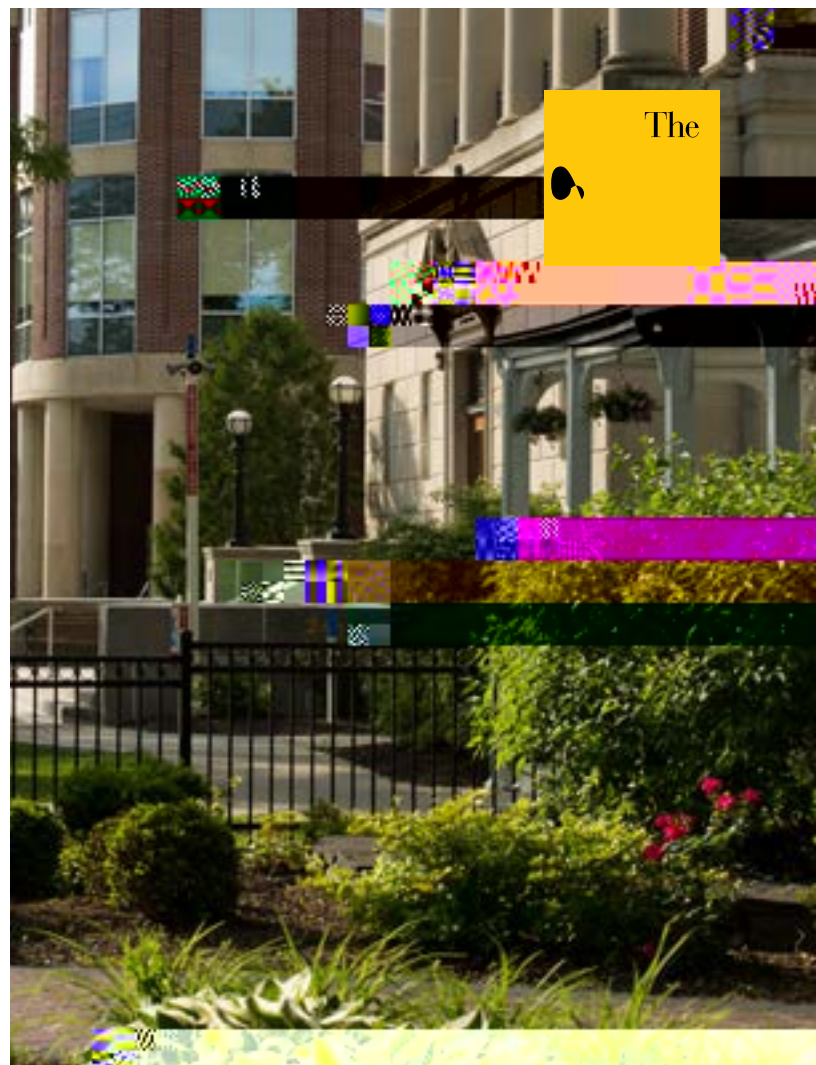


**HOME.** Of keeping our community safe.



# A Resource Guide for Employees and Students

on Sexual Assault, Dating Violence, Domestic Violence and Stalking at The College of Saint Rose

SAINT ROSE COLLEGE

## **NOTICE OF NON-DISCRIMINATION**

In compliance with Title IX of the Education Act Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and other federal, state, and local equal opportunity laws, The College of Saint Rose does not discriminate on the basis of age, race, color, sex, religion, creed, disability, national/ethnic origin, gender identity or expression, sexual orientation, familial status, marital status, military status, or domestic violence victim status or other protected statuses in the administration of its educational policies, admissions policies, scholarship and loan programs, athletics and other school-administered programs. The Title IX Coordinator is responsible for coordination of the College's efforts to comply with Title IX regulations. The Provost and Vice President for Academic Affairs is responsible for matters related to academics, admissions and enrollment. The Associate Vice President for Student Development is responsible for coordination of the College's efforts to comply with the other regulations related to the College's Nondiscrimination policy in student related matters. The Associate Vice President for Human Resources and Risk Management is responsible for coordination of the College's efforts to comply with the other regulations related to the College's Non-discrimination policy in employee matters. The Chief Diversity Officer is responsible for coordination of the College's efforts to comply with regulations related to discrimination and bias.

Questions or concerns regarding equal opportunity matters should be directed to these individuals:

Kateeka Harris : Interim Title IX Coordinator, 518.223.2550, [titleix@strose.edu](mailto:titleix@strose.edu), <https://www.strose.edu/student-development/policies-important-info/title-ix/>

Jen Richardson : Associate Vice President for Student Development, Events and Athletic Center, Room 210, 420 Western Ave., Albany, NY, 518.454.2023, [richardj@strose.edu](mailto:richardj@strose.edu)

Dr. Margaret McLane : Provost and Vice President for Academic Affairs, Administration Center, 1000 Madison Avenue, Albany, NY 12203, 518.454.5160, [mclanem@strose.edu](mailto:mclanem@strose.edu)

Jeff Knapp : Associate Vice President for Human Resources and Risk Management, Cabrini Hall, 399 Western Avenue, Albany, NY 12203, 518.458.5374, [knappj@strose.edu](mailto:knappj@strose.edu)

Yolanda Caldwell : Chief Diversity Officer and Director of The Women's Leadership Institute and BOLD Women's Leadership Network, Borisenok House, 1020 Madison Avenue, Albany, NY 12203, 518.485.3133, [caldwely@strose.edu](mailto:caldwely@strose.edu)

Individuals may also report incidents of discrimination or bias through the College's online reporting system which can be found at: <https://www.strose.edu/student-development/diversity-inclusion/bias-and-discrimination-reporting/>

# Protection & Prevention

Protecting you from sexual and interpersonal violence – and helping you better understand how to protect yourself and others – is a priority at The College of Saint Rose. You should never have to contend with sexual assault, dating violence, domestic violence or stalking – and we strictly prohibit these crimes. They have no place within our community.

The federal Violence Against Women Reauthorization Act (VAWA) put new obligations in place for colleges and universities under its Campus Sexual Violence Eliminations (SaVE) Act provision in 2014. These new regulations are designed, in part, to help prevent sexual assault, dating violence, domestic violence, and stalking, while also raising awareness and providing support at every turn. Our campus community is committed to creating a safe environment for all students and employees and this resource guide offers tools to make it happen.

VAWA offenses are also covered under Title IX. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments of 1972, which states:

"No person in the United States shall, on the basis of sex, be excluded from participation in, denied the benefits of, or subjected to discrimination based on sex, because of sex." 20 U.S.C. § 10621(a)(1)

## Dating Violence

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 the relationship; (iii) the frequency of interaction between the persons involved in the relationship.

If someone you are in a romantic/intimate relationship with pinches, kicks, slaps, hits or shoves you, those are physical instances of dating violence.

If that person keeps you away from friends and family, shames you, calls you names, bullies, or publicly embarrasses you on purpose, those are psychological and emotional examples of abuse.

If that person forces or coerces you to engage in sexual activity when you are unable to consent – or don't want to consent – that is sexual abuse.

Dating violence can take place in person or via technology, such as repeated texting or posting of sexual photos of one partner online without consent.

It can include the types of abuse previously mentioned or the threat of such abuse. You never deserve to be treated this way and it's a crime.

## Domestic Violence

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 similarly situated to a spouse of the victim under New York State's (NYS) 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 NYS.

In most abusive relationships, possessive and controlling behaviors are present. These include controlling money, put-downs, keeping you away from friends or family, destroying your property, threatening to hurt/kill your pets, controlling who you see/where you go/what you do, preventing you from working or attending school, pressuring you sexually, intimidating you with weapons, threatening to harm your kids or take them away, scaring you with looks and actions, driving dangerously when you are in the car, preventing you from leaving, forcing drug or alcohol use, physically hurting you and/or your children, someone threatening to harm himself/herself if you leave and more.

These actions are all about having power over an intimate partner. Domestic violence can happen to people of all identities, genders, races, abilities, ages, nationalities, sexual orientations, religions, socioeconomic and educational levels. It is always a crime.

## Stalking

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.

1. Course of conduct: Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by an action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. Reasonable person: A reasonable person under similar circumstances and with similar identities to the victim.
3. Substantial emotional distress: Significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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- Threatening to hurt you, family, friends or pets
- Showing up or driving by where you are
- Following you
- Monitoring your phone and computer uses
- Using technology to track your movement
- Damaging your home, car or other property
- Spreading rumors about you online, in public or by word of mouth
- Digging for information about you
- Sending unwanted gifts, notes, texts or emails

Being stalked can lead to anxiety, stress, irritability, an inability to sleep or concentrate, and depression. You do not have to feel this overwhelmed, vulnerable and unsafe – let us help.

The National Domestic Violence Hotline is 1-800-799-7233 or 1-800-787-3224 (TTY).

In Albany County, Equinox, Inc. is also a safe place with a 24-hour domestic violence hotline, 518-432-7865.

## Covered Sexual Harassment

For the purposes of our Title IX Grievance Policy, "covered sexual harassment" includes any conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e. quid pro quo);
2. Unwelcome sexual 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.

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10/20/2014

# Affirmative Consent

## 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 activity between or with any party does not necessarily constitute consent to any other sexual act.

- Whether through words or actions that clearly display consent, each party must affirmatively consent to participating in each sexual activity. Consenting to one type of sexual activity is not blanket consent to any and all types of sexual activity.

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, being under the age of consent, or if an individual otherwise cannot consent.

- Minors who cannot consent under New York's laws covering age of consent are considered incapacitated. Under New York law, the age of consent is 17 years old. Students and employees are encouraged to review New York State Penal Law Article 130 for additional details regarding New York's age of 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. This does not mean that individuals cannot affirmatively consent to sexual activity or contact

when they have been drinking or using drugs, however. Such individuals may still affirmatively consent through words or actions that clearly indicate interest in engaging in the activity.

- Incapacitation is to be determined by a student conduct or investigation process based on available evidence, acknowledging that in almost no cases will scientific evidence of alcohol or drug level (such as a breathalyzer taken at the time of the assault) be available. There is no single standard or number of drinks that leads to incapacitation. This level varies for different people, and may depend in part on their age, gender, height, weight, metabolism and whether and how much they have recently eaten.

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.

- Consent can "no longer be given" when a party to a sexual act or sexual contact initially consents to the activity, but during the course of the activity falls asleep or otherwise becomes unconscious or incapacitated. At that point, the other party must stop the sexual activity or contact.

# Students' Bill of Rights

## **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 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 institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, 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 conduct process of the institution.

# Reporting Options

## Confidential Reporting

If reporting students wish that details of an incident be kept confidential, they should speak with Counseling Center Staff, Health Services Staff or Campus Ministry Chaplains. Their services are free of charge.

## Non-Confidential Reporting

As mandatory reporters, Responsible Employees are required to report all details of an incident of sexual harassment, sexual assault, dating violence, domestic violence, stalking, and any other sexual misconduct, including the identity of the victim, the identity of the alleged perpetrator (if revealed), the date and location of

the incident and details regarding the incident if known, to the Title IX Coordinator for purposes of initiation of an investigation and appropriate action. <https://www.strose.edu/student-development/policies-important-info/title-ix/reporting/>

Responsible Employees are trained to provide information and support and appropriate referral to confidential or private reporting resources.

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## Anonymous Reporting

The College of Saint Rose has established an anonymous reporting mechanism to enable students and employees to report anonymously and privately any policy violations known or observed.

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# What to Expect from Us

## Supportive Measures

**We are here to help you through this. Supportive measures are available from the College and are non-disciplinary and non-punitive.**

As appropriate, supportive measures may include, but not be limited to:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Restrictions on contact between the parties (no contact orders, issuing a persona non grata, and/or assistance processing an order of protection)
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus

## Campus Security Authorities (CSAs)

Under the federal Clery Act law, Campus Security Authorities (CSAs) must report, where and when a crime occurred, but not necessarily who was involved. When it comes to confidentiality, we will balance the need to keep the campus community safe with protecting your request for confidentiality to the maximum extent possible.

Numerous people at Saint Rose serve as CSAs and they are trained to listen, take your report, and guide you to appropriate resources. You will receive information about support options including how to file a formal or criminal complaint if you choose to do so.

## Campus Disciplinary Proceedings

Resolving cases of sexual assault, dating violence, domestic violence and stalking involves a fair, impartial disciplinary process. These proceedings will be held within a reasonably prompt timeframe. As part of this process, both the reporting individual and the respondent will have equal opportunities to have an advisor of their choice present. Both parties will also be given timely notice of meetings and equal access to information that will be used during the investigation, meetings and live hearing.

Once a proceeding is over, the reporting student and the respondent will be notified simultaneously regarding the outcome and any appeal options.

**Source: Sexual Assault, Dating Violence, Domestic Violence & Stalking at TCCD**

- Make any limits/boundaries you may have known as early as possible and notice when they aren't being respected.
- Remove yourself, if possible, from an aggressor's physical presence.
- Reach out for help, either from someone who is physically nearby or by calling someone. People around you may be waiting for a signal that you need help.
- Clearly and firmly articulate consent or lack of consent.
- Take responsibility for your alcohol/other drug intake and acknowledge these substances can lower your inhibitions, making you vulnerable to someone who views a drunk/high person as a sexual opportunity.
- Look out for your friends and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices.
- Trust your instincts.

- Show your potential partner respect if you are in a position of initiating sexual behavior.
- Do not assume that someone's silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
- If a potential partner says "no," accept it and don't push. If you want a "yes," ask for it, and don't proceed without clear permission.
- Clearly communicate your intentions to your potential sexual partners, and give them a chance to share their intentions and/or boundaries with you.
- Respect personal boundaries. If you are unsure what's okay in any interaction, ask.
- Don't take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way. Others' loss of control does not put you in control.

- Don't worry about offending someone, just get out of there.
- Say "No" clearly and firmly.
- Be situationally aware by taking note of your surroundings and who is present.
- Walk with others.
- Lock doors and windows in your car and living spaces.

- Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn't want to happen. That person may be undecided about how far to go with you, or you may have misread a previous signal.
- Respect the timeline for sexual behaviors with which others are comfortable, and understand that they are entitled to change their minds.
- Recognize that even if you don't think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a posited with 30 r hC 2.25 0 Tnt ou
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All reports of sexual misconduct will be referred to the Title IX Coordinator or designee. Upon receipt, the Title IX Coordinator or designee will determine if the complaint falls under the Title IX Grievance Policy:

## KEY CONTACTS

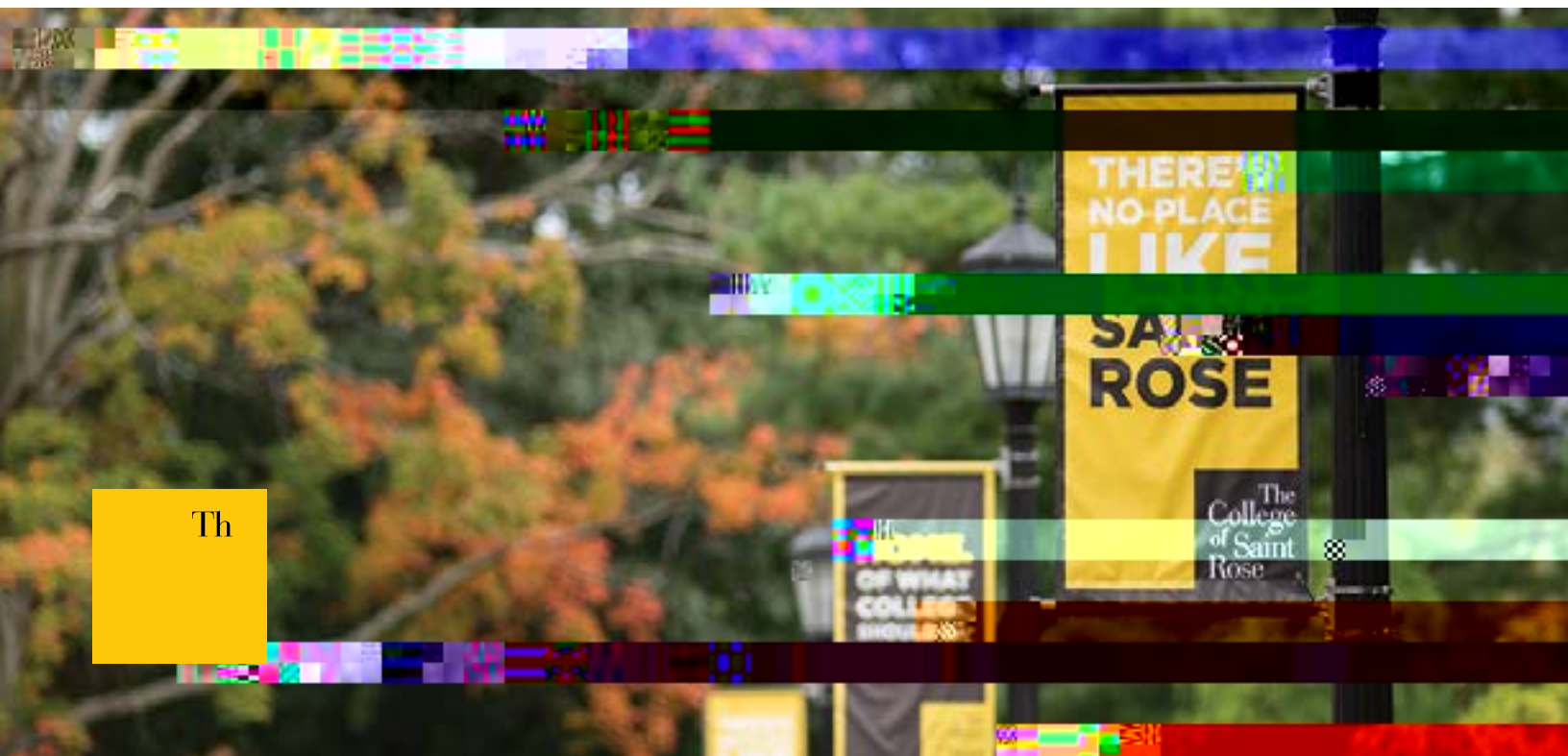
Saint Rose Anonymous Tip Line  
518.454.5275

### **INTERIM TITLE IX COORDINATOR**

Kateeka Harris  
518.223.2550  
titleix@strose.edu

## OTHER RESOURCES

The College of Saint Rose  
432 Western Avenue  
Albany, NY 12203  
518.454.5196  
www.strose.edu



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