Sexual and Interpersonal Violence Prevention, Policies and Procedures

The College encourages students, faculty, staff, and visitors who experience sex discrimination, sexual assault, sexual harassment, stalking, domestic violence, dating violence or any form of interpersonal violence to report these instances so that the College can investigate. The reason for this is that sexual and interpersonal violence is particularly harmful to the reporting person and create a hostile learning environment. Therefore, the College encourages reporting incidents of sex discrimination, including sexual and interpersonal violence so that the College can respond and maintain a safe learning environment through both prevention education and vigorous pursuit of a resolution to such a report.

Sexual and Interpersonal Violence Response Policy

In accordance with the Students’ 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:

I- Reporting:

• To disclose confidentially the incident to one of the following college officials, who by law may maintain confidentiality, and can assist in obtaining services (more information on confidential report is available in the Options for Confidentially Disclosing Sexual Violence Policy):

  University Police http://www.oswego.edu/administration/police/commaware/concern.html;

  Counseling Services Center 315-312-4416; and

  Walker Health Center 315-312-4100.

• To disclose confidentially the incident and obtain services from the New York State, New York City or county hotlines: http://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: http://www.opdv.ny.gov/help/index.html (or by calling 1-800-942-6906), and assistance can also be obtained through:

  o SurvJustice: http://survjustice.org/our-services/civil-rights-complaints/;
  o Legal Momentum: https://www.legalmomentum.org/;
  o NYSCASA: http://nyscasa.org/responding;
  o NYSCADV: http://www.nyscadv.org/;
  o Pandora’s Project: http://www.pandys.org/lgbtsurvivors.html;
  o GLBTQ Domestic Violence Project: http://www.glbtqdv.org/;
  o RAINN: https://www.rainn.org/get-help; and

These hotlines are 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. Reporting individuals are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases.

• To disclose the incident to the following college officials who can offer privacy and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. These officials will also provide the information contained in the Students’ Bill of Rights, including the right to
choose when and where to report, to be protected by the institution from retaliation, and to receive assistance and resources from the institution. These college officials will disclose that they are private and not confidential resources, and they 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. They will notify reporting individuals that the criminal justice process uses different standards of proof and evidence than internal procedures, and questions about the penal law or the criminal process should be directed to law enforcement or district attorney:

Lisa Evaneski, Title IX Coordinator
501 Culkin Hall
315-312-5604
lisa.evaneski@oswego.edu

Amy Plotner, Title IX Investigator
201 Culkin Hall
315-312-3702
amy.plotner@oswego.edu

Becky Nadzadi, Title IX Investigator
501 Culkin Hall
315-312-5486 (private voicemail)
becky.nadzadi@oswego.edu

Dr. Jennifer Knapp, Title IX Investigator
601 Culkin Hall
315-312-6612
jennifer.knapp@oswego.edu

Evan Bigam, Title IX Investigator
303 Culkin Hall
315-312-2008
evan.bigam@oswego.edu

University Police
Pathfinder Hall (24 hours)
315-312-5555

• To file a criminal complaint with University Police and/or with local law enforcement and/or state police:

  University Police, Pathfinder Hall, 315-312-5555

  Oswego City Police, 169 West Second St., (315) 342-8120

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

• To receive assistance from Lisa Evaneski, Title IX Coordinator, 315-312-5604, 501 Culkin Hall in initiating legal proceedings in family court or civil court.

• To file a report of sexual assault, domestic violence, dating violence, and/or stalking, and/or talk to the Title IX Coordinator for information and assistance. Reports will be investigated in accordance with
SUNY Oswego policy and the reporting individual’s identity shall remain private at all times if said reporting individual wishes to maintain privacy. If a reporting individual wishes to keep his/her identity anonymous, he or she may call SUNY Oswego’s Title IX Coordinator anonymously to discuss the situation and available options (see section III of this document for Protections and Accommodations):

Lisa Evaneski, Title IX Coordinator
501 Culkin Hall
315-312-5604
lisa.evaneski@oswego.edu

• When the accused is an employee, a reporting individual may also report the incident to the SUNY Oswego Office of Human Resources or may request that one of the above referenced confidential or private employees assist in reporting to Employee Relations or 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 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.

Human Resources, 315-312-2230, 201 Culkin Hall.

• You may withdraw your complaint or involvement from the SUNY Oswego process at any time.

• The college shall ensure that, at a minimum, at the first instance of disclosure by a reporting individual to a college representative, the following information shall be presented to the reporting individual: “You have the right to make a report to University Police or Campus Security, local law enforcement, and/or State Police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution.”

• The College will conduct a timely review of all complaints of sexual assault, domestic violence, dating violence, and/or stalking. Absent extenuating circumstances, review and resolution is expected to take place within sixty (60) calendar days from receipt of the complaint. The preliminary review of all complaints, including any necessary interviews to be conducted and any necessary interim measures to be put in place, will usually be completed within 10 days of receipt of the complaint. The subsequent, comprehensive review and investigation of the complaint, including interviews with all involved parties and gathering of evidence, is usually completed within 40 days of receipt of the complaint. Results of the complaint, via either a formal hearing or waiver of hearing are typically issued within 50 days of receipt of the complaint. An appeal of the results must be submitted within 5 days after days of receipt of the written result.

II- Resources:

• To obtain effective intervention services.

Counseling Services Center, located at Walker Health Center, 315-312-4416. The resources are offered free of charge to registered SUNY Oswego students. Employees are encouraged to use their health care provider or contact the College’s EAP (Employee Assistance Program) for more information on available services.
Walker Health Center, 315-312-4100. Testing for STIs and emergency contraception is available at the Walker Health Center. The Mandatory Health Fee pays for the health care for registered SUNY Oswego students at the Walker Health Center. Pregnancy and urine tests are free, STD and HIV tests are provided at a reasonable cost.

OCO Reproductive Health, 315-342-0888, 10 George Street, Suite 100, Oswego, New York. For more information and to access information about payment options go to: http://www.oco.org/health-services/ohc.

• Within 96 hours of an assault, you can get a Sexual Assault Forensic Rape Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. 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: 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.

• To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

III - Protection and Accommodations:

• When the accused is a student, to have the college issue a “No Contact Order,” consistent with college policy and procedure, meaning that continuing to contact the protected individual is a violation of college policy subject to 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 SUNY Oswego policy. Parties may submit evidence in support of their request.

• To have assistance from University Police 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 University Police in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of University Police or, if outside of the jurisdiction to call on and assist local law enforcement in effecting an arrest for violating such an order.
• 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 pending the outcome of a conduct process. Parties may request a prompt review of the need for and terms of an interim suspension.

• 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 SUNY Oswego policies and rules.

• When the accused is not a member of the college community, to have assistance from University Police or other college officials in obtaining a persona non grata letter, subject to legal requirements and college policy.

• 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. While reporting individuals may request accommodations through any of the offices referenced in this policy, the following office can serve as a point to assist with these measures:

   Lisa Evaneski, Title IX Coordinator
   501 Culkin Hall
   315-312-5604
   lisa.evaneski@oswego.edu

IV- Student Conduct Process:

• To request that student conduct charges be filed against the accused. Conduct proceedings are governed by the procedures set forth in the SUNY Oswego Student Handbook (http://www.oswego.edu/student/handbook.html) as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.

• Throughout conduct proceedings, the respondent and the reporting individual will have:
  o The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct;
  o The right to a prompt response to any complaint and to have their 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, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
  o The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
  o The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be
told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.

- The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.

- The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by SUNY Oswego).

- The right to present evidence and testimony at a hearing, where appropriate.

- The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.

- The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.

- The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.

- The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.

- The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanctions, and the rationale for the decision and any sanctions.

- The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.

- Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.

- The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years.

- The right to choose whether to disclose or discuss the outcome of a conduct hearing.

- The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

Student Conduct Office, 501 Culkin Hall, 315-312-3378
Options for Confidentially Disclosing Sexual Violence
The State University of New York and SUNY Oswego want you to get the information and support you need regardless of whether you would like to move forward with a report of sexual violence to campus officials or to police. You may want to talk with someone about something you observed or experienced, even if you are not sure that the behavior constitutes sexual violence. A conversation where questions can be answered is far superior to keeping something to yourself. Confidentiality varies, and this document is aimed at helping you understand how confidentiality applies to different resources that may be available to you.

In this Policy:

• Privileged and Confidential Resources.
• Non-Professional Counselors and Advocates.
• Privacy versus Confidentiality.
• Requesting Confidentiality: How the College/University Will Weigh the Request and Respond.
• Public Awareness/Advocacy Events.
• Anonymous Disclosure.
• Institutional Crime Reporting.

Privileged and Confidential Resources:
Individuals who are confidential resources will not report crimes to law enforcement or college officials without your permission, except for extreme circumstances, such as a health and/or safety emergency. At SUNY Oswego, this includes:

SUNY Oswego’s Counseling Services:
Counseling Services Center, 113 Walker Health Center, 315-312-4416
http://www.oswego.edu/student/services/counseling_services.html

SUNY Oswego licensed medical professionals or supervised interns when they are engaged in a physician/patient relationship:

Walker Health Center, 315-312-4100
http://www.oswego.edu/student/health/walker_health_center.html

Off-campus options to disclose sexual violence confidentially include (note that these outside options do not provide any information to the campus):

Off-campus counselors and advocates. Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency’s policies on confidentiality may be obtained directly from the agency:

Services to Aid Families (SAF) confidential victim advocates: 315-342-1600
75 E. First Street, Oswego, NY 13126 (Midtown Plaza, lower level)
http://www.oco.org/crisis-development. SAF can assist victims/survivors of crimes with requests for compensation through the New York State Office of Victim Services for property lost or damaged during the crime as well as medical expenses.

Sexual Assault Victims Advocate Resource (SAVAR)
Cayuga Counseling Services
Rhonda Stanford-Zahn Director
17 East Genesee Street Auburn, NY 13021
The following hospitals have Sexual Assault Nurse Examiners (SANE):

St. Joseph’s Hospital
301 Prospect Avenue
Syracuse, NY 13203
1.888.STJOES1

SUNY Upstate Medical Center
750 East Adams Street
Syracuse, NY 13210
315-464-5540

Off-campus healthcare providers:

Oswego Hospital, 110 West Sixth Street, Oswego, New York 13126,
https://www.oswegohealth.org

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.

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.

Non-Professional Counselors and Advocates:
Non-professional counselors and advocates can also assist you without sharing information that could identify you. At SUNY Oswego, this includes members of Counseling Services Center 113 located at Walker Health Center, 315-312-4416 and Walker Health Center staff, 315-312-4100.

These individuals will report the nature, date, time, and general location of an incident to SUNY Oswego’s Title IX Coordinator, but will consult with you to ensure no personally identifying details are shared without your consent. These individuals are not considered confidential resources as discussed above.

Privacy versus Confidentiality:
Even SUNY Oswego 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 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. SUNY Oswego will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

Requesting Confidentiality: How SUNY Oswego Will Weigh the Request and Respond:
If you disclose an incident to a SUNY Oswego employee who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality or do not consent to the institution’s request to initiate an investigation, the Title IX Coordinator must weigh your request against our obligation to provide a safe, non-discriminatory environment for all members of our community, including you.

We will assist you with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of your 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 Lisa Evaneski, Title IX Coordinator, 501 Culkin Hall, 315-312-5604 or lisa.evaneski@oswego.edu. We also may take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify you or the situation you disclosed.

We may seek consent from you prior to conducting an investigation. You may decline to consent to an investigation, and that determination will be honored unless the SUNY Oswego’s failure to act does not adequately mitigate the risk of harm to you or other members of the SUNY Oswego community. Honoring your request may limit our ability to meaningfully investigate and pursue conduct action against an accused individual. If we determine that an investigation is required, we will notify you and take immediate action as necessary to protect and assist you.

When you disclose an incident to someone who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality, SUNY Oswego will consider many factors to determine whether to proceed despite that request. These factors include, but are not limited to:

• Whether the accused has a history of violent behavior or is a repeat offender;
• Whether the incident represents escalation, such as a situation that previously involved 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.

If the SUNY Oswego determines that it must move forward with an investigation, the reporting individual or victim/survivor will be notified and the SUNY Oswego will take immediate action as necessary to protect and assist them.

Public Awareness/Advocacy Events:
If you disclose a situation through a public awareness event such as “Take Back the Night,” candlelight vigils, protests, Women’s Center or Two and a Half events, or other public event, SUNY Oswego is not obligated to begin an investigation. SUNY Oswego may use the information you provide to inform the need for additional education and prevention efforts.

Anonymous Disclosure:
Services to Aid Families (SAF) Abuse and assault hotline: 315-342-1600, (24 hours) The SAF Abuse and Assault Hotline is for crisis intervention, resources and referrals and is not a reporting mechanism.

Anonymously via an internet anonymous reporting system through University Police:
http://www.oswego.edu/administration/police/commaware/concern.html;

New York State Hotline for Sexual Assault and Domestic Violence: 1-800-942-6906
Institutional Crime Reporting:
Reports of certain crimes occurring in certain geographic locations will be included in the SUNY Oswego Clery Act Annual Security and Fire Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the reporting individual or victim/survivor. Contact Lisa Evaneski, Title IX Coordinator, for more information: 315-312-5604.

SUNY Oswego 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 or victim/survivor). A reporting individual 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, SUNY Oswego will not share information about a report of sexual and interpersonal violence with parents without the permission of the reporting individual.

Reporting aggregate data to NYSED
1. Institutions shall annually report to the department the following information about reports of domestic violence, dating violence, stalking and sexual assault:
   a. The number of such incidents that were reported to the Title IX Coordinator.
   b. Of those incidents in paragraph a of this subdivision, the number of reporting individuals who sought the institution's judicial or conduct process.
   c. Of those reporting individuals in paragraph b of this subdivision, the number of cases processed through the Institution's judicial or conduct process.
   d. Of those cases in paragraph c of this subdivision, the number of respondents who were found responsible through the Institution’s judicial or conduct process.
   e. Of those cases in paragraph c of this subdivision, the number of respondents who were found not responsible through the Institution’s judicial or conduct process.
   f. A description of the final sanctions imposed by the institution for each incident for which a respondent was found responsible, as provided in paragraph d of this subdivision, through the Institution’s judicial or conduct process.
   g. The number of cases in the institution's judicial or conduct process that were closed prior to a final determination after the respondent withdrew from the Institution and declined to complete the disciplinary process.
   h. The number of cases in the Institution’s judicial or conduct process that were closed because the complaint was withdrawn by the reporting individual prior to a final determination.

2. The department shall create a reporting mechanism for institutions to efficiently and uniformly provide the information outlined in subdivision one of this section.

Students’ Bill of Rights
The State University of New York and SUNY Oswego 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/University-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 from the institution;
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 institution 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 institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident.
8. Be free from retaliation by the institution, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
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;
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College.

Options in Brief:

Victims/survivors have many options that can be pursued simultaneously, including one or more of the following:
- Receive resources, such as counseling and medical attention;
- Confidentially or anonymously disclose a crime or violation (for detailed information on confidentiality and privacy, visit Options for Confidentially Disclosing Sexual Violence.
- Make a report to:
  - An employee with the authority to address complaints, including the Title IX Coordinator, a Student Conduct employee, or a Human Resources employee;
  - University Police
  - Local law enforcement; and/or
  - Family Court or Civil Court.

Copies of this Bill of Rights shall be distributed annually to students, made available on every college’s website, and posted in each campus residence hall, dining hall, and student union or campus center and shall include links or information to access the Sexual Violence Response Policy below and the Options for Confidentially Disclosing Sexual Violence.

Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases
The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. SUNY Oswego recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. SUNY Oswego strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in
good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to SUNY Oswego officials or law enforcement will not be subject to SUNY Oswego code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

**Policy/Instructions on How Parties Can Review the Case File/Evidence**
Every Institution shall ensure that every student be afforded the following rights. Throughout proceedings involving such an accusation of sexual assault, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate the institution’s code of conduct, the right to review and present available evidence in the case file, or otherwise in the possession or control of the institution, and relevant to the conduct case, consistent with institution policies and procedures.

**Policy for Review of Interim Measures/Accommodations**
Both the accused or respondent and the reporting individual shall, upon request and consistent with the institution's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any such interim measure and accommodation that directly affects him or her, and shall be allowed to submit evidence in support of his or her request.

**Policy for Review of an Interim Suspension**
Both the accused or respondent and the reporting individual shall, upon request and consistent with the institution's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, and shall be allowed to submit evidence in support of his or her request.

**Policy for the Review of No Contact Order**
Both the accused or respondent and the reporting individual shall, upon request and consistent with institution policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of a no contact order, including potential modification, and shall be allowed to submit evidence in support of his or her request. Institutions may establish an appropriate schedule for the accused and respondents to access applicable institution buildings and property at a time when such buildings and property are not being accessed by the reporting individual.

**Policy for Transcript Notations**
For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092(f)(1)(F)(i)-(VIII), institutions shall make a notation on the transcript of students found responsible after a conduct process that they were “suspended after a finding of responsibility for a code of conduct violation” or “expelled after a finding of responsibility for a code of conduct violation.” For the respondent who withdraws from the institution while such conduct charges are pending, and declines to complete the disciplinary process, institutions shall make a notation on the transcript of such students that they “withdrew with conduct charges pending.” Each institution shall publish a policy on transcript notations and appeals seeking removal of a transcript notation for a suspension, provided that such notation shall not be removed prior to one year after conclusion of the suspension, while notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

**Definitions**

**Accused** shall mean a person accused of a violation who has not yet entered the student conduct process.
Advisor is any individual who provides the accused or victim/survivor with support, guidance and/or advice.

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. 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. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. 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. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop.

Annual Fire and Security Report (Clery Act) requires colleges and universities that participate in federal financial aid programs to report annual statistics on crime, including sexual assault and rape, on or near the campus, and to develop and disseminate prevention policies.

Article 129-A (New York State Education Law) requires all New York State public colleges to maintain policies related to specific provisions of this Article. General provisions include the advisory committee on campus security, sexual assault, domestic violence and stalking prevention information, campus crime reporting and statistics, investigation of violent felony offenses, bias related crime prevention information, prohibition on the marketing of credit cards, and notification of fire safety standards and measures in all college-owned or college-operated housing.

Bystander shall mean 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.

Bystander intervention is when a bystander’s safe and positive actions to prevent harm or intervene when there is a risk posed to another person. Bystander intervention includes recognizing situations of potential harm, identifying safe and effective intervention options, and taking action to intervene.

Code of Conduct shall mean the written policies adopted by an institution governing student behavior, rights, and responsibilities while such student is matriculated in the Institution.

Confidentiality 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.

Dating violence is 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. This definition does not include acts covered under domestic violence.

**Domestic Violence** is any violent felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner.

**Institution** shall mean any college or university chartered by the regents or incorporated by special act of the legislature that maintains a campus in New York.

**Preponderance of the Evidence** is the standard of proof in sexual and interpersonal violence cases, which asks whether it is “more likely than not” that the violence occurred. If the evidence presented meets this standard, then the accused should be found responsible.

**Privacy** 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.

**Proceeding** refers to the activities related to an institutional disciplinary complaint, including but not limited to fact finding investigations, formal or informal meetings, hearings and appeals.

**Reporting Individual** shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation.

**Respondent** shall mean a person accused of a violation who has entered the student conduct process.

**Responsible employee** is an employee with the authority to redress sexual and interpersonal violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty. If a responsible employee is aware of sexual violence, then the college is considered on notice of that sexual violence.

**Result** means any initial, interim and final decision by any College official or entity authorized to resolve disciplinary matters within the institution. Students who are found responsible for sexual assault, dating violence or domestic violence will be suspended or expelled. Students found in violation of sexual harassment or stalking will be either placed on disciplinary probation, suspended or expelled. Students that are placed on disciplinary probation or suspended may be sanctioned intervention services, restrictions from accessing college or community buildings, and educational programs.

**Retaliation** is adverse action against another person for reporting a violation or for participating in any way in the investigation or conduct process. Retaliation includes harassment and intimidation, including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying.

**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).
Sex discrimination includes all forms of: sexual harassment, sexual assault, and sexual violence 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. All acts of sex discrimination, including sexual harassment and sexual violence, are prohibited by Title IX.

Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:
- Invasion of sexual privacy
- Prostituting another student
- Non-consensual video or audio-taping of sexual activity;
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Engaging in voyeurism;
- Knowingly transmitting an STI or HIV to another student;
- Exposing one’s genitals in non-consensual circumstances;
- Inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

Sexual harassment is 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 university’s educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

Sexual violence is physical sexual act perpetrated against a person’s will or where a person is incapable of giving consent. Such acts include, but are not limited to, rape, sexual battery, and sexual coercion.

Stalking means intentionally engaging in a course of conduct, directed at a specific person, which is likely to causes a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy, or alarm him or her.

Title IX of the Education Amendments of 1972 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 complaints of sexual harassment and sexual violence in a way that limits its effects and prevents its recurrence.

Title IX Coordinator shall mean the Title IX Coordinator and/or his or her designee or designees.

Violence Against Women Act ("VAWA")
Under The Violence Against Women Act, colleges and universities are required 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, such as to train in particular respects pertinent institutional personnel.

Student Onboarding and Ongoing Education Guide
The State University of New York and its State-operated and community colleges believe that sexual and interpersonal violence prevention training and education cannot be accomplished via a single day or a single method of training. To that end, SUNY campuses 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 violence and maintaining a culture where sexual assault and acts of violence are not tolerated.

All new first-year and transfer students will, during the course of their onboarding to a SUNY State-operated or community college, receive training on the following topics, using a method and manner appropriate to the institutional culture of each campus:

- The institution 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 institution.
- 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, University Police/Campus Security, and other relevant offices that address violence prevention and response.
- Awareness of violence, its impact on victims/survivors and their friends and family, and its long-term impact.
- 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 and the importance of taking action, when one can safely do so, to prevent violence.
  - The protections of the Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases.
  - Risk assessment and reduction including, but not limited to, steps that potential victims/survivors and potential assailants and bystanders to violence can take to lower the incidence of sexual violence.
- Consequences and sanctions for individuals who commit these crimes.

The onboarding process is not limited to a single day of orientation, but recognizes that students enroll at different times at different SUNY campuses and gives campuses the flexibility to best educate students at a time and manner that can most effectively bring these points to light. SUNY will conduct these trainings for all new students, whether first-year or transfer, undergraduate, graduate, or professional. Each campus shall use multiple methods to educate students about sexual violence prevention. Each SUNY institution will also share information on sexual violence prevention with parents of enrolling students.

Students at SUNY State-operated and community college campuses shall be offered general and specialized training in sexual violence prevention. Each institution will conduct a campaign, compliant with the requirements of the Violence Against Women Act, to educate the student population. Further, institutions will, as appropriate, provide or expand specific training to include groups such as international students, students that are also employees of the campus, leaders and officers of registered/recognized
student organizations, online and distance education students. Institutions will also provide specific training to members of groups identified as likely to engage in high-risk behavior.

Beginning in the 2015-2016 academic year, SUNY State-operated and community colleges will require that student leaders and officers of registered/recognized student organizations and those seeking recognition complete training on domestic violence, dating violence, sexual assault, or stalking prevention as part of the approval process and require student-athletes to complete training in domestic violence, dating violence, sexual assault, or stalking prior to participating in intercollegiate athletics.

Methods of training and educating students may include, but are not limited to:
  o President’s welcome messaging;
  o Peer theater and peer educational programs;
  o Online training;
  o Social media outreach;
  o First-year seminars and transitional courses;
  o Course syllabi;
  o Faculty teach-ins;
  o Institution-wide reading programs;
  o Posters, bulletin boards, and other targeted print and email materials;
  o Programming surrounding large recurring campus events;
  o Partnering with neighboring SUNY and non-SUNY colleges to offer training and education;
  o Partnering with State and local community organizations that provide outreach, support, crisis intervention, counseling and other resources to victims/survivors of crimes to offer training and education. Partnerships can also be used to educate community organizations about the resources and remedies available on campus for students and employees seeking services; and
  o Outreach and partnering with local business those attract students to advertise and educate about these policies.

Each SUNY campus must report back to the Chancellor on or before March 31, 2015 on their plan to comply with this policy. Each institution must engage in a regular assessment of their programming and policies to determine effectiveness. The institution may either assess its own programming or conduct a review of other campus programming and published studies to adapt its programming to ensure effectiveness and relevance to students.

**Campus Climate Assessment Policy**
Climate assessments afford institutions the opportunity to better understand their campus and to make informed decisions when it comes to providing a safe educational environment. Beginning in the 2015-2016 academic year, each State University of New York State-operated and community college will conduct a uniform climate survey that ascertains student experience with and knowledge of reporting and college adjudicatory processes for sexual harassment, including sexual violence, and other related crimes.

The survey will address at least the following:

Student and employee knowledge about:
  • The Title IX Coordinator’s role;
  • Campus policies and procedures addressing sexual assault;
  • How and where to report sexual violence as a victim/survivor or witness;
  • The availability of resources on and off campus, such as counseling, health, academic assistance;
The prevalence of victimization and perpetration of sexual assault, domestic violence, dating violence, and stalking on and off campus during a set time period (for example, the last two years);

- Bystander attitudes and behavior;
- Whether victims/survivors reported to the College/University and/or police, and reasons why they did or did not report.
- The general awareness of the difference, if any, between the institution’s policies and the penal law; and
- The general awareness of the definition of affirmative consent.

Every institution shall take steps to ensure that answers remain anonymous and that no individual is identified. Results will be published on the campus website providing no personally identifiable information shall be shared.

Beginning in the spring semester of 2015, the Chancellor or designee will convene a group of scholars and practitioners to review methods of assessing campus climate, specific questions asked in past surveys, relevant data on responses and response rates, issues and problems encountered in survey implementation, and lessons learned from past surveys. The Chancellor or designee will gather this data and seek to develop a standardized survey, with the advice of relevant members of the SUNY community and knowledgeable outside entities, that uses established measurement tools, to be implemented every two years by all SUNY State-operated and community colleges beginning in the 2015-2016 academic year. This policy may be changed by the Chancellor or designee should federal and/or State legislation require a different process or duplicate efforts to assess campus climate via survey.

**Legal Definitions and Consequences**

New York State Education Law and Penal Law contain the following legal provisions defining the crimes related to sexual harassment and violence:

**Section 6432 - Sexual Assault Prevention Information.** Each college shall inform incoming students about sexual assault prevention measures and available resources and services.

**NYS Penal Law Article 130**

Section 130.20 – Sexual Misconduct. This offense includes sexual intercourse without consent and deviate sexual intercourse without consent. The penalty for violation of this section includes imprisonment for a definite period to be fixed by the court up to one year.

Section 130.25/.30/.35 – Rape. This series of offenses includes sexual intercourse with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes sexual intercourse with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.

Section 130.40/.45/.50 – Criminal Sexual Act. This series of offenses includes oral or anal sexual conduct with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes oral or anal sexual conduct with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.
Section 130.52 - Forcible Touching. This offense involves the forcible touching of the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor’s sexual desire. Forcible touching includes the squeezing, grabbing, or pinching of such other person’s sexual or other intimate parts. The penalty for violation of this section includes imprisonment for a period of up to one year in jail.

Section 130.55/.60/.65 – Sexual Abuse. This series of offenses includes sexual contact with a person by forcible compulsion, or with a person who is incapable of consent due to physical helplessness, or due to the person being under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed three months up to imprisonment for a period not to exceed seven years.

Section 130.65-a/.66/.67/.70 – Aggravated Sexual Abuse. This series of offenses occurs when a person inserts a finger or a foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the other person is under the age of consent. The level of this offense is enhanced if the insertion of a finger or foreign object causes injury to the other person. The penalties for violation of these sections range from imprisonment for a period not to exceed seven years up to imprisonment for a period not to exceed 25 years.

Section 130.90 – facilitating a sex offense with a controlled substance. This offense occurs when a person knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance without such person’s consent and with intent to commit against such person a sexual offense as defined in Article 130. Facilitating a sex offense is a class D felony punishable by a period of up to seven years.

For more information:
**Title IX:** [http://www.oswego.edu/about/titleix.html](http://www.oswego.edu/about/titleix.html)

**Annual Safety and Fire Report** (Clery Act):
[http://www.oswego.edu/administration/police/annrep.html](http://www.oswego.edu/administration/police/annrep.html)