





January 20, 2015

MEMORANDUM

To: Cabinet
Council of Presidents
Title IX Coordinators
Deans and Vice Presidents of Student Affairs/Student Development
Directors of Public Safety
Legal Designees
Directors of Human Resources
Labor 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: Updated Mandatory Protocol For Reporting And Responding To Allegations Of Sexual Harassment, Gender-Based Harassment and Sexual Violence

This memorandum updates and replaces the December 2013 memorandum setting forth the Protocol for Reporting and Responding to Allegations of Sexual Harassment. On December 1, 2014, CUNY adopted its new Policy on Sexual Misconduct, which became effective January 1, 2015. The Policy prohibits sexual harassment, gender-based harassment and sexual violence, including sexual assault, stalking and dating and domestic violence when of a sexual nature, certain intimate relationships between a faculty member or employee and any student for whom he or she has a professional responsibility, as well as retaliation for filing a complaint under the Policy.

The Policy, which covers all CUNY community members, including students, faculty, staff and visitors to the campus, sets forth available options for students, employees and visitors who wish to report an incident of sexual harassment, gender-based harassment and sexual violence. In addition, the Policy specifies the reporting obligations for certain employees who are deemed "responsible employees" (as listed on page 8 of the Policy). All "responsible employees" have a duty to report incidents of sexual harassment, gender-based harassment and sexual violence, including all relevant details, to the Title IX Coordinator. Employees who are deemed "confidential" will not be required to report an allegation, absent the complainant's permission or an imminent threat to the complainant or any other person. All other employees who are not designated as "responsible" or "confidential" are strongly encouraged to report an allegation to the Title IX Coordinator.

While the Policy on Sexual Misconduct specifies that reports are required to be made to the Title IX Coordinator, and the Title IX Coordinator has overall responsibility for handling complaints under the Policy, it is incumbent upon the Title IX Coordinator to immediately contact the following individuals in the event she/he learns of an incident that falls under the Policy:

- 1) Director of Public Safety (who in turn will contact the University Director); and
- 2) Chief Student Affairs Officer if the alleged complainant or respondent is a student; and/or
- 3) Director of Human Resources (HR) if the alleged complainant or respondent is an employee.

These individuals are required under this Protocol to engage in an immediate and coordinated response to ensure the matter is addressed in accordance with the Policy on Sexual Misconduct. Such steps shall include when necessary and appropriate the following actions with the responsible parties designated in parentheses:

- 1) Assisting the complainant with reporting to law enforcement and/or obtaining an Order of Protection, if complainant wishes (campus Public Safety), and with receiving immediate medical and counseling services (campus Student Affairs if a student, or campus HR if an employee);
- 2) Taking immediate “Interim and Supportive Measures” to protect the complainant and other affected parties, as well as the community at large, following an allegation of sexual harassment, gender-based harassment or sexual violence (Student Affairs/HR, with Public Safety and Title IX Coordinator as necessary). [Examples of these measures are listed on page 9 of the Policy];
- 3) Conducting an investigation in a prompt, thorough and impartial manner (Title IX Coordinator, with Public Safety as necessary);
- 4) Coordinating investigative steps with local law enforcement agencies (Public Safety, with campus Legal Designee as necessary); and/or
- 5) Commencing disciplinary action against the respondent student (Student Affairs) or employee (HR).

This process will ensure that Title IX investigations are handled consistently throughout the University pursuant to CUNY’s Policy on Sexual Misconduct. If any questions or concerns arise regarding requirements under Title IX or CUNY Policies, always feel free to contact your campus legal affairs designee. Additionally, to avoid compromising investigations, all public communications concerning these matters must be coordinated with the CUNY General Counsel’s Office and the Office of University Relations.