

CARE

Campus Assault and Relationship Education

A Guide for Fordham University Students



FORDHAM UNIVERSITY

THE JESUIT UNIVERSITY OF NEW YORK



Fordham University Policy on Sexual Offenses	4
Definitions of Sexual Offenses	4
Prevention of Sexual Offenses.....	7
Date Rape and Gang Rape.....	9
Substance-related Rape	10
What if I am a Bystander	11
Rape Survivors: What You Can Do	12
Reporting Procedures for the University	14
Title IX Student Conduct Process	16
Reporting Procedures for the Local Police Departments	16
Frequently Asked Questions	17
Resources	21
Fordham University Campus Resources	21
Off-campus Resources	23
Police Agencies	23
Rape Crisis Centers	24
Hospitals.....	24
Community Legal Services	25
Division of Student Affairs	26

Note: This booklet was created to address the issues of sexual offenses, stalking, and/or domestic or dating violence and describe Fordham University’s policies and procedures for students. In addition, a list of on- and off-campus resources can be found at the back of this booklet.

Fordham University Policy on Sexual Offenses

Fordham University is committed to the development and support of its primary educational mission. The University will not tolerate sexual offenses such as rape, sexual abuse, sexual harassment, or other forms of non-consensual activity, including stalking, and/or domestic or dating violence. Fordham will take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent recurrence and, as appropriate, remedy its effects.

Fordham University supports this policy through educational prevention, counseling, and medical support services. Educational programs include, but are not limited to, campus-wide distribution of the CARE brochure; online training for new students; new student orientation programs related to sexual violence; CARE core program for new students; peer education workshops on topics that include the nature of sexual offenses and dating violence, keys to prevention, and coping with the aftermath of an assault; public safety presentations; residential life presentations; rape awareness programs; individual and group counseling; and other support services.

Fordham University responds to all sexual offense, stalking, and/or domestic or dating violence incidents with a trained response team that includes public safety, the dean of students, the Title IX coordinator, residential life, health services, counseling services, and off-campus resources as needed.

Fordham University will enforce this policy on sexual offenses through internal student conduct procedures that are fair, prompt, and impartial. Student conduct cases will be handled by the respective dean of students on each campus who receives annual Title IX and sexual misconduct training.

Definitions of Sexual Offenses:

A. Unlawful Sex and Gender Discrimination is any action that denies a person access to, or the benefits of, any program or activity or employment opportunity, solely on the basis of sex or gender.

B. Limitations on Consensual Relationships: In order to protect the integrity of the university academic and work environment, this policy outlines limitations on consensual romantic or sexual relationships between and among faculty, staff, and students. When individuals are involved in a consensual romantic or sexual relationship and are in positions of unequal authority or power, there is the potential for a conflict of interest, favoritism, and exploitation of power. Anyone with supervisory authority or evaluative, mentoring authority who controls or influences another person's employment, academic advancement, extracurricular or athletic team participation, scholarship or financial support, grades, recommendations, wage status, or promotion at the University should not be in a romantic or sexual relationship with that person regardless of consent. If anyone is promoted into a position that results in a conflict with this policy limiting consensual relationships, this information must be reported to a supervisor, vice president, or executive director of Human Resources who will contact the Title IX coordinator for assistance in resolving the conflict.

C. Sexual Harassment: is a form of sex discrimination. It is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual

nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or status in a program, course or activity;
2. submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting an individual; or
3. such conduct is sufficiently pervasive, offensive, or abusive to have the purpose or reasonable effect of interfering with an individual's work or educational performance, or creating an intimidating, hostile, or offensive work or educational environment.

Some examples of sexual harassment include, but are not limited to:

- i. physical assault;
- ii. unwanted sexual advances, requests for sexual favors or propositions of a sexual nature;
- iii. direct or implied threats that submission to sexual advances is a condition for employment promotion, good grades, recommendations, etc.
- iv. unwelcome verbal or physical conduct of a sexual nature which an individual regards as undesirable or offensive, including, but not necessarily limited to, sexually explicit jokes, statements and questions or remarks about sexual activity or experience.

D. Rape/Sexual Abuse is defined as physical sexual acts against another person that include: vaginal, anal, or oral sexual intercourse with another person, touching sexual or intimate parts of another person, or inserting a foreign object, however slight, into any sexual or intimate parts of another person:

1. without consent from the other person; or by coercion or threat.
2. when the other person is incapable of giving consent due to: being physically or mentally helpless for any reason, including incapacity because of the use of alcohol and/or drugs, or is unconscious or sleeping at the time; or
3. when the other person is unable to give consent due to a disability, mental incapacity or age (person under 17 years of age cannot consent to sexual activity with anyone over 18 years of age).

This definition includes, but is not limited to, any form of non-consensual intercourse and/or sexual activity, actual or attempted, by person(s) known or unknown to the victim. See New York State Penal Law Section(s) 130.00.

Consent is defined as all people in a sexual encounter agree to the sexual activity. Agreement to sexual activity means there are informed, freely given, mutually understandable words or actions that indicate a willingness to participate in the particular sexual activity. A person may decide at any time that he/she no longer consents and want to stop sexual activity.

Minors Lack Consent: A minor is defined as anyone less than 17 years of age and incapable of consenting to sexual activity with a person 18 years of age or older according to New York state law. The University adopts this prohibition of sexual activity by adults with minors on all University property, and at any and all University-sponsored activities or functions outside New York state regardless of out-of-state laws.

E. Other Sexual Misconduct occurs when someone takes advantage of another person

without the person's consent and is being sexually exploited or there is an attempt to sexually exploit another. Some examples of other sexual misconduct include, but are not limited to:

1. Voyeurism, or Peeping, which is exceeding the boundaries of consent whether purposefully watching, videotaping or recording another without their consent who is naked, dressing or undressing, and/or engaging in sexual activity.
2. Sexual exhibitionism where a person engages in sexually explicit activity in public spaces on campus or to be viewed by the public while on campus using computer hardware or software.
3. Displaying or distributing nude or sexually explicit images of another person on campus or the Internet without the person's consent.
4. Sexual coercion is when someone threatens another by stating an intention or threat to expose the other person's sexual orientation, consensual sexual experiences, sexually explicit photographs or videotapes or other images to family, friends, or the public.
5. Writing or marking of graffiti on University property that is sexually graphic in nature.
6. Unwelcome gestures of a sexual nature toward another person.

F. Forcible Touching is defined as forcibly touching sexual or intimate parts of another person for the purpose of degrading or abusing such persons, or for gratifying the actor's sexual desire.

G. Stalking is a pattern of repeated intentional and unwanted attention, harassment, contact, following or any other course of conduct directed at a specific person that makes that person afraid, emotionally stressed, or concerned for his or her safety or property or to their immediate family members or acquaintances. Stalking occurs by frightening, unwanted communication by any means, including, but not limited to, by phone, mail or e-mail, or Internet social networks. Threats may be direct or indirect, and conduct may include, but are not limited to the following: any form of writing or leaving messages or objects for another person, damaging property, or threatening family members.

The University prohibits any member of the University community from stalking other members of the University community, on University property, at University sponsored events, functions, activities or by using University equipment or e-mail accounts to stalk another person. When a person is told by a University authority to discontinue whatever activity they are engaged in, and this activity continues, the person so warned may be expelled, suspended, terminated, and/or not be permitted to be on University property or at University functions effective immediately before any disciplinary or conduct proceeding is undertaken.

H. Dating and Domestic Violence is a pattern of abusive behavior, usually involving an intimate relationship that is used by one partner to gain or maintain control over another partner and can also be between and among other adults and youths protected by criminal and family laws. Dating and domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound the other partner. Domestic violence may include dating violence based on the type and frequency of interaction of the relationship and how the people

describe the relationship. Generally, the University will view domestic relationships as people who are currently or formerly married, domestic partners currently or formerly living together, or people with children in common.

The definition, protocols, and practices of dating vary; however, for the purposes of these grievance procedures dating is defined as people engaged in activities as a form of courtship. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

I. Intimidation and Retaliation for Reporting: Any member of the University community or third party who attempts either directly or indirectly to: intimidate, threaten, retaliate, interfere with, restrain, coerce, discriminate against, violate a University No Contact Order, or harass any person for reporting, attempting to report, or responsibly pursuing a complaint, or is a witness cooperating in a University investigation regarding possible violations of any of the University's policies regarding sexual misconduct, will be subject to prompt and appropriate disciplinary action, including possible termination or expulsion from the University.

An individual who brings a reasonable complaint of a suspected violation of the above referenced prohibited acts that is made in good faith, even if it may be found to be erroneous, will not be subject to discipline. However, the use of this policy for false, malicious, or frivolous purposes is strictly prohibited. Anyone who knowingly brings a false, malicious, or frivolous complaint against another University community member may be subject to disciplinary action.

Prevention of Sexual Offenses

All students should be aware of behaviors that constitute a sexual offense, steps to protect themselves, and procedures to report an incident.

- **Trust your instincts:** Honor your gut reaction even if you don't know why you feel unsafe. If you are uncomfortable in a situation, leave immediately and seek help.
- **Be alert:** Being aware of people, surroundings, and situations is the first step in preventing a sexual offense. Become familiar with your surroundings. Know how to contact police or campus public safety, and learn locations of public telephones and campus emergency phones.
- **Think ahead:** Become familiar with safety and prevention techniques, the University's Policy on Sexual Offense, and the procedure for reporting these incidents.
- **Reduce your risk:** Review the prevention techniques in this brochure. For example:
 - Become familiar with the neighborhood.
 - Avoid excessive alcohol consumption and plan with friends to look out for one another.
 - The majority of sexual offenses are committed by someone the victim knows, so it is important to spend time with people you know well and trust.
 - Do what is right for you when it comes to sexual activity and let people know your limits as clearly as possible.
- **Know the facts:**
 - Consent must be active and full. If any type of manipulation, threat, or force is used to obtain a "yes" to sexual activity, the "yes" does not qualify as consent.

- Silence does not mean “yes.” If a person is afraid to say “no”, physically immobilized as a result of coercion, or he or she is incapacitated due to drug and/or alcohol consumption or a mental disability, he or she is unable to consent to sexual activity.
 - Sexual offenses cross the boundaries of gender, age, class, race, and sexual orientation. While the majority of victims are presumably female (an estimated 1 in 4 women will be sexually abused and 1 in 8 will be raped in their lifetime), there is a high prevalence of sexual assault among men as well. Men are increasingly coming forward with sexual abuse histories.
 - The assailant and/or the victim are intoxicated in the majority of sexual offenses on college campuses. Avoid excessive alcohol and other drug use. Alcohol and drug use can blunt your alertness and impair your ability to understand and respond to feelings and situations, making it more difficult to resist peer pressure to engage in behaviors that put you at risk or, conversely, might lead you to commit a sexual offense.
- **When you are going out for the evening:**
- Tell someone you trust where and with whom you’re going and when you will return.
 - Go out with friends you trust and agree to look out for one another. Leave with a friend rather than alone or with someone you do not know very well.
 - Do not leave beverages unattended; always keep your drinks in sight.
 - Pay attention to your friends’ behavior. Discourage friends from leaving with someone they don’t know well—even if this person is an acquaintance.
 - Share this information with friends and talk about ways to look out for each other.
- **Home and Residence Hall:**
- Never open your door to strangers. If you are not expecting anyone, use the peephole (if one is available) to ask for identification and the reason for their visit. Do not be afraid to ask questions or to call police or the Department of Public Safety to report suspicious people.
 - Never let someone into your building unless you know that person lives there.
 - Do not prop open any doors to your building. This is an easy way for a person to gain entry without anyone noticing.
- **Walking:**
- Constantly be aware of your surroundings—people, lighting, and situations.
 - Do not walk while wearing headphones or earbuds; it dulls your hearing and makes you less aware of what is happening around you.
 - Avoid walking alone at night. Call Public Safety for the nearest van to off-campus locations or back to campus.
 - Walk close to the curb to avoid shrubs, dark doorways, and other places people can hide.
 - Do not take shortcuts through dark and isolated places.
 - Have your keys in your hand so that you do not spend time looking for them.
 - Blue light emergency phones are available at various locations on campus and are useful in calling for assistance.

• **Public Transportation:**

- Wait for trains in the off-hours waiting areas designated at each station.
- Do not ride in empty subway cars; ride in the conductor's car.
- Use station exits with the most activity.
- Use only licensed yellow cabs. Do not use livery/gypsy cabs.

• **Driving:**

- Keep your doors locked and windows rolled up while driving or parking your car.
- If you feel threatened at a red light or stop sign, sound your horn and drive away.
- Park your car in a place that is well lit at night.
- Keep your car in good condition and filled with enough gas to make it to your destination.
- Always know where you are going and how to get there.
- Store valuables out of sight in your locked trunk.

Date/Acquaintance Rape ▪ Gang/Group Rape

• **Date/Acquaintance Rape**

- Date/acquaintance rape occurs when you are forced or manipulated into having sex against your will by someone you know, whether that person is your date, a boyfriend, a girlfriend, a significant other, an acquaintance, a friend, a neighbor, a classmate, a co-worker, or a teammate. This is the most common form of sexual assault.

• **Gang/Group Rape**

- Gang/group rape is defined as a sexual offense by more than one perpetrator. Peer pressure to participate in the sexual offense is a key factor in gang/group rape. Be aware that use of alcohol and/or drugs contributes to instances of such rape.

Preventing Date/Acquaintance Rape and Gang/Group Rape

- Communicate your expectations and limits, and demand that they be respected.
- If you feel that you are being pressured into an unwanted situation, communicate your limits. If your partner does not listen to you, leave immediately.
- Say “no” to any unwanted sexual contact.
- Even if you are in a long-term relationship, you have the right to refuse sexual activity with your partner. Prior consent to sexual contact does not compel consent.
- If you are uncertain about what you want, ask your partner to respect your uncertainty.
- If you agree to go to a place where intimacy may be expected (e.g., bedroom or secluded area), both parties should state their limitations and/or expectations clearly.
- Do not be embarrassed to do what is right for you. Do not hesitate to raise your voice, stand up abruptly, scream or shout, or leave if you feel the situation warrants it.
- Trust your instincts. Leave a situation immediately and go to a safe place if you think you are in danger.

- Avoid the use of drugs and alcohol. Drugs and alcohol can increase your vulnerability by lowering your alertness and ability to react quickly. Conversely, they can impair your ability to understand and respond appropriately to feelings and situations.
- Arrange to meet new friends in public places, and when possible, go with good friends.
- Tell someone you trust where and with whom you are going and when you will return.
- Leave social events with your close friends instead of walking alone or with someone you don't know very well.
- Always have money for transportation in case you must leave a situation abruptly, and have your cell phone on and charged.
- Respect a person's expectations and limits. If you do not know what they are, it is your responsibility to ask.
- When a person says "no," he/she is communicating their limits, not rejecting you as a person.
- Do not assume that a person's past behavior applies to the present. People have the right to make different choices about their sexual activity and level of desired intimacy at all times.
- An absence of "no" does not equal "yes." Silence could mean many things other than "yes." It could mean fear to say "no." If someone is afraid to resist or fight back, they are unable to give consent.
- You are responsible for your actions. Your attraction to someone does not give you the right to ignore that person's expectations and limits.
- Listen carefully. Take the time to hear what a person is saying. If you feel he/she is not being direct or is giving you mixed messages, ask the individual to be clearer.
- Remember that date rape is a crime. It is never acceptable to use force in sexual situations, no matter what the circumstance. This applies whether the person is a date, a girlfriend or boyfriend, an acquaintance, a spouse, or a significant other.
- Having sex with a person who is mentally or physically incapable of consenting is rape. If you have sex with a person who is drugged, intoxicated, passed out, incapable of saying "no," or otherwise unaware of what is happening around him/her, you may be guilty of rape.
- Be especially careful in group situations. Be prepared to resist pressure to participate in exploitive, violent, or criminal acts, and clearly communicate your disapproval.
- If you see someone in trouble or observe a friend trying to force or pressure someone into an unwanted situation, intervene. You may save the person from the trauma of a sexual assault or your friend from criminal prosecution.

Substance-related Rape

Substance-related rape has been occurring more frequently in recent years. When secretly slipped into a beverage, even a glass of lemonade, sedating substances can leave anyone vulnerable to sexual assault. You may not be able to see it, smell it, or taste it. You don't have to be at a bar or club; it could happen in any social setting. If an individual appears extremely intoxicated after consuming a non-alcoholic beverage, or only a small amount of alcohol, he/she may have unknowingly ingested one of a number of substances.

Although the often-tasteless drugs are hard to detect, there are precautionary steps one can take to reduce the risk of falling prey to this criminal conduct. For example:

- Do not leave beverages unattended; always keep your drinks in sight.
- Do not take any beverages, including alcohol, from someone you do not know very well and trust.
- At a bar or club, accept drinks only from the bartender or server.
- At parties, do not accept open-container drinks from anyone.
- Be alert to the behavior of friends. Anyone appearing disproportionately inebriated in relation to the amount they consumed may be in danger.
- Share this information with friends and talk about ways to look out for one another when you are at parties and social events.
- Anyone who believes that they have consumed a sedative-like substance (symptoms include low inhibition, confusion, impaired judgment, dizziness, extreme drowsiness, or other sudden and unexplained symptoms) should be driven to a hospital emergency room or should call 911 for an ambulance as soon as possible. Bodily fluids can be examined for traces of these substances within hours of ingesting. Try to keep a sample of the beverage for analysis. If you or someone you know believes they have consumed a sedative-like substance, please contact your resident assistant, resident director, or the Department of Public Safety as soon as possible so they can assist you.

What if I am a bystander and see something is wrong?

If anyone suspects a friend, acquaintance, or stranger may be in a high risk situation for becoming a victim, is being victimized, or has been victimized of any form of sexual offense, stalking, and/or domestic or dating violence, it is important to decide as a bystander whether there is a safe and reasonable way to intervene effectively, and to act in a way to assist a person whether it is before, during, or after an incident takes place. Bystanders are also encouraged to contact the appropriate person listed in the Title IX Grievance Procedures in the Student Handbook and/or the Fordham University Department of Public Safety at 718-817-2222; if someone is in immediate danger, please notify the Fordham University Department of Public Safety at 718-817-2222 immediately. There is no legal obligation for a bystander to act or intervene.

The following are suggestions for safe and positive bystander actions:

Do's:

- Take the initiative to help friends who aren't thinking clearly from becoming targets of violence (or) take steps to stop a friend who chooses to use violence.
- Prevent an intoxicated friend/person from going to a private location with an acquaintance or friend.
- Ask a friend, acquaintance, or stranger who is attempting to take sexual advantage of another to stop and leave the location.
- Recognize dating or domestic partners who cause fear or physical pain to their partner and voice your concerns where appropriate (i.e. one suggestion is referring the person to the counseling center).

- Contact Fordham University Department of Public Safety 718-817-2222, the Dean of Students or another person of authority who can assist.

Don'ts:

- Don't walk/run alone in secluded areas or at night.
- Avoid situations where intoxicated people (victims, perpetrators, or both) may be unable to consent.
- Don't leave a friend or acquaintance alone at a party or bar.

Am I required to intervene and act as a bystander?

No, there is no legal obligation in New York state for a bystander of a potentially violent situation or crime to intervene or act.

Help create a safer campus environment.

Fordham University educates students in the Jesuit tradition which includes promoting deep respect for individuals and others and strives for a community of responsible citizens. Bystanders are encouraged to act if there are safe and reasonable ways to intervene and/or discourage people from being uncivil toward each other in an effort to foster a safer environment for everyone. People who are designated as Campus Public Safety Authorities are required to act in certain circumstances and must report all incidents immediately.

Rape Survivors: What You Can Do

The University seeks to make sure survivors of rape are cared for physically, psychologically, emotionally, and spiritually. Survivors have many decisions to make after an assault, including whether to tell anyone, whether to go to the hospital, and/or whether to file a public safety report and/or police report. It can be difficult to make these decisions after having endured a trauma. At Fordham, trained professionals are standing by to offer support and guidance to survivors.

- 1) Remain calm and call for help.** After an attack, the rape survivor should try to remain as calm as possible in order to think clearly. Find a safe place and get help from someone you trust. Any of the following resources can be called upon for assistance: the Fordham University Department of Public Safety, a resident director, a resident assistant, a commuter assistant, the health center, and/or the counseling center. A staff member of the same gender will be available to respond at all times, if that is the preference of the rape survivor. Please refer to the resource list in this brochure for important telephone numbers.
- 2) Do not change, shower, or destroy any clothing.** A rape survivor should remain in the same condition as when the attacker left. This means: not changing, washing, or destroying any clothing; not washing any part of the body; not douching; and not combing one's hair. The survivor should also leave the crime scene exactly as it is, not touching anything and/or not cleaning up or throwing anything away. The reason this is advisable is that the survivor may wish to prosecute the perpetrator at a later time. While this may be difficult to do emotionally, sometimes survivors later wish that they had this critical evidence to admit in court.
- 3) Seek immediate medical attention.** It is strongly recommended that the rape survivor get medical attention as soon as possible using the resources listed in the back of this brochure.

At Rose Hill, the Fordham University Emergency Medical Service (FUEMS) is available 24 hours a day and can be contacted by calling the Department of Public Safety at 718-817-2222. Ambulance services at Lincoln Center are provided by FASTcare, and can be secured by contacting the Department of Public Safety at 212-636-6076.

At Rose Hill, the Fordham University Emergency Medical Service (FUEMS) is available 24 hours a day and can be contacted by calling the Department of Public Safety at 718-817-2222. An emergency medical technician (EMT) will be on duty along with other student volunteers who will transport and accompany the survivor to the hospital. They will also explain and assist the rape survivor through the initial medical treatment procedures. If necessary and requested by the survivor, alternate arrangements can be made through the Fordham University Department of Public Safety. At the survivor's request, a friend, a member of the residential life staff, a nurse from the health center or another staff member may also accompany him or her to the hospital.

At Lincoln Center, ambulance services are provided by FASTcare, which can be secured by contacting the Department of Public Safety at 212-636-6076.

At the Westchester campus, ambulance services can be secured by contacting the Department of Public Safety at 914-367-3333.

At the hospital, internal and external injuries will be treated, and measures can be taken to test for and deal with the possibilities of sexually transmitted diseases and pregnancy. A hospital visit is necessary to collect evidence, through a rape examination, in the event that criminal charges will be filed. A rape survivor can request a Sexual Assault Nurse Examiner (SANE) to be present; these nurses are specially trained to treat survivors of sexual assault and, if desired, to collect evidence through a rape examination. A victim advocate can also be called upon to support the survivor and assist in making decisions.

A rape examination allows evidence to be collected in case a rape survivor wishes to prosecute, even at a later time. The examination, however, must be conducted within 72 hours of the incident and includes: pelvic examination and testing for the presence of semen; sexually transmitted disease testing; and treatment for possible infection, which may involve antibiotics. In order for medical treatment to be provided, the survivor need only consent to the medical examination. In most cases, the hospital will document and store evidence for a specified time period. The survivor is not required to report the incident to the police. However, depending on the hospital you go to, the hospital may be required to report an incident of sexual assault to the local police agency. In certain cases, the University must notify local law enforcement as required by New York state law. The police will respond and investigate the allegation. The rape survivor makes the decision on whether or not they wish to bring criminal charges against the offender. The hospital never refuses services, but they are required to bill your insurance company. The survivor should bring his/her student ID.

4) Document details about the incident. It is advisable for the rape survivor to write down every detail about the incident that they can remember. Not only can this assist in filing student conduct or criminal charges (even at a later time), but it can also aid in recollection that may assist in the healing process. The survivor should note:

- The “who, what, when, where, and how” of the incident.
- What the perpetrator looks like, any identifying marks or scars and any vehicle used.
- What kind of force or coercion was used.

- Any objects touched, taken, or left by the perpetrator.
- If the perpetrator said anything, the survivor should try to remember the words, the grammar, any accents, or speech defects.
- If there were possible witnesses, document who and where they may be.

The rape survivor is encouraged to bring this information to the attention of the safety and security office and/or the dean of students who can help ensure survivor and community safety, connect the rape survivor with care, and assist in the process of filing a judicial or police report. If the New York City or Harrison Police Departments are to be involved and criminal charges filed, the above information is crucial.

5) Follow-up treatment. For many rape survivors, the time following the rape or any sexual trauma is painful and confusing. Psychological and/or spiritual counseling can assist with coping in the aftermath of an assault. Even after the actual incident, survivors may suffer from acute stress that may include a range of difficulties such as nightmares, flashbacks, numbness, and withdrawal from friends and family. In addition, survivors sometimes blame themselves; feel upset about the reactions of their friends or family; feel ashamed, confused, and/or angry about what has happened; and/or question their core beliefs. While these responses are normal and understandable, they can be difficult for some survivors to manage alone. Many find solace in sharing their story in a supportive and private context. It is also possible to learn new coping skills to facilitate a return to activities that the person finds meaningful and important.

Counseling and Psychological Services has mental health professionals available to assist survivors of sexual assault. All services are confidential. The resident directors and resident assistants are also available to provide follow-up referral information and support. Chaplains at the Office of Campus Ministry are also available to speak to survivors.

Reporting Procedures for the University

Individuals are encouraged to report all sexual offense, stalking and/or domestic or dating violence incidents immediately either to the Department of Public Safety, a resident director, a resident assistant, a commuter assistant, the dean of students, the health center, or the counseling center. An incident report will be written and the dean of students or the assigned Administrative Support Person will provide necessary assistance, information on medical and counseling resources and information related to formal reporting procedures.

In a sexual offense case, the victim may notify the Department of Public Safety whether or not he/she goes to the hospital for a rape examination. The victim should refrain from washing, using the toilet, and changing clothes in order to preserve evidence prior to a medical examination. However, in the event that the victim decides to file criminal charges, a hospital visit is necessary in order to collect evidence, through a rape examination. Staff will be available to accompany students to medical care. Personal information about the victim and records will remain confidential insofar as it does not interfere with the University's right to investigate allegations of misconduct and take corrective action where appropriate.

Victims of sexual offense, stalking, and/or domestic or dating violence by another student(s) are encouraged to report the incident(s) and use the resources of the dean of students on the campus where the incident occurred or one of the administrators identified on the resource list in the back of this brochure. An initial discussion will give the victim the opportunity to

recount what has taken place and discuss how best to proceed. The dean or administrator will review the University's formal reporting procedures and possible sanctions, the formal reporting procedures of the local police agency, and available medical and counseling resources. In addition, options for, and available assistance in, changing academic, living, transportation and working situations can be discussed and provided if so requested, and such changes are reasonably available. It is generally the victim's decision whether to file a complaint or to continue with any form of resolution. Confidentiality will be respected insofar as it does not interfere with the University's right to investigate allegations of misconduct and take corrective action where appropriate. For additional information regarding confidentiality, please see "Requests for Confidentiality" in the Title IX Grievance Procedures. If a victim elects to initiate a formal complaint against another student or group of students, the information may be put in writing and is then filed with the dean of students. Such a complaint would be handled in accordance with the University student conduct procedures outlined in the Student Handbook.

Complainants and respondents participating in the conduct process related to an alleged violation of the University's Policy on Sexual Offenses will be assigned an Administrative Support Person (ASP). The ASP is a trained member of the University's staff and will:

- carefully explain all support resources which are available to the student;
- arrange for any assistance he/she may need;
- accompany the student to relevant interviews, meetings, and proceedings as desired and as permitted by outside entities;
- explain the investigation and conduct processes;
- provide documents relevant to the investigation and conduct processes.

After the initial report and once the University's investigation/conduct process begins, complainants and respondents will be accompanied by the ASP (who cannot actively participate) and the complainant or respondent may also be accompanied by one advisor of his/her choice who may be present for related meetings or proceedings but cannot actively participate.

Possible sanctions for students found in violation of sexual offense, stalking, and/or domestic or dating violence policies range up to and include suspension and/or expulsion from the University. Depending on the actual policy violation, the sanctions can include disciplinary reprimand, residence hall probation, student life probation, dismissal from the residence halls, university disciplinary probation, and suspension or expulsion from the University. Students subject to conduct sanctions that are appealable to the Student Conduct Review Council (SCRC), namely suspension or expulsion from the University, will follow the grievance process stated in the Student Handbook. Student complainants may file a written appeal to the Senior Vice President for Student Affairs.

In a case where there is an allegation of a sexual offense, stalking, and/or domestic or dating violence, which constitutes a violation of the University Code of Conduct, both the victim and the student against whom the complaint is lodged shall be simultaneously informed in writing of the final outcome of a judicial investigation. Please refer to your student handbook for more information regarding reporting procedures and the University student conduct process. The student conduct process for sexual offense, stalking, and/or domestic or dating violence situations will take no more than 60 days. Some cases are more rapid while others can take

longer depending on the details of the case, the time of year and other factors. Fordham works to make things move as quickly as possible. If the process will take longer than 60 days, both the victim and the alleged perpetrator will be notified in writing as to the delay and the reason for the delay.

Title IX Student Conduct Process

Each case is different and needs to be handled with care, but here are the typical steps that are followed in a Title IX Student Conduct Process:

- The dean of students, deputy title ix coordinator, is notified
- The complainant is assigned an administrative support person to assist him/her in receiving assistance and understanding the process and available resources
- Public Safety may interview the complainant
- The complainant decides whether he/she wants to make a formal complaint, and if so.....
- The report goes to the dean of students and a case should take no more than 60 days
- The respondent is assigned an Administrative Support Person to assist him/her in receiving assistance and understanding the process and available resources
- Once the conduct process begins, the complainant as well as the respondent are entitled to have one advisor of their choice accompany them (but not to in any way participate) in the conduct process meetings and proceedings
- A written account is requested from both parties
- The complainant is interviewed by the dean of students
- The respondent is interviewed by the dean of students, usually during his/her conduct hearing
- Relevant witnesses are interviewed
- Second complainant interview by the dean of students
- Second respondent interview by the dean of students, usually during his/her conduct hearing
- Additional interviews are conducted as needed by the dean of students
- Decision as to whether the University's Code of Conduct, University Regulations and/or Office of Residential Life policies have been violated is made based on a preponderance of evidence
- If violations have been determined to have occurred, appropriate sanctions are issued
- Written notification of decision is given simultaneously to both parties
- Appeal opportunities for both parties

It should be clearly understood that a victim of sexual offense, stalking, and/or domestic or dating violence always has legal recourse outside the University. If civil or criminal proceedings are filed, the University reserves the right to conduct its own investigation and proceedings notwithstanding the status or resolution of any civil or criminal proceedings.

Reporting Procedures for the Local Police Departments

The reporting of the incident to the police involves several aspects. If a victim calls the police to respond to the scene, a uniformed officer in a patrol car will go to the victim's location. The victim may request that a specific gender officer respond, but there is no guarantee that

a specific gender officer will be available. The police, however, should make every effort to accommodate the victim. For incidents involving possible sex crimes, the uniformed officers will generally notify a detective or a specialized unit staffed with personnel who are trained to gather information about sex crimes and explain the investigative procedures of the police department, including possible options available to victims of sex crimes. The local precinct detective squad will investigate stalking and/or domestic or dating violence offenses.

In sex offense cases, the officers who respond to the call will want to examine the scene of the crime and obtain evidence (clothes, sheets, etc.). If the perpetrator is known to the victim, the police will want to interview the perpetrator and any witnesses to the incident. They will also encourage the filing of a formal complaint. If a victim would like to press criminal charges against the perpetrator, a hospital visit should be made as soon as possible. It is best that physical evidence be collected at the hospital as soon as possible. The police will encourage a hospital visit at the time of the incident and can assist the victim in securing necessary transportation to the hospital. If charges are filed but no arrest has been made, a victim may have the option to decline further prosecution. If the perpetrator already has been arrested and indicted, withdrawing charges may not necessarily be an option for the victim.

One final word: Anyone who suspects that someone on campus is in danger, should immediately notify the Fordham University Department of Public Safety at 718-817-2222.

Frequently Asked Questions

What are my options? A student who believes he/she is a victim of sexual assault, sexual violence, stalking, and/or domestic or dating violence is strongly encouraged to report these situations to the University. There are several options, but please report immediately to Public Safety if you feel you are in any way in any danger or need emergency assistance.

Other options include:

- Confidential Reporting: The student may confidentially explore the situation and options available with a clinical member of the Counseling and Psychological Services and/or a pastoral counselor in Campus Ministry without filing an official complaint;
- Internal Reporting: The student can make a formal complaint to the dean of students which the University will investigate internally.
- External Reporting: The student has every right to report the situation to the New York Police Department. If the student chooses to make such a report, a member of the University staff will be available to accompany the student throughout the charging process.

How do I make a formal report with the University?

Students are encouraged to report incidents to the Department of Public Safety, the dean of students, a member of the staff such as a resident assistant, commuter assistant or resident director, or another member of the University's administrative staff. When a member of the administrative staff is notified of a potential sexual assault, sexual violence, stalking, and/or domestic or dating violence they are obligated by law to notify the Department of Public Safety. This office may interview the victim and conduct an investigation. If an investigation is conducted, the Department of Public Safety will send the completed incident report to the appropriate dean of students to be handled in the University's student conduct process.

If I do make a formal report with the University, do I have to go to the police?

No, but if the situation is reported to the police, the University will be available to accompany the student to the New York City Police Department. Fordham University encourages any student who is the victim of a crime to notify the Department of Public Safety immediately and to work with them to report the crime to the NYPD. In certain cases, the University reserves the right to notify local law enforcement as required by statute. Students always have the right to report any alleged crime to law enforcement directly.

Will the person who did this know I am talking with the University?

If the student is meeting with a clinical counselor at Fordham's Counseling and Psychological Services or a pastoral counselor in Campus Ministry to explore options, that meeting is almost always confidential unless there is an immediate threat to oneself or others. If the student reports the incident to another member of the University administrative staff and/or the Department of Public Safety, the alleged attacker may be interviewed.

If I do make a formal report, will I have to face the person in the judicial process?

No. Fordham's process does not require or request that a student see or speak with the alleged attacker or be questioned by his/her representatives. Processes outside the University, such as those in the criminal justice system, may require this. Fordham will be available to support and accompany the student as these details are explained by outside authorities.

If I do make a formal report, will I have to participate in mediation with this person?

No. Fordham's process in investigating sexual assault, sexual violence, stalking and/or domestic or dating violence does not require or even allow for mediation. The University handles the investigation with each party separately.

What if someone retaliates against me for making the complaint?

Any member of the University community who attempts to interfere with, restrain, coerce, discriminate against, or harass (whether overtly or covertly) any individual responsibly pursuing a complaint of sex discrimination of any kind, will be subject to prompt and appropriate disciplinary action. An individual who brings a reasonable charge of sex discrimination, sexual assault, sexual violence, stalking, and/or domestic or dating violence in good faith, even if it may be erroneous, will not be subject to discipline or the student conduct process. However, the use of this policy for false, malicious, or frivolous purposes is strictly prohibited. Any student, faculty, or staff member who brings a false, malicious, or frivolous charge of sex discrimination, sexual assault, sexual violence, stalking and/or domestic or dating violence against another member of the University community may be subject to disciplinary action.

Will I have to move from my residence hall?

No. A reported victim of a sexual assault, sexual violence, stalking and/or domestic or dating violence will not be required to move. In the majority of cases, once a report is made and the investigation begins, the alleged attacker is moved to another location if he/she lives on the campus and in proximity to the reported victim.

I have heard that investigations at other schools take a long time. How long will Fordham's process take?

Fordham's student conduct process for sexual assault, sexual violence, stalking and/or

domestic or dating violence typically takes 60 days. Some cases are more rapid while others can take longer depending on the details of the case, the time of year and other factors. Fordham works to make things move as quickly as possible. If the process will take longer than 60 days, both the victim and the alleged attacker will be notified in writing as to the delay and the reason for the delay.

If I would like to make a formal complaint with the University (but not to involve NYPD), what happens?

A victim is encouraged to report the incident to the Department of Public Safety, the dean of students, a member of the staff such as a resident assistant, commuter assistant or resident director, or another member of the University's administrative staff. When a member of the administrative staff is notified of a potential sexual assault, sexual violence, stalking and/or domestic or dating violence they are obligated by law to notify the Department of Public Safety. A member of the staff in the Department of Public Safety may contact you to schedule a meeting and take your complaint. Public Safety may then interview the alleged attacker and any witnesses and the final report will be forwarded to the appropriate dean of students. The dean of students will have a member of the Student Affairs professional staff reach out to the student. That staff member will accompany the student during the entire process and act as the Administrative Support Person. After the initial report and once the University's investigation/conduct process begins, the student may also choose to be accompanied by one advisor of choice who may be present for related meetings or proceedings. (For additional information, please refer to Advisor of Choice section in the CARE brochure.) The dean of students will ask the victim and the alleged attacker to provide a written statement and the dean of students will schedule a time to meet with each student and their respective administrative support person and advisor of choice (if requested) to review the statements and answer any questions regarding the process. In most cases, the dean will meet with the students and administrative support persons and advisors of choice (if requested) a second time to check facts and then have a final meeting to explain the outcome of the case which both students will also receive in writing. In certain cases, the University reserves the right to notify local law enforcement as required by statute.

Do I have to prove that I have been the victim of sexual assault, sexual violence, stalking and/or domestic or dating violence?

No. Fordham does not place the burden of "proving" that an attack has occurred on the student. As the incident is investigated, the dean of students works with a standard called "preponderance of information." This means that the dean will use his/her judgment based on all available information from public safety, the victim, the alleged attacker and witness interviews to determine whether there is enough information to confirm that a violation of University policy has occurred and what the appropriate action by the University will be.

Do I have to tell my story before a panel?

No, the Fordham process of investigation is confidential. Meetings and interviews are private and include the victim, the administrative support person, an advisor of choice (if requested) and the dean of students only. The alleged attacker is interviewed separately with his/her own administrative support person, an advisor of choice (if requested) and the dean of students. If a student appeals the outcome of the investigation, however, it is possible that the victim would be called by the appeals body. This body is called the Student Conduct

Review Council and is a group of three faculty, three students, and one administrator who convene to hear appeals of student suspensions or expulsions. Calling victims to present information before an appeals body is strongly discouraged by the senior vice president for student affairs/associate vice president for student affairs who manage the appeals process and is also discouraged by the dean of students who presents all relevant information to the board instead.

What if I have class with the person who attacked me?

While every case is different, efforts will be made to assist the student victim in eliminating or minimizing contact with the alleged attacker. When a situation is reported and/or being investigated, all parties are warned to avoid direct contact or risk possible conduct violations. In some cases, the alleged attacker will be moved to a different residence hall or removed from residence or campus pending the outcome of the case. Unless notified that the alleged attacker has been removed, the student should be prepared for the possibility of seeing the alleged attacker on campus. Student victims are encouraged to inform the administrative support person and the dean of students as soon as possible if the student has classes or lives in the same residence hall as the alleged attacker. In any case, it will be important to avoid direct contact with this person.

Can I make a report about someone with whom I have been in a relationship?

Yes, a student can make a report about anyone they believe has violated the University's policy on sexual offenses, stalking, and/or domestic or dating violence. There may be times when this person has an existing relationship with the victim. People in relationships can violate the sexual offenses, stalking, and/or domestic or dating violence policy and it is important for the victim to receive assistance and know their options for reporting the incident. Students are encouraged to contact staff if they are in this situation.

What if the incident involves a staff or faculty member?

You may use any of the reporting options listed above, but response will be handled by a staff member called the "Title IX coordinator." The Title IX coordinator for the University is Anastasia Coleman, the director of equity and compliance (acoleman11@fordham.edu, 718-817-3112, Cunniffe House 114). The Department of Public Safety and the dean of students will coordinate and assist in the investigation conducted by this office into any complaints involving staff or faculty, as well as, play the main role in providing support for you separate from the investigation.

Where can I see how many violations of Fordham's sexual offense, stalking and/or domestic or dating violence policy are reported?

All crime statistics reported to Fordham are, in turn, reported to the community and the federal government. The Department of Public Safety keeps crime statistics for the campus and surrounding areas, is required to report these statistics to the federal government (anyone can find the data here: <http://ope.ed.gov/security/GetOneInstitutionData.aspx>) and will provide statistics to any interested member of the community (phone: 718-817-2222). All crime statistics are also shared with faculty, staff, and students on an annual basis and student media such as the student newspapers routinely review public safety reports and publish items from which names and identifying information have been removed for privacy.

Fordham University Campus Resources

FORDHAM UNIVERSITY EMERGENCY MEDICAL SERVICE

Rose Hill | 718-817-2222

All calls should indicate the nature of the incident and whether a female staff member will be needed.

- Emergency medical technicians on duty
- Referrals
- Transportation to a hospital
- No fee
- Confidential services

RESIDENCE HALL OFFICE(S) (RHO)

Resident assistants are on duty all night, every night, and present in the RHOs at Rose Hill from 6:30 a.m. to 9:15 p.m., and from 6 to 11 p.m. in the RHO at Lincoln Center.

COUNSELING AND PSYCHOLOGICAL SERVICES

OFFICE HOURS:

Monday–Thursday, 9 a.m. – 7 p.m.; Friday, 9 a.m. – 5 p.m.

Rose Hill | O’Hare Hall, Lower Level | 718-817-3725

Lincoln Center | McMahon Hall, Room 211 | 212-636-6225

Westchester - please see the Counseling and Psychological Services website for office location and contact information.

In emergency situations or after hours, please contact a resident assistant, resident director, and/or the Department of Public Safety for assistance. These staff members can contact the Office of Counseling Services’ professional staff as necessary to respond during off hours.

- Counseling services are available to all students who have experienced a sexual offense, stalking, and/or domestic violence incident.
- Crisis walk-ins are welcome.
- All services are free and confidential.
- Consultation is available to administrators, faculty, family members, or students who are concerned about a student.

UNIVERSITY HEALTH SERVICES

Rose Hill | O'Hare Hall, Lower Level | 718-817-4160

Nurse practitioners are available as follows:

- Monday–Friday, 8 a.m. – 6 p.m.; Saturday and Sunday, 10 a.m. – 2 p.m.
- No fee

Lincoln Center | McMahon 203 | 212-636-7160

Nurse practitioners are available as follows:

- Monday and Tuesday, 10 a.m. – 6 p.m.; Wednesday: 9 a.m. – 5 p.m., closed 1–2 p.m.
Thursday, 9 a.m. – 5 p.m.;
Friday, 10 a.m. – 3 p.m.
- No fee

University Health Services on both campuses has nurse practitioners trained as SANE (Sexual Assault Nurse Examiners) who are specifically trained to assist survivors of sexual assault. They can assist in the medical care, follow-up/referral process, and provide general support to the survivor.

DEPARTMENT OF PUBLIC SAFETY

Rose Hill | Thebaud Annex | 718-817-2222

Lincoln Center | Lowenstein | 212-636-6076

Westchester | 400 Westchester Avenue | 914-367-3333

- Immediate response 24 hours a day by experienced former law enforcement public safety supervisors.
- Incident reports prepared which may be a valuable document if the case is pursued at a later date, either criminally or through a University student conduct process.
- Will summon the police department that has jurisdiction, after conferral with the victim, and work closely with this agency.

As part of the freshman CORE programming series, public safety staff provide a presentation to all incoming students on personal safety, residence hall security, and living in an urban environment. In addition, public safety procedures are discussed with prospective and accepted students and their parents at open house programs sponsored by the Office of Undergraduate Admission and New Student Orientation sponsored by the Office of Student Leadership and Community Development. The Department of Public Safety apprises students of events affecting their personal safety by issuing public safety alerts and by providing the student newspaper with a synopsis of criminal incidents for publication in weekly editions.

TITLE IX COORDINATOR

Anastasia Coleman
Director of Institutional Equity and Compliance/Title IX Coordinator
Cunniffe House, Room 114, Rose Hill Campus | 718-817-3112
acoleman11@fordham.edu

CAMPUS MINISTRY

Rose Hill | McGinley Center, 1st Floor | 718-817-4500
Monday - Friday 10 a.m. - 6 p.m.

Lincoln Center | Lowenstein 217 | 212-636-6267
Monday - Friday 9 a.m. - 5 p.m.

Westchester | Room 133 | 914-367-3420
Tuesday - Thursday 10 a.m. - 6 p.m.

In emergency situations or after hours, please contact a resident assistant, resident director, and/or the Department of Public Safety for assistance. These staff members can contact professional staff members from the Office of Campus Ministry as necessary to respond during off hours.

Off-campus Resources

POLICE AGENCIES

48th Precinct (Rose Hill) | 450 Cross Bronx Expressway, Bronx, N.Y.
718-299-3900

20th Precinct (Lincoln Center) | 120 West 82nd Street, New York, N.Y.
212-580-6411

Harrison P.D. (Westchester) | 650 North Street, Harrison, N.Y. | 914-967-5110

- Maintains a Sex Crimes Unit—officers trained in investigating sex crimes
- Hotline: 212-267-7273
- Hotline can be contacted directly and used to aid victims of sex crimes anonymously
- Hotline staffed by female officers

RAPE CRISIS CENTERS

RAPE Crisis Hotline:

- 914-345-9111
- 24 hours a day
- Confidential
- Free and immediate support and assistance

Safe Horizon's Rape/Sexual Assault and Incest Hotline:

- 212-227-3000
- 24 hours a day, seven days a week
- Confidential
- Free
- Safety planning, crisis counseling, advocacy with the police

NYC Domestic Violence Hotline:

- 800-621-HOPE (4673)

Gay and Lesbian Anti-Violence Project:

- 212-714-1141

HOSPITALS

ROSE HILL

Montefiore Medical Center | 111 East 210th Street, Bronx, N.Y. | 718-920-4321

North Central Bronx Hospital | 3424 Kossuth Avenue, Bronx, N.Y. | 718-519-5000

St. Barnabas Hospital | 183rd Street and Third Avenue, Bronx, N.Y. | 718-960-9000

Jacobi Medical Center | Pelham Parkway South, Bronx, N.Y. | 718-918-5000

Montefiore North | 613 East 233rd Street, Bronx, N.Y. | 718-920-9000

LINCOLN CENTER

St. Luke's-Roosevelt Hospital, Emergency Room | 114 Amsterdam Avenue, New York, N.Y. | 212-523-3335

Roosevelt Hospital-General | 1000 Tenth Avenue, New York, N.Y. | 212-523-4000

Roosevelt Emergency Room | 59th Street on Ninth and Tenth avenues, New York, N.Y. 212-523-6800

Lenox Hill Hospital | 100 East 77th Street, New York, N.Y. | 212-434-3030

FASTcare 212-247-8833

WESTCHESTER

Westchester County Medical Center | 100 Woods Road, Valhalla, N.Y. 914-493-7000

White Plains Hospital Medical Center | 41 East Post Road, White Plains, N.Y. 914-681-0600

COMMUNITY LEGAL SERVICES

National Crime Victims Bar Association

- 202-467-8753
For assistance pursuing civil justice for crime victims

NYS Crime Victims Board

- 800-247-8035
Legal help and information provided by the New York State Office of Victim Services

LawHelp.org

A website dedicated to helping persons in need find legal help, organizations, resources and information for various circumstances

Connect, Inc.

- 212-683-0605
Provides legal information and advocacy to survivors of domestic violence

Break the Cycle

- 800-214-4150
Serves individuals ages 22 and under seeking orders of protection and related Family Court matters

DIVISION OF STUDENT AFFAIRS

Assistant Vice President/Dean of Students at Rose Hill

(also serves as the contact person for the Calder Center)

Christopher Rodgers | McGinley Center, Room 242 | 718-817-4755

Dean of Students at Lincoln Center

(also serves as the contact person for the Westchester campus)

Keith Eldredge | Lowenstein, Room 408 | 212-636-6250

Assistant Dean of Students/Director of Residential Life at Rose Hill

Kimberly Russell | Loschert Hall Basement | 718-817-3080

Associate Director of Residential Life for Student Conduct at Rose Hill

Brittany Iwaszkiw | Loschert Hall Basement | 718-817-3080

Director of Residential Life at Lincoln Center

Jenifer Campbell | McMahan Hall, Room 108 | 212-636-7100

Director of Counseling and Psychological Services

Jeffrey Ng, Psy.D. | Rose Hill: O'Hare Hall, Lower Level | 718-817-3725

Lincoln Center: McMahan Hall, Room 211 | 212-636-6225

Director of University Health Services

Kathleen Malara | Rose Hill: O'Hare Hall, Lower Level | 718-817-4160

Lincoln Center: McMahan Hall, Room 203 | 212-636-7160

Assistant Dean for Student Leadership and Community Development at Rose Hill

Alanna Nolan | McGinley Center, Room 213 | 718-817-4339

Director of Student Leadership and Community Development at Lincoln Center

Dorothy Wenzel, Ph.D. | Lowenstein, Room 408 | 212-636-6250

Director for Substance Abuse Prevention at Rose Hill

Claudia Marin Andrade | McGinley Center, Room 217 | 718-817-3948

Assistant Dean for Multicultural Affairs

Sofia Bautista Pertuz | McGinley Center, Room 211 | 718-817-0664

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FORDHAM UNIVERSITY

THE JESUIT UNIVERSITY OF NEW YORK