to campus.
- To report incidents of sexual harassment or sexual violence that you experience while under the influence of alcohol or drugs without receiving discipline for the alcohol or drug use, if you agree to complete appropriate education or treatment as the circumstances warrant.
- To work with your program director to determine whether or not to continue with the program. If you decide to leave the program, you can receive alternative assignments to allow you to earn program credit.
- While abroad, you have the right to advice from local consular personnel with knowledge of the local criminal justice system to help you understand your options as a potential complainant. However, laws regarding crimes of sexual violence vary substantially from country to country, and your options may be limited by local law and by local authorities' expectations that complainants remain in or return to the country to support a prosecution.
- Upon your return to campus, to be provided with confidential on-campus counseling, and to be notified of other available services on and off-campus.
- To obtain, where appropriate, changes with respect to academic and living arrangements, no-contact orders, and other interim remedial measures, including security measures. Some interim measures may only be implemented upon return to campus.
- Upon your return to campus, if a disciplinary hearing is held, to have the same opportunity as the accused to participate in a student disciplinary hearing before a faculty-student disciplinary committee, including the right to be present, to be represented by a person of your choice, including an attorney, to present evidence, call witnesses, cross-examine witnesses, receive notice of the outcome of the hearing, and to appeal the decision.
- To file a criminal complaint against assailants and (if they are U.S.-based) to seek an Order of Protection, with the assistance of the college, if you so choose.

**As the participant in a program abroad, you also have responsibilities:**

- To participate in all pre-departure orientation sessions and to read all materials distributed by the program director, study abroad office, and (if applicable) other entities involved in your study abroad experience, such as a study abroad provider.
- To complete the College's pre-departure orientation that will include information about different cultural customs, norms and laws in the destination country. You will be advised that different norms abroad may affect your safety and/or the safety of other program participants.
- To follow all program rules.
- If you go to a bar or party abroad, to arrive and leave with friends.
- If you or a friend are impaired by alcohol or drugs, to seek help from a trip leader. A student who reports or experiences sexual harassment, gender-based harassment, or sexual violence will not be disciplined by the college for any violation of CUNY's Policy Against Drugs and Alcohol in connection with the reported incident subject to the conditions in CUNY's Medical Amnesty/Good Samaritan policy.
- If you are participating in a program not run directly by CUNY, including CUNY-affiliated programs, it is your responsibility to ask the program to provide information on its policies and practices regarding sexual misconduct.

**If you are the victim of sexual assault while on a program that does not have CUNY staff or faculty on site (affiliated programs, exchange programs and programs that students enroll in directly):**

- You should work with your local program director to access support and resources while on the program.
- You have the right to on-campus counseling and support services when you return to campus.
- If you enrolled in the program through a CUNY college (if the program is an affiliated or exchange program), please inform the Study Abroad Office at the college that helped you enroll of any incidents of sexual misconduct.