

The Popular Culture Studies Journal Interview
SARAH GREEN & BERNADETTE
MARKOWSKI

ABOUT SARAH

Sarah Green has worked with colleges as a Title IX Investigator and/or Coordinator for several years. She earned her J.D. from American University Washington College of Law in 2003, and her B.A. Phi Beta Kappa from the University of Maryland in 1999.

ABOUT BERNADETTE

Bernadette Markowski has been an employee of the New York State Police since October of 2016 and is currently serving as the Research Specialist for the Campus Sexual Assault Victims Unit. Previously she spent over 7 years with the United States Attorney's Office for the Northern District of New York where, as part of her capacity as an assistant, worked with victims of federal crimes. Ms. Markowski obtained her bachelor's degree from The Sage Colleges as a major in Crime and Justice Policy and is currently on the cusp of finishing a double master's program at the Sage Graduate College in both Forensic Mental Health and Counseling and Community Psychology. Among several projects she is working on, Ms. Markowski is collaborating with other researchers in the field to determine valuable educational resources to integrate into high school curriculum.

The Popular Culture Studies Journal, Vol. 6, No. 1
Copyright © 2018

In 2015, New York Governor Andrew Cuomo signed “Enough Is Enough” into law. At the time, it was one of the more aggressive policies regarding issues of sexual assault higher education campuses. What did the implementation look like at the state, campus, and more local levels?

Sarah: From a legal standpoint, the Implementation of 129-B codified the 2010 guidance of the Office for Civil Rights issued Dear Colleague Letter and subsequent publications. It took the Federal guidance further in implementing a "yes means yes" standard instead of a "no means no" standard. This changed the vernacular of college Title IX training sessions, because New York schools needed to make sure that students clearly understood what "affirmative consent" or "yes means yes" means. It will take a few years to see if this is changing the way that students view sexual relationships.

Bernadette: One of many changes at the state level, the Enough Is Enough legislation created the Campus Sexual Assault Victims Unit under the New York State Police. Our unit is responsible for training and educating the numerous responders to sexual assault, dating violence, domestic violence and stalking victims on college campuses. We also lead collaborative efforts to create a support structure among community members at the campus and local levels including Title IX coordinators, victim advocates, local police, university police and others.

How does the law differ with respect to other states? Specifically, most higher education campuses have their own regulations. Why does a state law matter?

Bernadette: New York is unique from other states in that the Enough Is Enough legislation is pioneering legislation regarding accountability. The Enough Is Enough legislation requires all college campuses to report incidents including sexual assault and stalking, among others, to the New York State Education Department. They are also required to report complaints against the college. This is important because regardless if the federal Department of Education guidelines change, this does not affect the requirements in New York. The colleges are still responsible or “on the hook” and accountable outside of their campus. The legislation also forces colleges to update and adhere to their own campus policies because there is oversight. In my opinion, one of the most important and unique pieces of the legislation is the inclusion of an amnesty policy. Part of our mission as the Campus Sexual Assault Victims Unit is to facilitate the frequency of individuals to come forward and report. Having an amnesty policy encourages these individuals to come forward without fear of punishment for other behaviors such as being under the influence of drugs or alcohol.

Sarah: Let me add that New York and California have the toughest sexual assault laws in the country. Meaning that if students want to go to schools in these states they must be taught about what the laws mean and how they can affect their college career. It also puts an impetus on all colleges in the state (both public and private) to have uniform policies when it comes to gender and gender-based discrimination. State laws, when in conflict with Federal Law, can be challenged in the courts. Also, if colleges are not implementing the law uniformly, their decisions in their administrative hearings can be challenged, in the courts as well.

At the higher education level, what are existing administrators doing well? What advice do you have for administrators that could be helpful in better serving campuses?

Sarah: Administrators are taking their responsibilities seriously regarding sexual assault and gender discrimination on college campuses. I would tell administrators that they should keep creating meaningful sexual assault prevention programming that is available to students throughout the academic year, and not just a small program given at orientation.

Bernadette: I agree that training is key. Since the inception of the Enough Is Enough legislation, for colleges and universities, not only has the focus been on the reporting aspect of certain crimes, but it has also specifically delegated state funds to the training and education of college administrators, and the students themselves. I believe that education is the key to prevention. Colleges are beginning to understand that the better training they can get for their administrators and students, the more effective prevention strategies will become. We have heard from students that sometimes a clarification of specific behaviors helps them to understand what is acceptable, and what should be reported. The more trainings we can provide, the more students and administrators we will be able to reach and educate.

We are seeing that some instructors are trying to incorporate sexual assault awareness and prevention at the classroom level. What advice do you have for these instructors in terms of best practices?

Bernadette: I'm an advocate for teachers reinforcing prevention education. We can't always reach all incoming students at a level that they will be active listeners. Often times, sexual assault prevention education is covered during an orientation that covers many other topics and in a room of hundreds of students. If students can get awareness training on a personal level in their classrooms, we are much more likely to reach them more effectively. There are many trainings every month throughout the state, as well as our unit that can provide training upon request. My best advice to those instructors trying to incorporate awareness and prevention at the classroom level would be to reach out to the resources that are available in your neighborhood for the tools to help make yourself most effective. Having someone from the community come into your classroom would also help to bridge the gap and create awareness of local assistance.

Sarah: More specifically, if individual instructors want to talk about sexual assault prevention, they should consult with experts on how to do it in a way that is trauma informed. Also, they should try to make it relevant to the topics that they are covering in class. I always recommend that faculty and staff preface any training with a trauma warning so that students know that a triggering topic might be addressed. I also advise faculty and staff to put the name of the Title IX coordinator and their notice of non-discrimination on their syllabus.