

## **An Assessment of Manhattan College’s “Title IX and Non-Discrimination Notice” & Range of Sanctions**

This document serves as a brief assessment of Manhattan College’s [“Title IX and Non-Discrimination Notice”](#) and range of sanctions in comparison to five major academic institutions: Boston University, Columbia University, Syracuse University, Brandeis University, and Emory University. The first half of the document probes the approaches that institutions have adopted when faced with Title IX violations and discrimination. The second half of the document explores the range of sanctions documented as policy in the face of Title IX violations and discrimination.

Our findings reveal two prominent approaches that colleges and universities adopt when faced with Title IX violations and discrimination: **institutional and legal** and **emotional/mental health and physical health/medical**. **The most common approach is the institutional and legal - reporting the incident is primary - over the emotional and physical health where counseling and medical help are secondary.** Boston University is one such example as is Manhattan College. One of the implications of this approach is that **victims are forced to recount their stories multiple times** to varying audiences. Columbia University also supports an institutional and legal approach, making counseling and medical services secondary. However, Columbia University provides a list of resources bifurcated into “Confidential Resources” versus “Non-Confidential Resources.” Syracuse University, on the other hand, prioritizes emotional and physical health over institutional and legal priorities, where confidentiality is of utmost importance and reporting is secondary. (However, the counseling center at Syracuse is located next to a string of fraternities and sororities.) Clearly, **both approaches seem to be presented as competing priorities, as if they are at odds with one another.**

**Manhattan College is not unique in its primarily institutional and legal approach.** Perhaps mandates like Title IX and the [Clergy Act](#) are encouraging colleges and universities to focus on incident reporting rather than advocacy, an unintended consequence. Nevertheless, **it is unrealistic and insensitive of Manhattan College to encourage victims to overlook emotional comfort in favor of institutional reporting and legal justice. Furthermore, Manhattan College puts little emphasis on health/medical concerns.**

In turning our attention to the range of sanctions documented at academic institutions when faced with Title IX violations and discrimination, the Department of Sociology at Manhattan College is deeply troubled. Brandeis University demonstrates that **mistreatment of an object is equally criminal compared to mistreatment of a human being.** For example, in August 2009, a student was found guilty of sexual harassment; assault; and battery, and in November 2009, a student was found guilty of underage intoxication; vandalism; and false identification. Both students were forced to apologize and faced residence probation. Here, **the range of sanctions is similar for plagiarism compared to sexual violations.** In effect Brandeis University’s sanctions policies serve to diminish sexual assault victims, most likely women. At Emory University, the range of sanctions is simply too wide with a multitude of minor sanctions, e.g. an apology to the victim; a verbal or written reprimand; a requirement to attend remedial training; appropriate workplace restrictions; denial of a merit pay increase or other benefit; denial of promotion; or reassignment, suspension or separation from the University.

**MC’s range of sanctions for sexual violations of any kind is in line with other schools.** The sanctions do not seem to be any more severe than the range of sanctions for other types of violations (see [“Community Standards & Student Code of Conduct”](#))! For example, **the sanctions listed for fire safety violation are similar to those of sexual assault.** While it is unlikely that a student will be expelled for a fire safety violation, comparing sexual assault to fire safety violation is troublesome indeed. Clearly, Manhattan College is not an anomaly.

**The Department of Sociology recommends that Manhattan College adopt an emotional and physical health approach, prioritizing counseling and confidentiality and medical help over reporting and non-confidentiality for victims. In moving towards this approach, the Department of Sociology requests that Manhattan College clearly outline confidential versus non-confidential sources.** ([“Title IX and Non-Discrimination Notice”](#) includes the contact information of Title IX enforcers and a second and different contact list labeled “Resources.” While it’s useful that MC has this information available, it seems to be amongst a plethora of information that can easily be overlooked. The two lists should be consolidated and shortened to include only the most important contacts.) **However, the Department of Sociology does not believe that the two approaches must necessarily be at odds with one another. Here, as our final recommendation, the Department of Sociology supports a streamlined approach that prioritizes victim agency from emotional/mental health to physical health/medical to institutional reporting and legal justice, and that the sanctions for sexual assault be revised to fully reflect the severity of Title IX violations and discrimination.**

# An Assessment of Manhattan College’s “Title IX and Non-Discrimination Notice” & Range of Sanctions

## 1) Emotional and Physical Health Approach vs. Institutional and Legal Approach

### a) *Boston University’s Institutional and Legal Approach*

- i) Counseling seems to be secondary to reporting the incident. Meaning, victims must recount their stories multiple times.
- ii) Boston University is on the [list of 55 colleges under Title IX’s scrutiny](#)

### b) *Columbia University’s Dual but Separate Approach*

- i) Their contact list is separated into “Confidential Resources” and “Non-Confidential Resources.” Health and counseling services are confidential and are the first two contacts listed.
- ii) However, the [FAQ](#) of the site portrays the counseling services as secondary by only mentioning counseling resources for situations when the victim does not want to press charges.
- iii) [Anna Bahr’s article examines sexual assault at Columbia](#). The article is based primarily on interviews conducted over four months with ten Columbia and Barnard students who allegedly suffered sexual violence or harassment on campus during academic years ranging from 2011-2012 to 2013-14. Of these ten men and women, six chose to report their assaults to the Office of Gender-Based and Sexual Misconduct. Of those six students, two complaints were carried through the entire judicial hearing process to find the alleged assaulter responsible. Neither of the individuals found in violation of the policy was expelled.

### c) *Syracuse University’s Emotional Approach*

- i) Memo from the Chancellor Kent Syverud (May 30<sup>th</sup>, 2014)

“Student Affairs Sexual Violence Support Services

As I mentioned in my May 12th memo, the University has been actively reviewing and assessing its sexual violence support services, structures, and policies. I also indicated that necessary changes will be implemented over the course of the summer to ensure that we are in compliance with best practices in this area.

One step in this process is that the Division of Student Affairs will be realigning key departments to create a stronger and more integrated set of University support services for students impacted by sexual violence. Currently, there are more than five different points of entry within the University for students seeking these services. Under the new structure, the Counseling Center will serve as the primary entry point for students who have been impacted by sexual violence and who need access to confidential and privileged services [emphasis added].

The services of the Advocacy Center will be integrated and aligned with the Counseling Center, Office of Student Assistance, and Office of Health Promotion [emphasis added]. Under federal guidelines, Advocacy Center staff are not able to provide completely confidential and privileged services to students impacted by sexual violence [emphasis added]. Under the new structure, the Director and the Sexual Health Coordinator at the Advocacy Center will have positions that enable them to continue providing students the important advocacy and education services they currently offer.

I believe these changes are necessary to improve the overall effectiveness of the Student Affairs services that are provided to students.”

- ii) Summary: The Advocacy Center, which currently provides a safe space for sexual assault victims, will now serve its duties through Counseling Center, which serves a larger variety of students’ issues (mainly mental health issues), in order to provide confidentiality.

### d) *Manhattan College’s Institutional and Legal Approach*

- i) MC’s [“Title IX and Non-Discrimination Notice, Who to Contact on Campus”](#) dictates that the first step of action should be to contact the Title IX Coordinator Vicki Cowan, deputy Title IX coordinators, and/or the

## **An Assessment of Manhattan College’s “Title IX and Non-Discrimination Notice” & Range of Sanctions**

United States Department of Education’s Office for Civil Rights. These figure heads and offices provide institutional and judicial assistance and they are not trained in counseling or medical assistance.

- ii) This [list of contacts](#) emphasizes Title IX enforcers and omits rape crisis centers and on-campus counselors like Dr. [Christin Nedumchira](#), the Staff Psychologist of the Counseling Center at MC (718-862-7446).
  - (1) [This notice](#) (“Title IX and Non-Discrimination Notice”) also provides an entirely different contact list labeled “Resources.” While it’s useful that MC has this information available, it seems to be amongst a plethora of information that can easily be overlooked.

### **2) Range of Sanctions for Title IX Violations**

#### **a) *Brandeis University***

- i) As one example among many, Brandeis University’s [records](#) of all criminal incidents on campus from June 2009 to December 2010 show an important point: only one sexual harassment case was reported in this time period – an unrealistic statistic.
- ii) We must also look at how administrators view sexual harassment. In August 2009, a student was found guilty of sexual harassment, assault, and battery, and in November 2009, a student was found guilty of underage intoxication, vandalism, and false identification. Both students were forced to apologize and faced residence probation.
- iii) Article: [“Brandeis University Punishes Sexual Assault With Sensitivity Training”](#)

#### **b) *Emory University***

- i) “The [sanctions](#) may include, but are not limited to, an apology to the victim; a verbal or written reprimand; a requirement to attend remedial training; appropriate workplace restrictions; denial of a merit pay increase or other benefit; denial of promotion; or reassignment, suspension or separation from the University.”
- ii) Emory (along with University of Chicago and 53 other institutions) is on the list of 55 colleges that failed to meet Title IX requirements.

#### **c) *Manhattan College***

- i) “Possible penalties include exclusion from certain College buildings, classes, residence halls, and College events as well as suspension, expulsion, and/or discharge from employment or enrollment” (see [“Formal Hearing”](#)).
- ii) MC’s [“Community Standards & Student Code of Conduct”](#) states that the minimum sanction for sexual misconduct and assault may result in “expulsion from the college”(II, F). This particular sanction is also listed as a possibility for the following crimes:
  - (1) Fire Safety Violations (II, J)
    - (a) burning a candle in a dorm
    - (b) blocking a fire exit
    - (c) smoking indoors
  - (2) Residence Hall Violations (III, D)
    - (a) having pets in the dorms
    - (b) unauthorized solicitation
    - (c) entry to residence hall roof areas
  - (3) On/Off-Campus Alcohol/Drug Violations (II, A, B & D)
  - (4) Violations of the MC Honor Code (I, C)
  - (5) Physical Harassment (II, H)