

Enough is Enough: Combating Sexual Assault on College Campuses

Board of Regents
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Last year Governor Cuomo signed into law Chapter 76 which added Education Law Article 129-B

All New York State colleges and universities are required to establish policies and procedures regarding sexual assault, dating violence, domestic violence and stalking prevention on their campuses

The law requires all colleges and universities in New York State to have:

- An amnesty policy to ensure that students reporting incidents of sexual assault or other sexual violence are granted immunity for certain campus policy violations such as drug and/or alcohol use.
- A uniform definition of affirmative consent, defining consent as a knowing, voluntary, and mutual decision among all participants to engage in sexual activity.
- A Students' Bill of Rights which campuses will be required to distribute to all students to inform sexual violence victims of their legal rights and how they may access appropriate resources. The Bill of Rights must clearly state that students are given the right to know they can report sexual assaults to outside law enforcement, including the State Police.
- Comprehensive training requirements for administrators, staff, and students.

The new law:

- Created a new unit within the State Police called the “sexual assault victims unit,” to provide training when responding to sexual assaults and related crimes on campus, assistance to campus police or local law enforcement, and training to college campus communities.
- Committed \$10 million to help combat campus sexual assault:
 - \$4.5 million to rape crisis centers to provide services and resources to students,
 - \$4.5 million to the State Police to a create sexual assault victims unit, and
 - \$1 million to colleges and universities
- No resources were provided to the New York State Education Department to support the Department’s new responsibilities under the statute.

The State Education Department's responsibilities under the Enough is Enough Law:

- Collect Annual Certificates of Compliance from institutions.
- Collect copies of all written rules and policies adopted by colleges and universities to comply with the new law.
- Collect annual data from institutions about reports of domestic violence, dating violence, stalking, and sexual assault.
- Issue regulations in consultation with SUNY, CUNY, and private and independent colleges and universities regarding the annual data reports.
- Issue a report to the Governor and Legislature regarding the data collected from institution.
- Conduct random audits of institutions to ensure compliance with the law.
- Post information and statistics regarding compliance on SED's website.

What is SED doing to implement the new law?

- Meetings and conversations among the Department, the NYS Office of Campus Security, the NYS Police, the Department of Criminal Justice Services, and the State University of New York.
- In partnership with the NYS Office of Campus Security and SUNY, the Department created a guidance document to assist colleges and universities in understanding and complying with the provisions of the Enough is Enough statute. This document is posted on the Department's website.
- Developing regulations on the required annual data reports from Institutions of Higher Education in consultation with the higher education sectors.
- Creating electronic processes for colleges to file all required certificates, information and data with the Department.
- Considering how the Department will support the random audits of compliance required by the statute – no additional resources or staff were provided to the Department under the statute.