



Westchester
Community College

State University of New York

Sexual Violence Response Policy

**For Non-Title IX Covered
Acts of Sexual Violence**

Last Updated: **September 21, 2020**

SEXUAL VIOLENCE RESPONSE POLICY

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SECTION I Introduction

Westchester Community College values and respects the self-worth of all individuals in our community and affirms their right to have a safe, nonthreatening, and respectful environment. The College has no tolerance for sexual misconduct and sexual violence of any kind, which includes sexual harassment, stalking, intimate partner violence, and sexual assault.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that, among other items: (a) Defines the meaning of “sexual harassment” (including forms of sex-based violence); (b) addresses how this institution **must** respond to reports of misconduct falling within that definition of sexual harassment; and (c) mandates a grievance process that this institution **must** follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

See, 85 Fed. Reg. 30026 (May 19, 2020). The full text of the Final Rule and its extensive Preamble are available here: <http://bit.ly/TitleIXReg>.

Based on the Final Rule, Westchester Community College has implemented a Title IX Grievance Policy, effective August 14, 2020, which can be found at www.sunywcc.edu/tix

Under the Final Rule, Westchester Community College must narrow both the geographic scope of its authority to act under Title IX and the types of “sexual harassment” that it must subject to its Title IX investigation and adjudication process. **Only** incidents falling within the Final Rule’s definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing. The College has codified its Title IX policies and procedures in the Title IX Grievance Policy, which can be at www.sunywcc.edu/tix.

However, Westchester Community College recognizes that these malicious acts can and do happen outside of the narrow standards defined under the Title IX Final Rule. As such, we have created this document, the Sexual Violence Response Policy to addresses sex-based offenses constituting a violation of campus policy that fall outside the Title IX Final Rule’s narrow definition. The Sexual Violence Response Policy will identifies the resources for individuals reporting sexual violence and for individuals accused of or responding to allegations of sexual violence as well as the procedures for investigating these sex-based offenses. In addition, Westchester Community College also maintains a Student **Code of Conduct** that defines certain behavior as a violation of campus policy and the procedures for adjudicating sex-based offenses that fall outside the narrow standards of the Title IX Final Rule.

SECTION II

Student's Bill of Rights

The State University of New York and Westchester Community College are committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in College/College-wide and campus programs, activities, and employment. All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad.

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the College;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the College courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the Reporting Individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few College representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the College, any student, the accused and/or the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the College;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a Reporting Individual, accused, or Respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College.

SECTION III
Procedures for Responding to an Individual Who Has Been the Victim of Sexual Violence

Westchester Community College shall ensure that Reporting Individuals have the following:

- a. Information regarding privileged and confidential resources they may contact regarding domestic violence, dating violence, stalking or sexual assault;
- b. Information about counselors and advocates they may contact regarding domestic violence, dating violence, stalking, or sexual assault;
- c. A plain language explanation of confidentiality which shall, at a minimum, include the following provision: **“Even Westchester Community College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.”**

Ensuring the Reporting Individual’s Safety

If you or the Reporting Individual believe that there is an immediate threat for danger, call the police. In emergency situations taking place on-campus, call the emergency Security line at 914-606-6911 or 6911 from any campus phone. Below are the non-emergency numbers for many of the local police agencies:

Greenburgh Town Police Department
914-682-5300

Elmsford Village Police Department
914-592-8383

Westchester County Police
914-864-7700

Offering Medical Treatment

Individuals who have experienced a recent sexual assault or act of physical violence are encouraged to visit a hospital or clinic, to assess and address their medical needs. A medical exam can assess a victim’s injuries and provide necessary medical advice and medication. Reporting Individuals should be advised that information provided during a medical exam is confidential and will not be released or shared without the Reporting Individual’s consent, but are subject to exceptions under the law, including when an individual is a threat to self or others and the mandatory reporting of child abuse.

Individuals reporting sexual assault should also be advised of their option to undergo a Sexual Assault Forensic Exam. These exams are performed by skilled clinicians at local hospitals. The exam includes assessment for and treatment of injury, addressing concerns of pregnancy and sexually transmitted infections (STI’s), and collection of evidence. Individuals reporting sexual assault should be advised as follows:

- That choosing to undergo a Sexual Assault Forensic Exam **does not** require that the victim report the violence to police or College administration. However, the exam is strongly recommended as it will greatly enhance the likelihood of a successful prosecution of the assailant in criminal cases should the victim choose to report the incident now or in the future.
- That it is important not to bathe, wash, change clothes, or brush one’s teeth prior to seeking medical attention. If possible, it is also best that the victim not take fluids or use the bathroom prior to the exam.
- That for the purposes of evidence collection, the Sexual Assault Forensic Exam should be conducted within 96 hours of the assault. However, even if 96 hours have elapsed, the exam is

still recommended. That the Sexual Assault Forensic Exam is free, and does not have to be charged to the victim's insurance.

- That information provided during the Sexual Assault Forensic Exam is confidential, and will not be released or shared with anyone, including Police and the College, without the victim's consent.
- The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found here: www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf or by calling 1-800-247-8035. Options are explained here: www.ovs.ny.gov/helpforcrimevictims.html

If an individual reporting sexual violence chooses to obtain medical care, assistance can be provided in arranging for transportation to the hospital or clinic chosen by the Reporting Individual. Reporting Individuals should be further informed that they can request that an advocate accompany them to the hospital. Assistance with providing transportation and/or an advocate can be provided by Security, The Health Services Office, Personal Counseling, Associate Dean of Student Life or the Associate Dean of Diversity, Equity, & Inclusion.

Employee Disclosure

Westchester Community College has identified the following employees as likely to receive reports of sexual violence from students:

- Title IX Coordinator
- Deputy Title IX Coordinators
- Campus Security Guards and Administration.
- Student Life professional staff members, inclusive of athletic coaches and trainers.
- Club and organization advisors.

At the first instance of disclosure by a Reporting Individual to the above employees, the employee should identify if they are a private or confidential reporting source and read the following statement to the Reporting Individual:

“You have the right to make a report to College Security, local law enforcement, and/or state police or choose not to report; to report the incident to the College; to be protected by the College from retaliation for reporting an incident; and to receive assistance and resources from the College.”

The aforementioned employees must notify the Title IX Coordinator of the report they received unless they are considered a confidential reporting source. See Section VI *Options for Confidentially Disclosing Sexual Violence* for more information about confidential reporting sources.

SECTION IV Resources for Victim/Survivors of Sexual Violence

Persons who experience unwelcome sexual behavior may respond to the experience in many different ways, including feeling confused, overwhelmed, and vulnerable, out of control, embarrassed, angry, distrustful, or depressed. The College provides a variety of resources for support and advocacy to assist individuals who have experienced sexual violence. The College will also provide Reporting Individuals with information about how to report the violence, should they chose to do so.

Reporting Individuals have the right to emergency access to one of the following College representatives:

- Dr. Rinardo Reddick, Title IX Coordinator
914-606-6313
titleixcoordinator@sunywcc.edu
- Keyla Garcia, Deputy Title IX Coordinator
914-606-7130
Keyla.garcia@sunywcc.edu
- Eric Mantell, Deputy Title IX Coordinator
914-606-7321
Eric.manell@sunywcc.edu
- Crysta Jones, Deputy Title IX Coordinator
914-606-6945
Crysta.jones@sunywcc.edu
- Personal Counselors
914-606-7784
personalcounseling@sunywcc.edu

The above representatives are trained in interviewing victims of sexual assault and will be available upon the first instance of disclosure by a Reporting Individual to provide written information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic exam or other medical examination as soon as possible. These representatives can also provide information about an administrative investigation by the College and the criminal justice process and will inform the individual about the different standards of proof utilized by each process, explaining that:

“There are significant differences between the College and criminal justice processes because they have different, important goals. In the criminal justice system, prosecutors pursue cases when they believe there is sufficient evidence to prove, beyond a reasonable doubt, that an individual has committed a criminal act. A person who is convicted of a crime will face criminal penalties, such as incarceration, probation, or the imposition of a fine. The college disciplinary process seeks to determine whether an individual has violated college policy. In this process, a preponderance of the evidence standard of proof is used to determine responsibility. A person who is found to have violated college policy may be suspended, expelled or otherwise restricted from full participation in the college community.”

The above representatives will refer a Reporting Individual to law enforcement if there are questions about whether a specific incident violated the law. Each representative will inform the Reporting Individual whether he or she is authorized to offer the Reporting Individual confidentiality or privacy.

Victims/Survivors of Sexual Violence may also obtain intervention services from:

Counseling Centers

Individuals who have experienced sexual assault or acts of physical violence often experience extreme trauma. As such, they are strongly encouraged to seek counseling services for their mental health needs.

On-Campus Resources

Personal Counseling Department

www.sunywcc.edu/personalcounseling

Kristy Robinson, LCSW
(914) 606-7784
kristy.robinson@sunywcc.edu
Student Center Room 224

Patrick Sheehan, LMHC
(914) 606-6721
patrick.sheehan@sunywcc.edu
Student Center Room 224

Walesca Marmolejos, LMSW
(914) 606-7268
walesca.marmolejos@sunywcc.edu
Student Center Room 224

Off-Campus Resources

National Sexual Assault Hotline

1-800-656-HOPE (1-800-656-4673)
24/Hours; Free & Confidential

Westchester Community Opportunity Program's Victims Assistance Services

2 Westchester Plaza, Bldg. #2
Elmsford, NY
(914) 345-3113
www.westcop.org

Local 24 Hour Hotline:
(914) 345-9111

24 Hour Rape Crisis Toll-Free Hotline:
(855) 827-2255

Services include, but are not limited to:

- Crisis Intervention
- Counseling
- Advocates (Forensic Exam/Hospital Accompaniment, Court Accompaniment, Criminal justice advocacy, etc.)
- Specialized Trauma Therapies
- Safety Planning
- Support and Therapy Groups
- SANE (Sexual Assault Nurse Examiner) Forensic Exams
- Assistance obtaining protective orders and accessing shelter
- Bilingual (English/Spanish) services available.

Westchester Hispanic Coalition

46 Waller Avenue
White Plains, NY 10605
914- 948-8466

24 Hour Hotline:
1-844-YA-NO-MAS (1-844-926-6627)

Services include, but are not limited to:

- Crisis Intervention
- Counseling
- Advocates (Forensic Exam/Hospital Accompaniment, Court Accompaniment, Criminal justice advocacy, etc)
- Emotional support
- Information & Referral
- Forensic Exam Accompaniment
- Empowerment group.
- Bilingual (English/Spanish) services available.

Hope's Door

(914)747-0828
www.hopesdoorny.org

24 Hour Hotline:
1-888-438-8700 (bilingual English/Spanish)

Services include, but are not limited to:

- Emergency Shelter
- Safety Planning, Danger Assessment
- Counseling & Support Groups
- Information & Referral
- Office of Victims Services Compensation
- Self-Advocacy Skills Training & Assistance obtaining benefits and other services
- Legal Representation

My Sister's Place

3 Barker Avenue
White Plains, NY 10601
914-683-1333

24/hour Crisis Hotline:
1-800-298-7233 (SAFE)

Services include, but are not limited to:

- Emergency Shelter
- Residential Counseling
- Community Counseling & Advocacy
- Children's Counseling
- Childcare Services
- Legal Services
- Human Trafficking

Health Centers

Individuals who have experienced a recent sexual assault or act of physical violence are encouraged to visit a hospital or clinic, to assess and address their medical needs. A medical exam can assess a victim's injuries and provide necessary medical advice and medication. Reporting Individuals should be advised that information provided during a medical exam is confidential and will not be released or shared without the Reporting Individual's consent, but are subject to exceptions under the law, including when an individual is a threat to him or herself or others and the mandatory reporting of child abuse.

Individuals reporting sexual assault have an option to undergo a Sexual Assault Forensic Exam. These exams are performed by skilled clinicians at local hospitals. The exam includes assessment for and treatment of injury, addressing concerns of pregnancy and sexually transmitted infections (STI's), and collection of evidence.

Off Campus

Westchester Medical Center Forensic Acute Care Team (FACT)

100 Woods Rd
Valhalla, NY 10595
Phone: (914) 493-7000

FACT is a team of experienced, highly qualified and compassionate physicians and nurses available 24/hours, seven days a week. They offer various aspects of medical and/or forensic care to patients presenting with concerns for recent (within 96 hours) sexual abuse or assault.

Free forensic and medical (ADD) services are available to patients of all ages presenting with acute concerns for sexual abuse or assault. Acute means that the abuse/assault is reported to have occurred within the past 96 hours, or if the patient reports active symptoms (pain, bleeding or skin injury).

On-site mental health and social work services are available 24 x 7 as well victim advocacy service liaisons to community agencies.

Patients do not have to notify the police in order to obtain FACT program services.

Westchester Medical Center Sexual Assault, Abuse, and Victims Empowerment Program (SAAVE)

100 Woods Rd
Valhalla, NY 10595
Phone: (914) 493-3650

24/hour Crisis Hotline:
1-833-220-244

SAAVE offers comprehensive services for victims and significant others regardless of age, race, class, ethnicity, sex, sexual orientation, gender identity, gender expression or physical ability. Compassionate crisis counselors are available who can assist speakers in English and Spanish.

SAAVE is committed to: (a) supporting and empowering victims of sexual assault, domestic violence, intimate-partner violence, harassment, stalking and traumas through free, confidential advocacy and counseling; (b) collaborating with local service providers to develop and strengthen services for victims; and (c) engaging in violence-prevention education and outreach to eradicate

victimization and assist community and healthcare providers in identifying and responding to victims to enhance the healing process and prevent re-victimization.

Services include, but are not limited to:

- Crisis Intervention
- Safety Planning
- Short- and Long-term Counseling
- Medical Accompaniment and Referrals
- Legal Accompaniment and Referrals
- Accompaniment to Westchester Medical Center's Forensic Acute-Care Team
- Crime Victims' Compensation
- Information and Referrals
- Bilingual (English/Spanish) services available.

Additional Resources

SUNY Sexual Assault & Violence Response (SAVR) Webpage

The State University of New York, of which Westchester Community is apart of, takes reports of sexual assault, domestic violence, dating violence and stalking seriously. Students who have experienced any of the above can visit the Sexual Assault & Violence Response (SUNY SAVR) webpage which provides individuals with information to seek resources and support, and to report the crime to law enforcement and the campus.

SUNY SAVR can be accessed by visiting: www.suny.edu/violence-response

Off Campus

The below are websites for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus.

- SurvJustice: <http://survjustice.org/our-services/civil-rights-complaints/>
- Legal Momentum: <https://www.legalmomentum.org/>
- NYSCASA: <http://nyscasa.org/get-help>
- NYSCADV: <http://www.nyscadv.org/>
- Pandora's Project: <http://www.pandys.org/lgbtsurvivors.html>
- GLBTQ Domestic Violence Project: <http://www.glbtqdv.org/>
- RAINN: <https://www.rainn.org/get-help>
- Safe Horizons: <http://www.safehorizon.org/>

SECTION V Protection & Accommodations

Individuals reporting sexual violence and individuals accused of or responding to allegations of sexual violence are afforded certain protections and accommodations. The Title IX Coordinator will serve as a point person to assist individuals in obtaining the following:

- When the accused is a student, to have the College issue a “No Contact Order.” When a No Contact order is in effect, continued contact with the protected individual is a violation of the *Student Code of Conduct* and will result in additional conduct charges. If the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person. Both the accused/Respondent and Reporting Individual may request a prompt review of the need for and terms of a No Contact Order, consistent with the Student Code of Conduct. Parties may submit evidence in support of their request.
- To have assistance from the College, Security, or other college officials in initiating legal proceedings in family court or civil court, including but not limited to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.
- To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a College official who can explain the order and answer questions about it, including information from the order about the accused’s responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).
- To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.
- To have assistance from Security in calling local law enforcement in effecting an arrest for violating an Order of Protection.
- When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused subject to interim suspension per the process established in the *Student Code of Conduct*. Parties may request a prompt review of the need for and terms of an interim suspension in accordance with the procedures set forth in *Student Code of Conduct*.
- When the accused is not a student but is a member of the college community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and College policies and rules.
- When the accused is not a member of the college community, to have assistance from College Security or other college officials in obtaining a persona non grata letter, subject to legal requirements and college policy.
- To receive assistance from appropriate College representatives/community partners in initiating legal proceedings in family court or civil court.
- To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. Parties may request a prompt review of the need for and terms of any interim measures and accommodations that directly affect them.

SECTION VI
Options for Confidentially Disclosing Sexual Violence

Westchester Community College wants individuals who have experienced sexual violence to get the information and support that they need regardless of whether they would like to move forward with a report of sexual violence to campus officials or to police. A person may want to talk with someone about something they have observed or experienced, even if they are not sure that the behavior constitutes sexual violence. A conversation where questions can be answered is far superior to keeping something to one's self. Confidentiality varies, and this section of the policy is aimed at helping our community understand how confidentiality applies to the different resources that may be available.

Confidential Reporting

Reporting Individuals have the right to confidentially disclose an incident to College officials who are designated as confidential resources. These individuals can assist in obtaining services for Reporting Individuals. Individuals who are *confidential* resources will not report crimes to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency.

On-Campus

Confidential resources at Westchester Community College for reporting sexual violence includes:

Personal Counseling Department

www.sunywcc.edu/personalcounseling

Kristy Robinson, LCSW
(914) 606-7784
kristy.robinson@sunywcc.edu
Student Center Room 224

Patrick Sheehan, LMHC
(914) 606-6721
patrick.sheehan@sunywcc.edu
Student Center Room 224

Walesca Marmolejos, LMSW
(914) 606-7268
walesca.marmolejos@sunywcc.edu
Student Center Room 224

Health Services

www.sunywcc.edu/student-services/health-services

Janice Gilroy, RN
(914) 606-6610
Student Center Room 181

Kerri Pohar, RN
(914) 606-6610
Student Center Room 181

Mary Barden, RN
(914) 606-6610
Student Center Room 181

Off-Campus

Reporting Individuals may also confidentially disclose the incident and obtain services from the following resources and hotlines. Reporting Individuals are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases.

Off-Campus Counselors & Advocates

Crisis service offices will generally maintain confidentiality unless a Reporting Individual requests disclosure and signs a consent or waiver form. More information on an agency's policies on confidentiality may be obtained directly from the agency.

Westchester Community Opportunity Program's Victims Assistance Services

2269 Saw Mill River Road, Bldg. #3
Elmsford, NY
(914) 345-3113
www.westcop.org

Local 24 Hour Hotline:
(914) 345-9111

24 Hour Rape Crisis Toll-Free Hotline:
(855) 827-2255

Services include, but are not limited to:

- Crisis Intervention
- Counseling
- Advocates (Forensic Exam/Hospital Accompaniment, Court Accompaniment, Criminal justice advocacy, etc.)
- Specialized Trauma Therapies
- Safety Planning
- Support and Therapy Groups
- SANE (Sexual Assault Nurse Examiner) Forensic Exams
- Assistance obtaining protective orders and accessing shelter
- Bilingual (English/Spanish) services available.

Westchester Hispanic Coalition

46 Waller Avenue
White Plains, NY 10605
914- 948-8466

24 Hour Hotline:
1-844-YA-NO-MAS (1-844-926-6627)

Services include, but are not limited to:

- Crisis Intervention
- Counseling
- Advocates (Forensic Exam/Hospital Accompaniment, Court Accompaniment, Criminal justice advocacy, etc)
- Emotional support
- Information & Referral
- Forensic Exam Accompaniment
- Empowerment group.
- Bilingual (English/Spanish) services available.

Off-Campus Healthcare Providers

Reporting Individuals may also *confidentially* disclose the incident and obtain services from off-campus medical providers. Some of the area providers are listed below.

**Westchester Medical Center
Forensic Acute Care Team (FACT)**

100 Woods Rd

Valhalla, NY 10595
Phone: (914) 493-7000

FACT is a team of experienced, highly qualified and compassionate physicians and nurses available 24/hours, seven days a week. They offer various aspects of medical and/or forensic care to patients presenting with concerns for recent (within 96 hours) sexual abuse or assault.

Free forensic and medical (ADD) services are available to patients of all ages presenting with acute concerns for sexual abuse or assault. Acute means that the abuse/assault is reported to have occurred within the past 96 hours, or if the patient reports active symptoms (pain, bleeding or skin injury).

On-site mental health and social work services are available 24 x 7 as well victim advocacy service liaisons to community agencies.

Patients do not have to notify the police in order to obtain FACT program services.

**Westchester Medical Center
Sexual Assault, Abuse, and Victims Empowerment Program (SAAVE)**

100 Woods Rd
Valhalla, NY 10595
Phone: (914) 493-3650

24/hour Crisis Hotline:
1-833-220-244

SAAVE offers comprehensive services for victims and significant others regardless of age, race, class, ethnicity, sex, sexual orientation, gender identity, gender expression or physical ability. Compassionate crisis counselors are available who can assist speakers in English and Spanish.

SAAVE is committed to: (a) supporting and empowering victims of sexual assault, domestic violence, intimate-partner violence, harassment, stalking and traumas through free, confidential advocacy and counseling; (b) collaborating with local service providers to develop and strengthen services for victims; and (c) engaging in violence-prevention education and outreach to eradicate victimization and assist community and healthcare providers in identifying and responding to victims to enhance the healing process and prevent re-victimization.

Services include, but are not limited to:

- Crisis Intervention
- Safety Planning
- Short- and Long-term Counseling
- Medical Accompaniment and Referrals
- Legal Accompaniment and Referrals
- Accompaniment to Westchester Medical Center's Forensic Acute-Care Team
- Crime Victims' Compensation
- Information and Referrals
- Bilingual (English/Spanish) services available.

It is important for Reporting Individuals to be aware that:

- Medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered;
- The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency compensation. More information may be found here: http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf or by calling 1-800-247-8035. Options are explained here: <http://www.ovs.ny.gov/helpforcrimevictims.html>
- Note that even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to him or herself or others and the mandatory reporting of child abuse.

Additional Off-Campus Confidential Disclosure Resources

To disclose confidentially and obtain services from the New York State, New York City, or county hotlines, students can visit: www.opdv.ny.gov/help/dvhotlines.html

Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages at www.opdv.ny.gov/help/index.html or by phone at 1-800-942-6906.

Reporting to Individuals Who Can Offer Privacy

Even Westchester Community College offices and employees who cannot guarantee *confidentiality* will maintain a student's *privacy* to the greatest extent possible. The information provided by a Reporting Individual to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible under the law for tracking patterns and spotting systemic issues. Westchester Community College will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

For a list of private reporting options to the College, please refer to *Section VII: How To Report Sexual Violence*.

Requesting Confidentiality After Reporting to a Non-Confidential Resource

If a Reporting Individual discloses an incident to a College employee who can offer privacy, but not confidentiality and is thereby responsible for responding to or reporting sexual violence or sexual harassment, but the Reporting Individual wishes to maintain confidentiality and/or does not consent to the College's request to initiate an investigation, the Title IX Coordinator must weigh their request against the College's obligation to provide a safe, non-discriminatory environment for all members of our community, including the Reporting Individual.

The Title IX Coordinator may seek consent from a Reporting Individual prior to conducting an investigation. The Reporting Individual may decline to consent to an investigation, and that determination will be honored unless the College's failure to act does not adequately mitigate the risk of harm to the Reporting Individual or other members of the College community.

The Title IX Coordinator will consider many factors to determine if they must proceed with an investigation in order to maintain a safe, non-discriminatory environment for all members of the community, despite any request(s) of the Reporting Individual. Criteria to make this determination include, but is not limited to:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation, i.e. a prior situation involving sustained stalking,
- The increased risk that the accused will commit additional acts of violence;
- Whether the accused used a weapon or force;
- Whether the Reporting Individual is a minor; and
- Whether we possess other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.

Honoring the Reporting Individual's request may limit the College's ability to meaningfully investigate and pursue conduct action against an accused individual. If the College determines that an investigation is required, the Reporting Individual will be notified and immediate action will be taken as necessary to protect and assist the Reporting Individual.

The College will assist the Reporting Individual with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of their reporting choices. While Reporting Individuals may request accommodations through several college offices, the following office can serve as a primary point of contact to assist with these measures:

Dr. Rinardo Reddick, Title IX Coordinator
 914-606-6313
titleixcoordinator@sunywcc.edu

The College may also take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify the Reporting Individual or the situation they disclosed.

Public Awareness/Advocacy Events

If a situation is disclosed through a public awareness event such as events taking place during Domestic Violence Awareness Month, *Take Back the Night*, candlelight vigils, protests, or other public events, the College is not obligated to begin an investigation. The College may use the information provided to inform the need for additional education and prevention efforts.

SECTION VII How to Report Sexual Violence

Any person may file a report regarding any student, faculty, staff or community member involved in an incident of non-consensual sexual activity, sexual assault, stalking, domestic violence, dating violence or sexual harassment. In accordance with the Student's Bill of Rights, Reporting Individuals shall have the right to pursue more than one of the options below at the same time, or to choose not to participate in any of the options below.

Employee Reporting

If a College employee has been the victim of sexual violence or sexual misconduct, they should consult the College's Procedures on Sexual Harassment Complaints which can be found at:

<http://www.sunywcc.edu/about/jobshuman-resources/human-resources-policies-and-procedures/>

Options for Confidential Reporting

Please refer to *Section VI: Options for Confidentially Disclosing Sexual Violence* of this document for information as to how a Reporting Individual can make a confidential report.

Reporting to the College (Resources Offering Privacy)

Reporting Individuals have the right to report an incident of sexual violence to one of the following College officials who can offer privacy and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. Please note that an official who can offer privacy may still be required by law and college policy to inform one or more College officials about the incident, including but not limited to the Title IX Coordinator. These officials will:

- Provide the Reporting Individual with a copy of the Students' Bill of Rights
- Disclose that they are private and not confidential resources, and that they may be required by law and College policy to inform one or more College officials about the incident, including but not limited to the Title IX Coordinator.
- Notify Reporting Individuals that the criminal justice process uses different standards of proof and evidence than institutional administrative procedures, and questions about the penal law or the criminal process should be directed to law enforcement or the District Attorney.

Reporting Individuals also have the right to meet with any of the following individuals to file a report of sexual violence:

a. Title IX Coordinator

The Title IX Coordinator is available to receive reports and to provide information and assistance regarding an incident of sexual assault, domestic violence, dating violence, and/or stalking. Reports will be investigated in accordance with College policy and a Reporting Individual's identity shall remain private at all times if they wish to maintain privacy. If a Reporting Individual wishes to keep his/her identity anonymous, he or she may call the Title IX Coordinator anonymously to discuss the situation and available options.

Title IX Coordinator

Dr. Rinardo Reddick

75 Grasslands Road

Valhalla, NY 10595

914-606-6313

titleixcoordinator@sunywcc.edu

b. Security & Local Law Enforcement

Reporting Individuals have the right to file a criminal complaint with College Security and/or with local law enforcement and/or state police. Reporting Individuals can receive assistance from College Security in making contact with local law enforcement and/or state police.

Reporting Individuals can also receive assistance from College Security, in initiating legal proceedings in family court or civil court, including but not limited to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order. In addition, both the accused/Respondent and the Reporting Individual may receive assistance in how to obtain a copy of the order of protection or equivalent when received by the College and have an opportunity to meet or speak with a College representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the accused's responsibility to stay away from the protected person or persons; an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension; and to receive assistance from campus security in effecting an arrest by calling on local law enforcement for violating such an order, provided that nothing in this article shall limit current law enforcement jurisdiction & procedures.

Security

75 Grasslands Road, Student Center 116, Valhalla, NY 10595
914-606-6911 (available 24/hours)
security@sunycc.edu

Local Law Enforcement

Westchester County Police
914-864-7700

Greenburgh Town Police Department
914-682-5300

State Police

State police 24-hour hotline to report sexual assault on a New York college campus:
1-844-845-7269.

c. Human Resources

When the accused is an employee, a Reporting Individual may also report the incident to the College's Office of Human Resources or may request that one of the above referenced confidential or private employees assist in reporting to Human Resources. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When the accused is an employee of an affiliated entity or vendor of the College, College officials will, at the request of the reporting party, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy.

Human Resources

914-606-6880
humanresources@sunywcc.edu

d. Reporting to Other College Employees

Westchester Community College has identified certain employees as likely to receive reports of sexual violence from students. See Section III *Procedures for Responding to an Individual Who Has Been the Victim of Sexual Violence* under the *Employee Disclosure* subheading for more information reporting to these employees.

Anonymous Reporting

Options for anonymously reporting incidents of sexual violence to College officials include emailing the Title IX Coordinator at titleixcoordinator@sunywcc.edu or completing the *Sexual Violence/Misconduct Online Incident Report* found at:

https://cm.maxient.com/reportingform.php?SUNYWestchesterCC&layout_id=2

If you would like to speak anonymously about crisis intervention, resources, and referrals without a reporting mechanism, you can do so by contacting the New York State Hotline for Sexual Assault and Domestic Violence at 1-800-942-6906.

Withdrawal of Complaints/Involvement

A Reporting Individual has the right to withdraw their complaint from the College process at any time. The College may elect to maintain a record of the evidence and information collected and may decide to continue to investigate a complaint in order to maintain a safe, non-discriminatory environment for all members of the community. For more information about when the College may chose to continue an investigation despite a request made by the Reporting Individual, please refer to *Section VI: Options for Confidentially Disclosing Sexual Violence*.

SECTION VIII

Investigation Procedures

The College is committed to conducting adequate, reliable, and impartial investigations of reports and complaints of sexual violence, and to doing so in a timely manner. The Title IX Coordinator is responsible for overseeing and coordinating many aspects of this response.

Purpose of the Investigation

The College will conduct an investigation into allegations of sexual violence that occur within the College community or that have an effect on the College community. The purpose of an investigation is:

1. When the Respondent is a student or an employee, to collect and compile evidence for the purpose of determining whether the complaint, if accepted as true, alleges a violation of College policy and if so, which specific policies may have been violated;
2. When the Respondent is a student or employee, to determine whether the allegations warrant review by through the *Student Code of Conduct* or Human Resources, if such review has not yet been initiated;
3. When the Respondent is not a member of the College community, to collect and compile evidence relevant to the allegations in order to determine whether a violation of College policy has occurred. The Title IX Coordinator or designee will make this determination.
4. To assist the College in its obligation to stop individual instances of sexual violence, to prevent the recurrence of the violence, and to remedy any effects the violence has had on the entire College community.

Student's Rights in an Investigation

1. If a Reporting Individual reports an incident of non-consensual sexual activity or sexual assault, but does not wish to participate in the investigation and adjudication process, the situation will be reviewed by the Title IX Coordinator for student concerns. They will determine whether there is sufficient information to proceed with an investigation.
2. If the accused/Respondent does not wish to participate in the investigation and adjudication process, the process will proceed without their contribution to the determination of the facts of the case. The Respondent should note that the appeal process based on appearance of new information not available to the hearing officers does not apply in cases of deliberate omission of information by the Respondent, including refusal by the Respondent to participate in the investigation.
3. All students will receive a process investigated by individuals in a thorough manner, without a conflict of interest, and 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.
4. A Reporting Individual may also refer to the *Student's Bill of Rights* found in Section II of this document for a complete list of all their rights.

Title IX Coordinator's Receives Report

When the Title IX Coordinator receives a report alleging actual or suspected sexual violence, they will do the following:

1. Review all available information to determine whether or not immediate remedial action can and should be taken.
2. In conjunction with the College Security, determine whether a timely warning should be issued to the entire College community in accordance with Clery Act requirements. Should the College determine that a timely warning is necessary, the College will make every effort to notify the Reporting Individual prior to the issuance of the notification.
3. Conduct a preliminary inquiry into the report or assign an investigator(s) to do so.

Preliminary Inquiry

Upon receipt of a report alleging sexual violence, the Title IX Coordinator or a designee will assess whether a formal Title IX investigation will be conducted under this policy; that is, whether the allegations in the initial report(s), if true, would constitute prohibited sexual violence in accordance with College policy. This preliminary review, including any necessary interviews to be conducted and any necessary interim measures to be put in place, will usually be completed within seven (7) days of receipt of the complaint.

Investigation Process when the Accused is a Student

If the Title IX Coordinator determines that an investigation is necessary, the following will occur, in no particular order:

1. The Title IX Coordinator will assign an investigator or team of investigators to conduct the investigation. The Title IX Coordinator may be a member of that team.
2. The Title IX Coordinator will notify all parties to the complaint, if their identities are known, that the College will be conducting an investigation;
3. The Title IX Coordinator will contact the Reporting Individual in order to:
 - a. Advise the Reporting Individual of resources available both on and off campus for support, advocacy, and accommodations for safety and security;
 - b. Advise the Reporting Individual of their reporting rights and options; including the right to request that the College not take action;
 - c. Advise the Reporting Individual about the investigation process;
 - d. Advise the Reporting Individual about the College's prohibition against retaliation;
4. The Title IX Coordinator will meet with the Respondent(s) in order to:
 - a. Advise the Respondent(s) of resources available both on and off campus for support, advocacy, and accommodations;
 - b. Advise the Respondent about the investigation process;
 - c. Advise the Respondent about the College's prohibition against retaliation;
5. The Title IX Investigation team will meet with separately with the Reporting Individual and the Respondent(s) in order to:
 - a. Conduct an interview, should they choose to participate;
 - b. Allow each to provide evidence, including, but not limited to documents, recordings, and names of potential witnesses.
6. All reports shall be investigated in accordance with College policy and the Reporting Individual's identity shall remain private at all times if said Reporting Individual wishes to maintain privacy.

7. All of those contacted by the investigator will be required to maintain the privacy of the investigation however; the investigative team may consult with the Title IX Coordinator in decisions regarding the investigation process.
8. The Title IX Investigation team will attempt to meet with and speak to all witnesses who have or may have information relevant to the investigation. The Title IX Investigation Team will make the final decisions about with whom to talk and what to ask.
9. The Title IX Investigation team will attempt to collect all evidence relevant to the investigation. When the matter is also being investigated by an appropriate law enforcement agency, the Investigation Team may utilize information provided by the law enforcement agency, but must still conduct their own investigation.
10. When it appears that the investigation may result in a student conduct referral, the Title IX Investigation Team will send the Reporting Individual and Respondent(s) copies of their own statements. Both the Reporting Individual and Respondent(s) will be permitted to suggest changes, offer clarifications, and make additions to their statements. The Title IX Investigation Team will make the final decisions about what to include.
11. Copies of the final investigation report will be prepared and distributed to the parties. The parties will then be requested to affirm, in writing, that: (1) they have had the opportunity to review the report in its entirety; (2) the portion of the report in which their statements are summarized is accurate and complete; (3) they are satisfied that they have shared all relevant information and evidence known to them; and (4) they are satisfied that the investigation was thorough and complete.
12. If the investigation identifies evidence that, if true, could constitute a violation of The *Student Code of Conduct*, the Investigative Team will make a referral to the Associate Dean of Student Life or designee and the investigation report will be provided to that office for further action.
13. Absent extenuating circumstances, investigation and resolution is expected to take place within sixty (60) calendar days from receipt of the complaint. All deadlines and time requirements detailed below may be extended for good cause as determined by the Title IX Coordinator or the Vice President for Student Access, Involvement & Success, or a designee of either of those individuals. Both the Reporting Individual and Respondent will be notified in writing of the delay, the reason for delay, and provided the date of the new deadline or event. Extensions requested by one party will not be longer than 5 business/school days.

Investigation Process when the Accused is an Employee

When the accused is an employee, the investigation will be conducted by an individual assigned by the Title IX Coordinator in accordance with applicable collective bargaining agreements. When the accused is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the Reporting Individual, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a *persona non grata* letter, subject to legal requirements and College policy.

SECTION IX

Adjudication of Sexual Violence Complaints

Student Conduct Process

When the alleged perpetrator of an act of sexual violence is a student, the Reporting Individual has the right to request that student conduct charges be filed against the accused. Conduct proceedings are governed by the procedures set forth in the *Student Code of Conduct*, as well as within federal and New York state law, including the due process provisions of the United States and New York State Constitutions. The *Student Code of Conduct* can be found here: www.sunywcc.edu/codeofconduct

Employee Complaint Adjudications

When the accused is an employee, an investigation and any subsequent disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When the accused is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the Reporting Individual, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy.

SECTION X

Prohibition Against Retaliation

Retaliation is an intentional act taken against an individual who initiates or participates in **any** sexual violence or misconduct investigation or proceeding. Any act of retaliation, either directly or through a third party, against a person who files a sexual violence complaint, serves as a witness, or assists or participates in any manner in any investigation or conduct proceeding involving allegations of sexual violence is strictly prohibited and will result in disciplinary action. Reports of retaliation can be made to the following College officials:

- Dr. Rinardo Reddick, Title IX Coordinator
914-606-6313
titleixcoordinator@sunywcc.edu

SECTION XI

College Crime Reporting

Reports of certain crimes occurring in certain geographic locations will be included in the Westchester Community College Clery Act Annual Security Report in an anonymous manner that neither identifies the specifics of the crime or the identity of the Reporting Individual and/or victim/survivor. Westchester Community College is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the Reporting Individual). A victim/survivor will never be identified in a timely warning.

The Family Educational Rights and Privacy Act allows institutions to share information with parents when (1) there is a health or safety emergency, or (2) when the student is a dependent on either parents' prior year federal income tax return. Generally, Westchester Community College will not share information about a report of sexual violence with parents without the permission of the Reporting Individual.

SECTION XII

Scope of this Policy

This policy applies to all members of the College community and its guests, without regard to an individual's race, color, national origin, religion, creed, age, disability, sex, gender identity, gender expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction. Employees, students, applicants or other members of the College community (including but not limited to vendors, visitors and guests) may not be subjected to harassment that is prohibited by law, or treated adversely or retaliated against based upon a protected characteristic. This policy covers acts of sexual violence/misconduct that are not covered by the Title IX Final Rule.

Title IX Grievance Policy Scope

The Title IX Final Rule significantly narrows the definition of “covered sexual harassment.” It includes any conduct on the basis of sex that satisfies one or more of the following:

- a) An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
- b) Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution’s education program or activity;
- c) Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
- d) Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
- e) Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under {your state(s)} domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of {state}.
- f) Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

The Title IX Final rule also limits the geographic scope of Westchester Community College’s “education program or activity.” As such, “covered sexual harassment” under the Title IX Final rule must occur in the United States and occur on one or more of the below:

- (a) any on-campus premises;
- (b) any off-campus premises that Westchester Community College has substantial control over. This includes buildings or property owned or controlled by a recognized student organization; and

- (c) activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Westchester Community College's programs and activities over which Westchester Community College has substantial control.

Sexual Violence Response Policy Scope

The Sexual Violence Response Policy covers acts of sexual violence/misconduct that are not covered by the Title IX Final Rule per the above, including non-covered acts that occur on-campus and off-campus.

Off-campus violations, including online behavior, that affect a clear and distinct interest of the College are subject to disciplinary sanctions. For example, sexual violence by a student is within the College's interests when the behavior:

1. Involves conduct directed at a College student or other member of the College community;
2. Occurs during College sponsored events (e.g., field trips, social or educational functions, College-related travel, student recruitment activities, internships, and service learning ^[SEP]experiences);
3. Occurs during the events of organizations affiliated with the College, including the events of student organizations
4. Occurs during a Study Abroad program or other international travel; or
5. Poses a disruption or threat to the College community.
6. The effects of the violence are such that they create a hostile environment within the College community.

SECTION XIII

Student Onboarding and Ongoing Education

The College believes that sexual violence prevention training and education cannot be accomplished via a single day or a single method of training. To that end, the College, in accordance with SUNY-wide policy and state and federal law, will continue to educate all new and current students using a variety of best practices aimed at educating the entire College community in a way that decreases sexual violence and maintains a culture where sexual assault and acts of sexual violence are not tolerated.

During the course of their onboarding to the College, all new first-year and transfer students will receive training on the following topics:

- The College prohibits sexual harassment, including sexual violence, domestic violence, dating violence, stalking, other violence or threats of violence, and will offer resources to any victims/survivors of such violence while taking administrative and conduct action regarding any accused individual within the jurisdiction of the College.
- Relevant definitions including, but not limited to, the definitions of sexual violence and consent.
- Policies apply equally to all students regardless of sexual orientation, gender identity, or gender expression.
- The role of the Title IX Coordinator, College Police/Campus Security, and other relevant offices that address violence prevention and response.
- Awareness of violence, its impact on victims/survivors, their friends/family, & long-term effects.
- The Students' Bill of Rights and Sexual Violence Response Policy, including:
 - How to report sexual violence and other crimes confidentially, and/or to College officials, campus law enforcement and security, and local law enforcement.
 - How to obtain services and support.
- Bystander intervention & the importance of taking action, when safe to do so, to prevent violence.
- The protections Alcohol and/or Drug Use Amnesty in Sexual/Interpersonal Violence Policy.
- Risk assessment & reduction including, but not limited to, steps that potential victims/survivors *and* potential assailants and bystanders to violence can take to lower incidence of sexual violence.
- Consequences and sanctions for individuals who commit these violations.

The College will use multiple methods to educate students about sexual violence prevention. The College will provide training general and specific training in domestic violence, dating violence, stalking and sexual assault prevention and shall conduct a campaign that complies with the Violence Against Women Act to educate the student population. They shall, as appropriate, provide or expand specific training to include groups such as international students, students that are also employees, and online and distance education students. They shall also provide specific training to members of groups that the College identifies as high-risk populations.

Further, the College will require student leaders and officers of registered/recognized student organizations and those seeking recognition complete training on domestic violence, dating violence, sexual assault, and stalking prevention prior to receiving recognition or registration and require student-athletes to complete training in domestic violence, dating violence, sexual assault, and stalking prior to participating in intercollegiate athletics.

The College will engage in a regular assessment of sexual violence education and prevention programming and policies to determine effectiveness.

SECTION XIV
Role of the Title IX Coordinator

The Title IX Coordinator has been charged with managing the College's response to sexual assault, sexual harassment, dating violence, domestic violence, and stalking. Informed by current federal and state law and guidance, the Title IX Coordinator aims to ensure that the College responds promptly and effectively to reports of sexual violence, prevent its recurrence, and remedy its effects.

Title IX Coordinator's Responsibilities:

- Oversee the College's response to all forms of sexual violence, to ensure prompt and equitable resolution of all complaints.
- Provide a central place to report an incident and overseeing the reporting process.
- Provide information about College policies and procedures.
- Provide referrals to campus and community resources and victim advocates.
- Facilitate accommodations to address safety concerns and to support victims and complainants so that academic and professional pursuits may continue unimpeded.
- Keep records to ensure patterns of behavior are identified.
- Oversee investigations of misconduct to ensure fairness, impartiality, and equity.
- Coordinate and providing training, education, & prevention programs for the college community.
- Compile and submit any and all reports to maintain compliance with college, local, state, and federal agencies.

SECTION XV Definitions

A. Terms used throughout this policy

- **Accused:** A person accused of a violation who has not yet entered a judicial or College administrative conduct or review process.
- **Affirm Consent to Sexual Activity, Active Consent or Affirmative Consent:** is 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 the 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. (Section 6441 Education Law Article 129-B)
 - (i) Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
 - (ii) Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
 - (iii) Consent may be initially given but withdrawn at any time.
 - (iv) Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
 - (v) Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
 - (vi) When consent is withdrawn or can no longer be given, sexual activity must stop.
- **Reporting Individual:** Encompasses the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by the College to reference an individual who brings forth a report of a violation.
- **Responding Individual or Respondent:** A person accused of a violation who has entered the College's administrative review process or administrative student conduct process
- **Sexual assault:** Any physical sexual act committed without consent.
- **Sex discrimination:** Includes all forms of sexual misconduct by employees, students, or third parties against employees, students, or third parties. Students, College employees, and third parties are prohibited from harassing other students and/or employees whether or not the incidents of harassment occur on the College campus and whether or not the incidents occur during working hours.
- **Sexual Misconduct:** means sexual harassment or sexual violence and encompasses a wide range of behavior for sexual purposes that is against another's will or at the expense of another. Sexual misconduct includes, but is not limited to sexual assault, intimate partner violence, stalking of a sexual nature, or any conduct of a sexual nature that is nonconsensual, or has the effect of threatening or intimidating another.

- **Sexual violence**: The term sexual violence as used throughout this policy includes sexual harassment, sexual assault, and domestic violence, dating violence, intimate partner violence and stalking.
- **Sexual harassment**: Unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the College’s educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.
- **Title IX Coordinator**: The term Title IX Coordinator as used throughout this policy includes shall mean the Title IX Coordinator and/or his or her designee or designees.
- **Bystander**: a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of an institution.
- **Confidentiality**: The condition of not wishing to have information passed on to anyone else. This disposition may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092(f) and 20 U.S.C. 1681(a). Licensed mental health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality.
- **Privacy**: the disposition to prefer having information secluded from as many people as possible. This condition may be offered by an individual when such individual is unable to offer confidentiality under the law, but shall still not disclose information learned from a Reporting Individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws, including informing appropriate institution officials. Institutions may substitute another relevant term having the same meaning, as appropriate to the policies of the institution.
- **Sexual activity**: shall have the same meaning as “sexual act” and “sexual contact” as provided in 18 U.S.C. 2246(2) and 18 U.S.C. 2246(3).
 - a. The term “**sexual act**” means:
 - i. contact between the penis and the vulva or the penis and the anus and contact involving the penis occurs upon penetration, however slight;
 - ii. contact between the mouth & penis, the mouth & vulva, or the mouth & anus;
 - iii. the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
 - iv. the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;
 - b. The term “**sexual contact**” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.”

a. **Federal and State Laws referred to directly or indirectly throughout this policy**

- **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act**^[1]_{SEP}
This federal law, passed in 1990, the “Clery Act” requires all colleges and universities who receive federal funding to share information about crime on campus and their efforts to improve

campus safety through the publishing of an annual security report. Additionally, the act requires institutions to provide survivors of sexual violence with reasonable accommodations and assistance in reporting and it requires institutions to outline specific policies and procedures for the prevention of sexual violence in their annual security reports.

- **New York State Education Law Article 129-B**

Also known as “Enough is Enough”, requires all colleges in the State of New York to adopt a comprehensive set of policies and guidelines, including a uniform definition of affirmative consent, a statewide amnesty policy, and expanded access to law enforcement.

- **Title IX of the Education Amendments of 1972**

Title IX is a comprehensive federal law that protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance. The law prohibits discrimination on the basis of sex in any federally funded education program or activity. Colleges must promptly respond to known instances of gender discrimination, which includes sexual harassment and sexual violence, in a way that limits its effects and prevents its recurrence.

- **Violence Against Women Act ("VAWA") Reauthorization Act of 2013^[1]**

This federal law requires colleges and universities to: (1) report dating violence, domestic violence, sexual assault, and stalking, beyond crime categories the Clery Act already mandates; (2) adopt certain student discipline procedures, such as for notifying purported victims of their rights; and (3) adopt certain institutional policies to address and prevent campus sexual violence through the education and training of an institution’s community.

b. Prohibited Conduct

The following conduct is prohibited per the Student Code of Conduct and is applicable to all students:

(26) Sexual Harassment

Sexual Harassment is unwelcome sexual advances, requests for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, nonverbal, graphic, physical, or otherwise, when the conditions outlined in (1) or (2), below, are present.

(1) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person’s employment, academic standing, or participation in any college programs or activities or is used as the basis for College decisions affecting the individual (often referred to as “quid pro quo” harassment);

(2) Such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent, and pervasive that it unreasonably interferes with, limits, or deprives an individual ability to participate in or benefit from, the College’s education or employment programs or activities.

(27) Stalking

Engaging in a course of conduct, directed at a specific person, which is likely to causes a reasonable person to fear for their safety or the safety of others or cause that person to suffer substantial emotional distress.

Stalking does not require direct contact between parties and can be accomplished in many ways, including through the use of electronic media such as the internet, pagers, cell phones, or other similar devices.

(28) Intimate Partner Violence

Intimate partner violence includes dating violence and domestic violence, both are defined below. Intimate partner violence can occur in relationships of the same or different genders.

Dating Violence

Any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim’s statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship.

Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship.

Domestic Violence

Any violent action committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabiting with the victim as a spouse or intimate partner. Includes asserted violent misdemeanor and felony offenses committed by the victim’s current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

(29) Sexual Assault

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault can include:

a. Sexual Assault I: Rape

Sexual intercourse or any sexual penetration, no matter how slight, of another person’s oral, anal, or genital opening with any object (an object includes but is not limited to parts of a person’s body) without the active consent of the victim.

b. Sexual Assault II: Fondling

Touching a person’s intimate parts (defined as genitalia, groin, breast, or buttocks) for the purpose of sexual gratification, whether directly or through clothing, without the active consent of the victim. Sexual Assault II also includes forcing an unwilling person to touch another’s intimate parts.

c. Sexual Assault III: Statutory Rape

Sexual intercourse with a person who is under the age of consent.

d. Sexual Assault IV: Incest

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

(30) Sexual Exploitation

Nonconsensual, abusive sexual behavior that does not otherwise constitute (30) Sexual Assault or (27) Sexual Harassment. Examples of sexual exploitation include, but are not limited to:

- a. intentional, nonconsensual tampering with or removal of condoms or other methods of birth control and STI prevention prior to or during sexual contact in a manner that significantly increases the likelihood of STI contraction and/or pregnancy by the non-consenting party;
- b. nonconsensual video or audio taping of sexual activity;
- c. allowing others to watch consensual or nonconsensual sexual activity without the consent of a sexual partner; observing others engaged in dressing/undressing or in sexual acts without their knowledge or consent; trafficking people to be sold for sex; and/or
- d. inducing incapacitation with the intent to sexually assault another person.