

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.