
Sexual Assault

Sexual assault is one of the most prevalent categories of serious crime on college campuses.

New York State Penal Law lists numerous offenses that would fit into the category of sexual assault. (See pages 36–49.) Sexual assaults, including rape, are acts of violence and can happen to anyone regardless of age, sex, race, manner, or dress. Those who commit sexual assaults are subject to criminal prosecution. Students who commit sexual assaults are also subject to Cooper Union disciplinary proceedings.

On college campuses, sexual assaults often occur when one or both parties has been consuming drugs or alcohol. These so-called “date rapes” or “acquaintance rapes” are still crimes and are handled in court in the same manner as a sexual assault or rape by a stranger. In New York State, having sexual relations with someone who is unable to give full and free consent is a crime. Recently, there have been reports on other college campuses that the drug rohypnol (roofies) and gamma hydroxybutyrate (GBH) have been used to facilitate sexual assault.

Sexual Assault Prevention Programs

All incoming Cooper Union students are required to attend a basic safety session, generally featuring the New York City police department, that includes information on preventing sexual assault.

Procedures to Follow if a Sex Offense Occurs

Survivors of a sexual assault or rape should immediately seek medical help by proceeding immediately to the nearest hospital emergency room. The nearest emergency rooms to Cooper Union are at Beth Israel Medical Center (First Avenue and 16th Street, 212.420.2840) and at Bellevue Hospital (First Avenue and 27th Street, 212.562.4347). To gain assistance in getting to an emergency room, a survivor can call 911 or notify Cooper Union’s security guards or the Dean of Students’ office (353.4130). The medical examination can include a pelvic or rectal exam, screening for sexually transmitted diseases, and/or pregnancy prevention. Medical information about the assailant is also collected, but this in no way obligates the survivor to press charges or file complaints.

Information on Notifying Proper Law Enforcement Authorities

If the survivor of a sexual assault desires to pursue a criminal complaint, the staff of the hospital emergency room will summon the police. Members of the Office of Student Services are also available to assist students who are the survivors of such an assault. The survivor has the option of waiting and filing a complaint with the police later.

Counselling Services

Counselling for survivors of sexual assaults is available through the Dean of Students’ office or through one of the following local services:

Rape Crisis Program

St. Luke's Crime Victims Treatment Center
West Village Division
153 West 11th Street
212.604.8068

Sexual Assault Victim Assistance Program

Bellevue Hospital Center
Rape Crisis Program
First Avenue and 27th Street, Room C/D 408
212.562.3755
212.562.3435 or 212.562.4693
socialworker@bellevue.org

Dove Program

Presbyterian Hospital
622 West 168th Street
212.305.9060
212.305.2500

Safe Horizon

2 Lafayette Street #3, New York, NY 10007
212.577.7700

New York County District Attorney's Office

1 Hogan Place, RM 231, New York, NY 10003
212.335.9040—Social Services
212.335.9633—Counseling

Change in Academic and Living Situations

If a student needs help in changing her or his academic or living situation in the aftermath of a sexual assault, the Dean of Students (212.353.4130) should be contacted for assistance.

Procedures for Campus Disciplinary Actions

To institute a disciplinary proceeding against a student, the complainant must file a written complaint with the Dean of Students. The Student Judicial Committee can then be convened.

Possible Sanctions by the Student-Faculty Judicial Committee

Students who commit sexual assaults are subject to Cooper Union disciplinary proceedings under the Code of Fair Practice and may be warned, reprimanded, suspended or dismissed from the institution.

Under federal law, in cases of sexual assault, the Student Judicial Committee may disclose its findings, including any sanctions against the accused, to the complainant.

Sexual Offense in NYS Penal Law**Article 130-Sex Offenses**

- 130.00 Sex offenses; definitions of terms.
- 130.05 Sex offenses; lack of consent.
- 130.10 Sex offenses; limitations; defenses.
- 130.16 Sex offenses; corroboration.
- 130.20 Sexual misconduct.
- 130.25 Rape in the third degree.
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- 130.50 Criminal sexual act in the first degree.
- 130.52 Forcible touching.
- 130.53 Persistent sexual abuse.

- 130.55 Sexual abuse in the third degree.
- 130.60 Sexual abuse in the second degree.
- 130.65 Sexual abuse in the first degree.
- 130.65a Aggravated sexual abuse in the fourth degree.
- 130.66 Aggravated sexual abuse in the third degree.
- 130.70 Aggravated sexual abuse in the first degree.
- 130.75 Course of sexual conduct against a child in the first degree.
- 130.80 Course of sexual conduct against a child in the second degree.
- 130.85 Female genital mutilation.
- 130.90 Facilitating a sex offense with a controlled substance.
- 130.91 Sexually motivated felony.
- 130.92 Sentencing.
- 130.95. Predatory sexual assault
- 130.96. Predatory sexual assault against a child

130.00 Sex Offenses; Definitions of Terms

The following definitions are applicable to this article:

1. "Sexual intercourse" has its ordinary meaning and occurs upon any penetration, however slight.
2. (a) "Oral sexual conduct" means conduct between persons consisting of contact between the mouth and penis, or the mouth and the anus, or the mouth and the vulva or vagina.
(b) "Anal sexual conduct" means conduct between persons consisting of contact between the penis and anus.
(Eff. 11/1/03, Ch.264, L.2003)
3. "Sexual contact" means any touching of the sexual or other intimate parts of a person not married to the actor for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing.
4. For the purposes of the article "married" means the existence of the relationship between the actor and the victim as spouses which is recognized by law at the time the actor commits an offense proscribed by this article by against the victim.
(Eff. 11/1/03, Ch.264, L.2003)
5. "Mentally disabled" means that a person suffers from a mental disease or defect which renders him/her incapable of appraising the nature of his or her conduct.
6. "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his/her conduct owing to the influence of a narcotic or intoxicating substance administered to him/her without his/her consent, or to any other act committed upon him/her without his consent.
7. "Physically helpless" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
8. "Forcible compulsion" means to compel by either:
 - (a) use of physical force; or
 - (b) a threat, expressed or implied, which