

Sexual and Interpersonal Violence Prevention, Policies and Procedures

The College prohibits sex discrimination, sexual assault, sexual harassment, stalking, domestic violence, dating violence or any form of interpersonal violence and encourages the reporting of these instances so that the College can investigate. The reason for this is that sexual and interpersonal violence is particularly harmful to the reporting individual and creates 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.

In recent years, “Title IX” cases have become a short-hand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, SUNY Oswego 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 through the Title IX Grievance Policy: <https://ww1.oswego.edu/title-ix/policies>. SUNY Oswego remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule. For cases that do not fall within the Title IX Grievance Policy, the Sexual and Interpersonal Violence Response Policy (below) will be used.

Although we will continue using the position title “Title IX Coordinator” students and employees can be assured that our Title IX Coordinator is also coordinating compliance with intersecting laws such as NYS Article 129A, NYS Article 129B, the Clery Act, Violence Against Women Act as well as other state and federal mandates, SUNY policies and SUNY Oswego policies.

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:

1. 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):

Anonymously via an internet anonymous reporting system:

<https://ww1.oswego.edu/title-ix/sexual-interpersonal-violence-anonymous-report>

Counseling Services Center 315-312-4416. <https://www.oswego.edu/counseling-services/home>

Health Services 315-312-4100. <https://www.oswego.edu/walker-health-center>

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:

- Services to Aid Families confidential victim advocates: 315-342-1600, <http://www.oco.org/crisis-development>
- Legal Momentum: <https://www.legalmomentum.org>;
- NYSCASA: <http://nyscasa.org/responding>;
- NYSCADV: <http://www.nyscadv.org/>;
- RAINN: <https://www.rainn.org/get-help>; and
- Safe Horizons: <http://www.safehorizon.org>.

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 SUNY Oswego from retaliation, and to receive assistance and resources from college officials. 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*
405 Culkin Hall
315-312-5604 (private voicemail)
lisa.evaneski@oswego.edu

Leah Holmes, Title IX Investigator
201 Culkin Hall

315-312-2215
leah.holmes@oswego.edu

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

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

Daniel Roberts, Title IX Investigator
135 Marano Campus Center
315-312-2930
Daniel.Roberts@oswego.edu

Michelle Sloan, Title IX Investigator
501 Culkin Hall
315-312-5483
shelly.sloan@oswego.edu

Dr. Paul Tomascak, Title IX Investigator
601 Culkin Hall
315-312-2285
paul.tomascak@oswego.edu

*Generally all sexual and interpersonal violence reports, investigations and interim remedies begin with the Title IX Coordinator who then assigns cases to the Title IX Investigators.

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. <https://consentfirst.troopers.ny.gov>

To receive assistance from Lisa Evaneski, Title IX Coordinator, 315-312-5604, 405 Culkin Hall in initiating legal proceedings in family court or civil court. You can also get assistance from Services to Aid Families 315-342-1600, <http://www.oco.org/crisis-development>

To file a report of sex discrimination, sexual harassment, 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
405 Culkin Hall
315-312-5604
lisa.evaneski@oswego.edu

When the accused (respondent) 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 (respondent) 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 SUNY Oswego; to be protected by SUNY Oswego from retaliation for reporting an incident; and to receive assistance and resources from SUNY Oswego." See the full Student's Bill of Rights for more information:
<https://www1.oswego.edu/title-ix/students-bill-rights>

The College will conduct a timely review of all complaints of sex discrimination, sexual harassment, sexual assault, domestic violence, dating violence, and/or stalking. Absent extenuating circumstances, review and resolution is expected to take place within 120 business days from receipt of the formal 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 twenty (20) days of receipt of the initial complaint. The subsequent, comprehensive review and investigation of the formal complaint, including interviews with all involved parties and gathering of evidence, is usually completed within sixty (60) days of receipt of the formal complaint. Results of the complaint, via either a formal hearing or waiver of hearing are typically issued within one hundred (100) days of receipt of the formal complaint. An appeal of the results must be submitted within (five) 5 days after days of receipt of the written result.

2. Resources:

To obtain effective intervention services.

Counseling Services Center, currently located in Hewitt Union, 315-312-4416. The resources are offered free of charge to registered SUNY Oswego students.

<https://www.oswego.edu/counseling-services/home>

Health Services, currently located in Hewitt Union, 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 Health Services. Pregnancy and urine tests are free, STD and HIV tests are provided at a reasonable cost. <https://www.oswego.edu/walker-health-center>

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>.

Employees are encouraged to use their health care provider or contact the College's EAP (Employee Assistance Program) for more information on available services call 315-312-5546 or visit the website www.oswego.edu/eap.

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: <https://ovs.ny.gov/victim-compensation>, or by calling 1-800-247-8035.

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.

3. Protection and Accommodations:

When the accused/respondent 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/respondent and a protected person observe each other in a public place, it is the responsibility of the accused/respondent 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 the Title IX Coordinator 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. You can also get assistance from Services to Aid Families 315-342-1600, <http://www.oco.org/crisis-development>

To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with the Title IX Coordinator or University Police who can explain the order and answer questions about it, including information from the Order about the accused/respondent’s responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s). You can also get assistance from Services to Aid Families 315-342-1600, <http://www.oco.org/crisis-development>

To receive an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension. Contact the Title IX Coordinator, Lisa Evaneski, 315-312-5604 or lisa.evaneski@oswego.edu for assistance. You can also contact University Police, 315-312-5555.

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/respondent is a student and presents a continuing threat to the health and safety of the community, to have the accused/respondent 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 by contacting the Dean of Students, deanofstudents@oswego.edu or by calling 315-312-5483. The Title IX Coordinator can assist with this request.

When the accused/respondent 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/respondent to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and SUNY Oswego policies and rules.

When the accused/respondent is not a member of the college community, to have assistance from University Police or the Title IX Coordinator 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
405 Culkin Hall
315-312-5604
lisa.evaneski@oswego.edu

4. Student Conduct Process:

To request that student conduct charges be filed against the accused/respondent. 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 accused/respondent and the reporting individual will have:

- 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 Code of Conduct: <https://www.oswego.edu/student-conduct/code-conduct>.
- 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 accused/respondent, including the right to a presumption that the accused/respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.

- 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.
- 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 (Respondent) 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 sex discrimination, sexual harassment, 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/respondent based upon the outcome of the conduct proceeding. Students who are found responsible for sexual assault will be suspended (with

additional requirements) or expelled. Students found in violation of dating violence, domestic violence, sex discrimination, sexual harassment or stalking will be either placed on disciplinary probation, placed on deferred suspension, suspended or expelled. Students that are placed on disciplinary probation, deferred suspension or suspended may be sanctioned intervention services, restrictions from accessing college or community buildings, and educational programs. For more information, review the Code of Conduct: <https://www.oswego.edu/student-conduct/code-conduct>. Details of sanctions are outlined in the Annual Fire and Security Report: <https://www.oswego.edu/police/annual-report>

- Access to at least one level of appeal of a determination before the Appeal Hearing Board, 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 in the Student Conduct office 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 - Dean of Students 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 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 or interpersonal violence. A conversation where questions can be answered is far superior to keeping something to yourself. Confidentiality varies, and this section 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, 202 Hewitt, 315-312-4416
<https://www.oswego.edu/counseling-services>

SUNY Oswego Health Services licensed medical professionals or supervised interns when they are engaged in a physician/patient relationship, 213F Hewitt Union 315-312-4100
<https://www.oswego.edu/walker-health-center>

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 agencies.

Services to Aid Families (SAF) confidential victim advocates: 315-342-1600
9 4th Avenue (Hillside Commons) Oswego, NY 13126
<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
17 East Genesee Street Auburn, NY 13021
315-253-9795 Office
315-252-2112 Hotline
www.cayugacounseling.org

Off-campus healthcare providers:

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

The following hospitals have Sexual Assault Nurse Examiners (SANE):
Oswego Hospital
110 West Sixth Street
Oswego, New York 13126

<https://www.oswegohealth.org>

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

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: <https://ovs.ny.gov/victim-compensation> or by calling 1-800-247-8035.

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 staff members of Counseling Services Center 202 Hewitt, 315-312-4416 and Health Services staff, 315-312-4100, that are not licensed. *For example: interns, clerical staff, student staff.* 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 College'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, 405 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 (respondent). 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/respondent 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/respondent will commit additional acts of violence;
- Whether the accused/respondent 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 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:

<https://www1.oswego.edu/title-ix/sexual-interpersonal-violence-anonymous-report>

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 New York State Education Department (NYSED)

1. SUNY Oswego 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 SUNY Oswego conduct process.
- c. Of those reporting individuals in paragraph b of this subdivision, the number of cases processed through the SUNY Oswego's conduct process.

d. Of those cases in paragraph c of this subdivision, the number of respondents who were found responsible through the SUNY Oswego's conduct process.

e. Of those cases in paragraph c of this subdivision, the number of respondents who were found not responsible through the SUNY Oswego's conduct process.

f. A description of the final sanctions imposed by SUNY Oswego for each incident for which a respondent was found responsible, as provided in paragraph d of this subdivision, through the conduct process.

g. The number of cases in the SUNY Oswego's conduct process that were closed prior to a final determination after the respondent withdrew from the College and declined to complete the disciplinary process.

h. The number of cases in the SUNY Oswego's 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 students 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 student conduct process and/or criminal justice process free from pressure from 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 to be required to unnecessarily repeat a description of the incident.

8. Be free from retaliation by the College, 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 student 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 student 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](#) 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 the Title IX Coordinator. 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

SUNY Oswego ensures 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 SUNY Oswego'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 College, and relevant to the conduct case, consistent with college policies and procedures.

Policy for Review of Interim Measures/Accommodations

Both the accused/respondent and the reporting individual shall, upon request and consistent with SUNY Oswego 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. Contact the Title IX Coordinator for assistance.

Policy for Review of an Interim Suspension

Both the accused or respondent and the reporting individual shall, upon request and consistent with SUNY Oswego 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. Contact the Dean of Students deanofstudents@oswego.edu.

Policy for the Review of No Contact Order

Both the accused or respondent and the reporting individual shall, upon request and consistent with SUNY Oswego 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. SUNY Oswego may establish an appropriate schedule for the accused and respondents to access applicable buildings and property at a time when such buildings and property are not being accessed by the reporting individual. For No Contact Orders issued by the Title IX Coordinator, contact the Title IX Coordinator for assistance.

Policy for Transcript Notations

Generally, disciplinary actions are not noted on academic transcripts. However, if a student is suspended or expelled as a result of a disciplinary action, he or she will have an "NG" notation in the place of a grade on every course for which he or she is registered in the semester of the effective date of the suspension or expulsion. The credits attempted for that semester will be included in the total number of credits attempted. The "NG" notation will become a permanent part of the student's academic record (transcript).

Students with “NG” notations must have the approval of the Dean of Students, deanofstudents@oswego.edu before they can apply for readmission to the College. If the student is readmitted to the College, the courses with “NG” notation can be repeated. The “NG” notation, however, will remain on the academic transcript.

Conduct involving serious crimes, including, but not limited to arson, hazing, robbery/burglary, motor vehicle theft, murder/manslaughter, physical assault, sexual and interpersonal violence, and/or conduct that leads to death or serious physical injury of another person, shall result in a permanent transcript notation of suspension or expulsion from the College. The permanent transcript notation will read: “suspended after a finding of responsibility for a code of conduct violation on (date).” or “expelled after a finding of responsibility for a code of conduct violation on (date).”

For the respondent who withdraws, is not enrolled due to winter/summer break, or is interim suspended from the College while such conduct charges are pending, and declines to complete the disciplinary process, a notation will go on the transcript of such students that they “withdrew with conduct charges pending.” Appropriate disciplinary action will be taken prior to the student’s return to SUNY Oswego. The comment is removed if the student is readmitted after completing the conduct process.

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, shall be directed to the Dean of Students, deanofstudents@oswego.edu. For suspensions related to serious crimes listed above, the notation will permanently remain on the transcript. 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/respondent 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.

Amnesty: The Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases states that 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's 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.

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.

Article 129B (Enough is Enough) requires all colleges in New York State to adopt a set of comprehensive procedures and guidelines to address sexual violence, including a uniform definition of affirmative consent, a statewide amnesty policy, and expanded access to law enforcement.

Bystander shall mean a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of the College's rules or policies.

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.

Clery Act: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act is a federal statute (20 U.S.C. §1092(f)) that requires colleges and universities that participate in federal financial aid programs to keep and disclose statistics about crime on or near their campuses. Compliance is monitored by the U.S. Department of Education.

Code of Conduct shall mean the written policies adopted by SUNY Oswego governing student behavior, rights, and responsibilities while such student is matriculated.

Coercion is defined for purposes of this section as the application of unreasonable pressure to take part in sexual activity or in any of the prohibited conduct listed in this document. Unreasonable pressure can be exerted through physical or emotional force, intimidation, misuse of authority, or outright threats. When someone makes it clear that he or she does not want to engage in sexual activity or does not want to go beyond a certain point of sexual interaction, continued pressure beyond that point may be considered coercive. Ignoring or dismissing the objections of another person may also be a form of coercion. (See full Affirmative Consent definition above).

College means State University of New York at Oswego, Oswego, New York, and collectively, those persons responsible for its control and operation.

Confidentiality may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to SUNY Oswego 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 and medical providers are examples of SUNY Oswego employees who may offer confidentiality.

Dating violence is any violent act or acts committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. The existence of a social relationship of a romantic or intimate nature with the victim is determined based on the reporting party's statement, the length of the relationship, the type of relationship, and frequency of interaction between the persons involved in the relationship.

Domestic violence is a felony or misdemeanor crime of violence committed by any of the following individuals: current or former spouse or intimate partner of the victim; or a person with whom the victim shares a child in common; or a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or a person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of violence occurred; New York 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 New York.

Incapacitation occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness or being asleep, being

involuntarily restrained, if any of the parties are under the age of 17, or if an individual otherwise cannot consent. (See full Affirmative Consent definition above).

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.

Interim measures, remedies, supportive 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.

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/respondent 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 College officials.

Proceeding refers to the activities related to a SUNY Oswego 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 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.

Result means any initial, interim and final decision by any College official or entity authorized to resolve disciplinary matters within SUNY Oswego.

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.

SaVE Act: The SaVE Act is an acronym for the Campus Sexual Violence Act provision of the 2013 reauthorized Violence Against Women Reauthorization Act (VAWA). The SaVE Act provision, Section 304, requires colleges and universities to report domestic violence, dating violence, and stalking beyond the crime categories the Clery Act already mandates; adopt certain

student conduct procedures, such as for notifying victims of their rights; and adopt training protocols and policies to address and prevent campus sexual violence.

Sexual act means:

A. contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;

B. contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;

C. 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

D. the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 17 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

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).

Sexual assault/violence is a 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.

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.

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 SUNY Oswego policy.

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.

Stalking means intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional distress. 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 Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities.

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

Title IX Investigators assist the Title IX Coordinator in responding to reports of sex discrimination, sexual harassment, sexual assault/violence, stalking, dating violence, and domestic violence.

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.

Victim/survivor: a person who suffers personal, physical, or psychological injury. These policies use "reporting individual" as encompassing the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings for a report of a violation.

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:

NYS Education law 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.

Additional resources:

Annual Safety and Fire Report (Clery Act):

<http://www.oswego.edu/administration/police/annrep.html>

Sexual and interpersonal prevention, policy and procedures*:

<https://www1.oswego.edu/title-ix>

**Includes Title IX Grievance Policy (2020)*