



New York City Alliance  
Against Sexual Assault



New York State Coalition  
Against Sexual Assault  
Working for a World Without Violence.

NEW  
YORK  
STATE

Department  
of Health

# What is 'Enough is Enough'?

The Enough is Enough law (NYS Education Law 129-B) was signed into law by Governor Cuomo in July 2015. This law requires all NYS colleges and universities to adopt comprehensive policies, procedures and guidelines to address the prevention of and response to campus sexual assault, domestic/dating violence, and stalking.

## 'Enough is Enough' requires the following from colleges and universities:

**Institute an alcohol and drug amnesty policy** so that any student or bystander reporting domestic/dating violence, stalking, or sexual assault will not face punishment from the school for any drug or alcohol consumption

**Adopt a student Bill of Rights** which gives all students the right to:

- Make a report to law enforcement
- Choose whether they want to disclose and participate in the judicial process
- Receive healthcare and counseling services
- Be asked to recount the incident as few times as possible
- Be protected from retaliation
- Have access to at least one appeal, and accompanied through the process by an advisor of choice.
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously
- Be free from any suggestion that the reporting individual is at fault
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice or judicial or conduct process

**Conduct anonymous campus climate surveys** at least every other year to determine awareness and understanding of 'Enough is Enough' by assessing:

- Knowledge of reporting and college adjudicatory processes
- Experiences when reporting
- The availability of resources on and off campus
- Where and how an incident was reported and if not, why
- Awareness of the definition of affirmative consent
- Awareness of differences between the institution's policies and the penal law
- Bystander attitudes and behavior

**Adopt a uniform definition of affirmative consent**, defined as

*"a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression."*



## 'Enough is Enough' requires the following from colleges and universities:

### Respond to reports by advising students of their right to:

- Notify law enforcement, file a report, and disclose the incident confidentially
- Have emergency access to a Title IX coordinator who will provide information and reporting options
- Receive assistance with legal proceedings and withdraw the complaint from the institutional process at any time
- Have an investigation and process that is impartial and fair
- Receive a prompt response to any complaint
- Exclude prior sexual history from proceedings
- Receive protections and accommodations including a 'no contact order' with the accused, and assistance from campus security in maintaining safety, and be informed of any sanctions leveled against the accused
- Request that student conduct charges be filed
- Be accompanied through any proceedings by an advisor of choice
- Have information about resources available, including intervention, mental health counseling and medical services
- To a prompt response to any complaint and to have the complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the Respondent is "not responsible" until a finding of responsibility is made
- Access to at least one level of appeal of a determination

### Onboarding and ongoing training:

- The following student populations are *required* to undergo training:
  - Incoming first year, transfer, graduate and professional students, student athletes, student leaders and high-risk populations
- Additionally, all students must have access to ongoing training
- Training topics should include: dating violence, stalking, sexual assault, bystander intervention and the role of Title IX Coordinators

**Collaborate with local rape crisis programs and community-based organizations** on forensic support, and medical care, primary prevention training and education, and victim services