



# SUNY Cobleskill



## Campus Security and Fire Safety Report 2017 Report *September 2018*

A copy of the State University of New York at Cobleskill's campus crime statistics as reported annually to the U.S. Department of Education will be provided upon request by the campus Personal Safety Committee. Please direct all such requests to the University Police Department at (518) 255-5317. Information can also be obtained from the U.S. Department of Education at <http://ope.ed.gov/security>.

This report is filed as required by the federal "Crime Awareness and Campus Security Act," (hereafter referred to as the Campus Safety Act) which was last amended in 1998, at which time it was re-named the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act". The purpose of this report is to provide our faculty, staff and students with campus safety information including crime statistics and procedures to follow to report a crime. The report is prepared by the Chief of the University Police Department (518) 255-5317 and Assistant Vice President for Student Development (518) 255-5215. Any questions regarding this report should be directed to either person.

### General Security Information

In 2017, 2298 students were enrolled at SUNY Cobleskill. An average of 1,300 students reside in our 10 residence halls on campus.

Students, faculty, and employees have access to academic, recreational and administrative facilities during regular hours of operation. Access to the residence halls, however, is limited to students and their guests according to the guest policy as described in the student handbook. Access to the residence halls by college employees is on an "as needed" basis and incorporates strict key and card access control procedures through the University Police Department and the Facilities Management Department.

The public can attend cultural and recreational events on campus with their access limited only to the facilities in which these events are held. To report any violations of this policy or to report suspicious persons, dial campus extension **5317** for the University Police.

### Crime Reporting

All members of the campus community are urged to report criminal incidents, emergencies and suspicious activity and campus policy encourages every member of the campus community to report a crime promptly to the University Police Department if the victim wants to or is unable to report.

The on-campus emergency phone number is Campus Extension **5555** or "**911**" and this should be used for all fire, medical and police emergencies. All complaints are responded to and investigated thoroughly.

Crimes in progress and any other emergencies on campus can be reported directly by any student, faculty member, employee or guest to the University Police Department by dialing campus extension **5555** or "**911**." Persons with non-emergency complaints and requests for service should dial extension **5317** or **518-255-5317**. The University Police Department prepares and submits incident reports that are kept on file.

The University Police can also be contacted by utilizing the campus blue light emergency phones. These phones are located at various locations across campus and provide a direct contact to University Police Dispatch. Upon receipt of the call, university police officers are dispatched immediately to the site of the complaint.

Members of the campus community can also report criminal incidents to faculty/staff members that have significant responsibility for student activity, including:

Vice-President for Student Development	5214
Assistant Vice President for Student Development	5215
Director of Student Conduct	5215
Director of Athletics	5127
Director of Student Life Center	5300
<b>Any residence hall director</b>	
<b>Athletic team coach</b>	
<b>Any club or organization advisor</b>	

The persons listed above are responsible to notify the Chief of University Police who serves as the compiler of campus crime reports for preparing this report.

Please note that these offices and other Campus Security Authorities will assist and allow victims and witnesses to report a crime on a voluntary, confidential basis. Reports of this nature are filed with the university police for statistical purposes, but there is normally no formal investigation of the incident unless so desired by the complainant. Counselors and Health Professionals at the college’s Wellness Center, who are informed by persons they are counseling of the commission of a crime, may also inform that person that crimes can be reported to the Chief of University Police on a voluntary, confidential basis for inclusion in the college’ crime statistics only.

Victims of a crime will be informed of their option to notify the University Police and will be assisted by college personnel in notifying the police, if so desired, or if they are unable to do so themselves.

**Missing Students**

Missing persons should be reported directly to University Police. **DO NOT WAIT**, if you believe a student is missing.

Students are encouraged to identify a person who College personnel should contact in the event they are determined to be “missing” [Resident Hall Registration cards include a section to allow students to identify a confidential emergency contact. This emergency contact information, which is accessible only by authorized campus officials, will only be given to law enforcement for the furtherance of a missing person investigation.].

Federal law states that the campus is required to provide missing person notification to:

- all local police agencies pursuant to the Memorandums of Understandings;
- the student’s designated contact person if provided; and
- If the student is under 18 years of age, and, not emancipated, within 24 hours of the determination that they are missing, in addition to notifying the emergency contact, the custodial parent or guardian will be notified.

University Police immediately conducts an initial investigation and if after a reasonable period of time, (not more than 24 hours) the student has not been located, University Police will proceed with the required notifications. The sooner the investigation begins the better chance of locating the missing person.

### **Emergency Response, Timely Warning and Notifications**

The college's leadership, all members of the University Police Department, and numerous campus staff members are trained in assessing emergency situations, appropriately responding to emergencies, and initiating necessary communication with those that may be immediately impacted by the event. The Chief of University Police, in consultation with the Vice President for Student Affairs, or designee, is responsible for determining the level of an incident. In the absence of the chief, the lieutenants, or the officer in charge, respectively, will make appropriate consults and level determination. If there is an event or incident that may pose a continued threat to students, employees, or others, a "Timely Warning Notice" will be prepared and distributed, normally within a two hour period. If there were a serious or immediate threat to the health and safety of the campus community, the emergency response protocol would be enacted as appropriate to the situation. In the event of a major emergency, the campus "Emergency Notification System" would be activated. The "Emergency Notification System," which is tested twice a year, consists of:

- Active Public Address announcement
- The campus cable television station
- Campus voice-mail, phone, cell phone and e-mail alerts
- The posting of flyers in the residence halls, dining halls, and academic buildings
- NY ALERT
- Campus website

Standard notification procedures will be issued without delay, but may be altered if emergency response authorities determine it would compromise efforts to assist a victim or compromise efforts to contain, respond to or otherwise mitigate the emergency. Notification to the greater campus community is coordinated between University Police and the Office of College Relations pursuant to policies and agreements with local law enforcement agencies.

### **University Police Department**

Campus safety and security is coordinated by the University Police Department. The University Police Department consists of a force of 10 sworn police officers who have full arrest powers. The Department is an Accredited Law Enforcement Agency and meets all of the guidelines and requirements that are established by the New York State Division of Criminal Justice Services to attain and maintain the accreditation. As an armed police department, officers respond to all emergency and non-emergency complaints. The University Police Department serves as the primary law enforcement agency for the campus and coordinates all campus safety and security services.

State University of New York police officers must meet the standards in New York State for police officers. The officers must have completed 60 credit hours of college and pass a state civil service test for consideration for appointment. All officers must have completed a basic training program administered by the New York State Department of Criminal Justice Services under the Bureau for Municipal Police and undergo continuous training to upgrade their skills. Officer's conduct foot, bicycle, mounted horse, and vehicular patrols on the campus 24 hours a day, 365 days a year.

The objective of the University Police is to provide a safe environment for the teaching, research and social endeavors and to protect the lives and property of the students, employees and visitors of the college. This objective is pursued within the framework of the State University rules and regulations and all local, state and

federal laws. The investigation of crimes committed on the campus fall under the jurisdiction of the University Police Department. Our University Police Department has close working relationships with the Village of Cobleskill Police Department, the Schoharie County Sheriff's Department and the New York State Police. This includes a Memorandum of Understanding (MOU) with these agencies in the event that a violent felony or a missing student is reported to campus authorities. Should such a report be received SUNY Cobleskill's University Police would request assistance and work in conjunction with these agencies to conduct a complete investigation.

### **Personal Safety Committee**

The SUNY Cobleskill Personal Safety Committee shall review current campus security policies and procedures and make recommendations for their improvement. It shall specifically review current policies and procedures for:

- educating the campus community, including security personnel and those persons who advise or supervise students about sexual assault;
- educating the campus community about personal safety and crime preventions;
- reporting sexual assaults and dealing with victims during investigations;
- referring complaints to appropriate authorities;
- counseling victims;
- responding to inquiries from concerned persons.

The committee shall report, in writing, to the college president or chief administrative officer on its findings and recommendations at least once each academic year, and such report shall be available upon request. Annual reports must be filed with the commissioner of education (ref. College Handbook, Page 33).

### **Behavioral Assessment Team (B.A.T)**

This team, consisting of representatives from various campus offices and departments, formalizes a process for reporting and addressing specific, alarming behaviors that do not fall within existing reporting procedures such as those established by the Wellness Center, University Police, Residence Life and Student Conduct Office. Specifically the B.A.T. team will create a care management system to intervene early with students who are at risk. They will:

- watch for information, both oral and written, from faculty and staff about behavior that may be threatening;
- stay attuned to escalating behavior or potential physical violence;
- develop a plan of action for the student that will be in the best interests of the student and campus community.

### **Weapons on Campus**

Possession and/or use or sale of weapons or firearms of any kind, are prohibited on campus. These include, but are not limited to: firearms, bows, arrows, archery equipment, air guns, pellet guns, dart guns, paintball guns, chukka sticks, ammunition, fireworks, firecrackers, explosives or dangerous chemicals of any kind. This applies to possession on the person, in motor vehicles, in residence rooms, and/or in other areas/facilities of the college and/or College Auxiliary Services.

Students wishing to bring legal weapons to campus must register and store them at the University Police Department in Johnson Hall immediately upon arrival on campus.

### **Daily Log**

The University Police Department maintains a daily log of crimes that occur on campus and is available for the public to view. This information is recorded by date, time, general location, type of crime, and the disposition of the complaint. This daily log is available at the University Police Department, located in Johnson Hall during normal business hours.

Please note that entries or updates are generally made within two business days after the event occurs. Incidents or situations deemed to pose a threat to the campus community are logged as soon as possible. While most events are logged, the Chief of the University Police, may determine that an incident be classified as “confidential” in order not to jeopardize a criminal investigation or the identity of a victim.

### **Crime Prevention Activities**

Members of the campus community are urged to secure their valuables and be aware of their surroundings. To assist in this endeavor, the university police and residential life staff hold educational programs each semester on a variety of topics. These topics include personal safety awareness, sexual violence, domestic violence, dating violence, stalking, security on campus and anti-theft programs. For programs and program descriptions, refer to Appendix A of this report. Information on safety, security and crime prevention programs, all of which are available to all faculty, staff and students, via seminars, videos, crime alerts, posters and brochures are coordinated through the College’s Crime Prevention Officer, Wellness Center and Office of Human Resources.

During orientation, programs are presented which address sexual violence, substance abuse, bystander intervention, fire safety, and other personal safety topics. Students as well as all faculty, staff and employees are informed of the many personal safety services available on campus: which include campus escort service; sexual violence prevention and services information; mental health services information; and emergency medical services information.

The Facilities Management Department maintains the campus buildings and grounds with concern for safety and security. It inspects campus facilities regularly, promptly makes repairs affecting safety and security, and responds immediately to reports of potential safety and security hazards, such as broken windows and locks. If you have concerns about the physical safety of campus buildings and grounds, call the Facilities Management office Monday through Friday 8:00 A.M. to 4:00 PM, at extension 5228. For emergencies that occur during non-business hours, call the University Police at extension 5317.

The college campus is well lighted, and college authorities continuously assess this situation and improvements are made as needed.

### **Security in Residence Halls**

The College’s Office of Residential Life is committed to providing a safe environment in the residence halls. Students are made aware of safety concerns as well as tips on prevention through brochures, pamphlets, floor meetings and presentations. While there are many safeguards in place for residence hall students, each student must do his/her part to assure a safe and secure environment by adhering to the safety related policies and procedures. A professional residence hall director supervises each of the residence halls.

The hall director is a professional staff person who lives and works in the residence hall. Each floor also has a resident assistant. A resident assistant is an upper class student who has received extensive training in many different aspects of residence hall living. The hall directors and resident assistants undergo training in enforcing residence hall safety and security policies as well as being aware of potential safety hazards and concerns.

Residence halls are locked 24 hours a day and access is granted by way of a card access system. Resident Assistants maintain specific office hours in each of the residence halls and make rounds through the hall during those hours. Visitors must sign in at the Resident Assistant Office and be escorted by a resident while in the building.

Night Hosts are on duty at the entrance to each hall from 12 midnight to 3 AM and permit access to authorized persons. An on-campus phone is located at the main entrance of each hall for visitors to contact students for entry. Each residence hall main entrance can be utilized by way of card access only. Each resident is provided with a key to residence hall room and their mailbox.

University Police conduct foot patrols of the residence halls and are always available to assist students and the residence life staff.

Residence hall students should not be lulled into a false sense of security. Although the campus is a safe place to live, there is always the potential for crime. We all need to be aware of our environment and the possible consequences of our behavior. The college is committed to maintaining an environment in which students, faculty, staff and guests can live and work together free from all forms of harassment, exploitation, and intimidation. The college will act as needed to discourage, prevent, correct and if necessary, discipline behavior that violates this standard of conduct. The University Police Department or Human Resources Department will promptly investigate allegations of unlawful discrimination based on race, color, national origin, religion, age, sex, disability or marital status. Allegations of unlawful discrimination can also be discussed with the counseling center, or the Vice President of Student Affairs.

### **Policy on Alcohol and Drugs**

SUNY Cobleskill is committed to development and maintenance of a Drug and Alcohol Free Campus and Work Environment. In accordance with the Federal Drug Free Act of 1988, the State of New York Policy on Alcohol and Controlled Substances in the work place, and the State of New York Beverage Control Act, and the College Policy under the Student Conduct Codes which prohibits both drugs and alcoholic beverages, the college will not tolerate the presence of either alcoholic beverages or controlled substances on the campus. The only exception to this rule is students over the age of 21 and residing in Alumni Commons are permitted limited amounts of alcohol in their room.

Students are subject to enforcement through the campus student conduct process and the provisions of law. Employees are subject to enforcement through applicable disciplinary procedures consistent with laws, rules, regulations and collective bargaining agreements.

The college will make every effort to maintain a drug and alcohol free campus and work place. Those who seek assistance with a problem related to one of these conditions should seek assistance from a campus resource, such as the Wellness Center, which provides both counseling and medical services, or consult with the Office of the Vice President of Student Development or the Director of Human Resources.

The Wellness Center, Residential Life staff, and University Police staff offer informative programs to students regarding alcohol and other drugs, and sexual assault awareness/prevention such as: R.A.D. (Rape Aggression

Defense) Equalogy, and Bringing in the Bystander Training. (For further programs and program descriptions, refer to Appendix A of this report.)

## **SUNY Cobleskill Policies on Sexual Violence Prevention and Response**

### **Definition of 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.

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

## **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 Cobleskill 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 Cobleskill 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 Cobleskill officials or law enforcement will not be subject to SUNY Cobleskill'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.

## **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.

## **Students' Bill of Rights**    **Victims/Survivors Bill of Rights**

The State University of New York and SUNY Cobleskill 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-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 [www.cobleskill.edu/titleix](http://www.cobleskill.edu/titleix). Click on the “Confidential Resources” tab.
- Make a report to:
  - An employee with the authority to address complaints, including the Director of Human Resources and Affirmative Action/Title IX Coordinator, and/or the Director of Student Conduct
  - 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.

## Sexual 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: [www.cobleskill.edu/titleix](http://www.cobleskill.edu/titleix), click on “Confidential Resources”
  - Anonymously via an internet or telephone anonymous reporting system: <http://www.cobleskill.edu/campus-life/university-police>, click on “Anonymous Tip Line”
  - Beard Wellness Center (confidential resource for students), 518-255-5225, [wellnesscenter@cobleskill.edu](mailto:wellnesscenter@cobleskill.edu)
  - Employee Assistance Program Coordinator (confidential resource for employees), Marie Gerhardt, 518-255-5327, [gerharmo@cobleskill.edu](mailto:gerharmo@cobleskill.edu)
- 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:
  - SurvJustice: <http://survjustice.org/our-services/civil-rights-complaints/>;
  - Legal Momentum: <https://www.legalmomentum.org/>;
  - NYSCASA: <http://nyscasa.org/responding>;

- NYSCADV: <http://www.nyscadv.org/>;
  - Pandora’s Project: <http://www.pandys.org/lgbtsurvivors.html>;
  - GLBTQ Domestic Violence Project: <http://www.glbtqdv.org/>; and
  - RAINN: <https://www.rainn.org/get-help>.
  - Safe Horizons: <http://www.safehorizon.org/>.
- (Note that 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 one of the following college officials who can offer *privacy* and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. Those 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 just 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.
    - Lynn Berger, Director of Human Resources and Affirmative Action/Title IX Coordinator, 518-255-5465, [bergerla@cobleskill.edu](mailto:bergerla@cobleskill.edu), Knapp Hall 123
    - University Police - 24 hour availability, 518-255-5317 or 911, Johnson Hall
    - Ed Asselin, Assistant Vice President of Student Development, 518-255-5215, [asselie@cobleskill.edu](mailto:asselie@cobleskill.edu), Bouck Hall 126A
  - To file a criminal complaint with University Police and/or with local law enforcement and/or state police:
    - University Police - 24 hour availability, 518-255-5317 or 911, Johnson Hall
    - Cobleskill Police Department, 518-234-2111 or 911, 378 Mineral Springs Rd, Cobleskill, NY 12043
    - State police 24-hour hotline to report sexual assault on a NY college campus: 1-844-845-7269.
  - To receive assistance by the Title IX Coordinator or University Police 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 Cobleskill 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 the Title IX Coordinator anonymously to discuss the situation and available options. Visit [www.cobleskill.edu/titleix](http://www.cobleskill.edu/titleix), click on “Confidential Resources.”
    - Lynn Berger, Director of Human Resources and Affirmative Action/Title IX Coordinator, 518-255-5465, [bergerla@cobleskill.edu](mailto:bergerla@cobleskill.edu), Knapp Hall 123
  - When the accused is an employee, a reporting individual may also report the incident to the Director of Human Resources or may request that one of the above referenced confidential or private employees assist in reporting to Human Resources. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When

the accused is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the reporting 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.

- Lynn Berger, Director of Human Resources and Affirmative Action/Title IX Coordinator, 518-255-5465, [bergerla@cobleskill.edu](mailto:bergerla@cobleskill.edu), Knapp Hall 123
- You may withdraw your complaint or involvement from the College process at any time.
- Every 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, 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.”*

## II- Resources:

- To obtain effective intervention services.
  - Beard Wellness Center, 518-255-5225, [wellnesscenter@cobleskill.edu](mailto:wellnesscenter@cobleskill.edu) most services provided within the Center are covered by the Student Health Fee.
  - Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is available at Planned Parenthood for a fee.
    - Planned Parenthood - Cobleskill Health Center, 109 Legion Dr, Cobleskill, NY 12043, (518) 234-3325.
  - Within 96 hours of an assault, you can get a Sexual Assault Forensic 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](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 College. 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 or 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 College 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:
  - Lynn Berger, Director of Human Resources and Affirmative Action/Title IX Coordinator, 518-255-5465, bergerla@cobleskill.edu, Knapp Hall 123

#### **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 Cobleskill handbook, "On the Hill," <http://www.cobleskill.edu/campus-life/residential-life/pdfs/on-the-hill-manual.pdf> 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:
  - 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;
- 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.
- 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 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 the College).
- 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.
  - Ed Asselin, Assistant Vice President of Student Development, 518-255-5215, [asselin@cobleskill.edu](mailto:asselin@cobleskill.edu), Bouck Hall 126A
- 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.

## Options for Confidentially Disclosing Sexual Violence

The State University of New York and SUNY Cobleskill 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 Cobleskill, this includes:

- Beard Wellness Center, 518-255-5225, [wellnesscenter@cobleskill.edu](mailto:wellnesscenter@cobleskill.edu)
- Marie Gerhardt, Employee Assistance Program Coordinator, 518-255-5327, [gerharmo@cobleskill.edu](mailto:gerharmo@cobleskill.edu)

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.
- Sexual Assault & Violence Response (SAVR) Resources: <https://www.suny.edu/violence-response/>
- Off-campus healthcare providers
  - Note that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency compensation. More information may be found here: [http://www.ovs.ny.gov/files/ovs\\_rights\\_of\\_cv\\_booklet.pdf](http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf), or by calling 1-800-247-8035. Options are explained here: <http://www.ovs.ny.gov/helpforcrimevictims.html>.

Note that even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to him or herself or others and the mandatory reporting of child abuse.

### **Privacy versus Confidentiality:**

Even SUNY Cobleskill 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 Cobleskill 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 Cobleskill Will Weigh the Request and Respond:**

If you disclose an incident to a College 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.

- Lynn Berger, Director of Human Resources and Affirmative Action/Title IX Coordinator, 518-255-5465, [bergerla@cobleskill.edu](mailto:bergerla@cobleskill.edu), Knapp Hall 123

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 College's failure to act does not adequately mitigate the risk of harm to you or other members of the College 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 Cobleskill 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 College determines that it must move forward with an investigation, the reporting individual or victim/survivor will be notified and the College 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, or other public event, the College is not obligated to begin an investigation. SUNY Cobleskill may use the information you provide to inform the need for additional education and prevention efforts.

### **Anonymous Disclosure:**

At SUNY Cobleskill, you may make an anonymous report, at <http://www.cobleskill.edu/campus-life/university-police>, click on “Anonymous Tip Line.”

New York State Hotline for Sexual Assault and Domestic Violence: 1-800-942-6906  
The Hotline is for crisis intervention, resources and referrals and is not a reporting mechanism

### **Institutional Crime Reporting:**

Reports of certain crimes occurring in certain geographic locations will be included in the SUNY Cobleskill Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the reporting individual or victim/survivor.

- Lynn Berger, Director of Human Resources and Affirmative Action/Title IX Coordinator, 518-255-5465, [bergerla@cobleskill.edu](mailto:bergerla@cobleskill.edu), Knapp Hall 123
- Thomas Rehberg, Acting Chief of Police and Emergency Management, 518 255 5317, [Rehbertd@cobleskill.edu](mailto:Rehbertd@cobleskill.edu), Johnson Hall

SUNY Cobleskill 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 Cobleskill will not share information about a report of sexual violence with parents without the permission of the reporting individual.

## Student Onboarding and Ongoing Education Guide

The State University of New York and its State-operated and community colleges believe that sexual 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, 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:

- President's welcome messaging;
- Peer theater and peer educational programs;
- Online training;
- Social media outreach;
- First-year seminars and transitional courses;
- Course syllabi;
- Faculty teach-ins;
- Institution-wide reading programs;
- Posters, bulletin boards, and other targeted print and email materials;
- Programming surrounding large recurring campus events;
- Partnering with neighboring SUNY and non-SUNY colleges to offer training and education;
- 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
- 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.

## **Additional Related Policies**

### **Policy for the Review of a No Contact Order**

SUNY Cobleskill will promptly review existing no contact orders at a party's request, including requests to modify the terms of or discontinue the order. The parties can submit evidence to support their requests. If the campus finds it appropriate, it can even make a schedule for parties who seek to use the same facilities without running afoul of the no contact order.

### **Policy for Review of an Interim Suspension**

SUNY Cobleskill will promptly review existing interim suspensions at a party's request, including requests to modify the terms or discontinue it. Parties can submit evidence to support their request.

### **Policy for Review of Interim Measures/Accommodations**

SUNY Cobleskill will promptly review existing interim measures and accommodations at the request of the party who is affected by that interim measure or accommodation. The parties can submit evidence to support their request.

### **Policy for Transcript Notations**

SUNY Cobleskill will make a notation on the transcripts of students found responsible for crimes of violence. The notations are for suspension, expulsion, or withdrawal with charges pending.

### **Reporting Aggregate Data to the NYS Education Department (NYSED)**

The NYS Education Department will create a reporting mechanism for campuses to annually submit the following information:

- a. How many domestic violence, dating violence, stalking, and sexual assault incidents were reported to the Title IX Coordinator this year?
- b. From those incidents in paragraph (a), how many reporting individuals wanted to use the student conduct process for adjudication?
- c. How many of these cases were actually processed through the student conduct process?
- d. How many of the respondents in these cases were found responsible?
- e. How many of the respondents in these cases in paragraph (c) were found not responsible?
- f. What sanctions were imposed for each instance where a respondent was found responsible (paragraph [d])?
- g. How many cases closed before adjudication or before finding because the accused/respondent withdrew from the institution?
- h. How many cases closed before adjudication or before finding because the reporting individual withdrew the complaint?

### **Policy/Instructions on How Parties Can Review the Case File/Evidence**

In student disciplinary proceedings involving domestic violence, dating violence, stalking, or sexual violence, SUNY Cobleskill will allow parties to review available evidence held by the campus in accordance with college/university policy. Parties can also present available evidence as appropriate under campus policies.

### **SUNY Cobleskill's Student Conduct Codes**

<https://www.cobleskill.edu/campus-life/student-conduct/conduct-codes.aspx>

**SUNY Cobleskill's Campus Security and Fire Safety Report**

<http://www.cobleskill.edu/campus-life/university-police/pdfs/annual-report-2016.pdf>

(SUNY Cobleskill website, click on Current Students or Faculty & Staff, scroll down, click on University Police, click on Annual Crime Report)

**SUNY Cobleskill's Discrimination Complaint Procedure**

<https://www.cobleskill.edu/titleix/pdf/Discrimination-Complaint-Procedure-Cobleskill.pdf>

Discrimination Complaint Procedure PDF

(SUNY Cobleskill website, click on Faculty & Staff, click on Human Resources, click on Non-Discrimination/Title IX, scroll down)

## **Legislative Definitions**

1. “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.
2. “Title IX Coordinator” shall mean the Title IX Coordinator and/or his or her designee or designees.
3. “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.
4. “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.
5. “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.
6. “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.
7. “Accused” shall mean a person accused of a violation who has not yet entered an Institution's judicial or conduct process.
8. “Respondent” shall mean a person accused of a violation who has entered an Institution's judicial or conduct process.
9. “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.
10. “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).
11. “Domestic violence”, “dating violence”, “stalking” and “sexual assault” shall be defined by each Institution in its Code of Conduct in a manner consistent with applicable federal definitions.

## **Policy Statement on Sexual Misconduct**

SUNY Cobleskill is committed to creating and maintaining an educational environment free from all forms of sex discrimination, including sexual misconduct. Any act involving sexual harassment, violence, coercion, and intimidation will not be tolerated and SUNY strictly prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking. It is the policy of SUNY Cobleskill that, upon learning that any of these acts have taken place, immediate action will be taken to address the situation, support the victim, and reprimand the perpetrator. The SUNY Cobleskill University Police Department will, consistent with the law and policy, conduct a thorough investigation of all reported acts of sexual misconduct and other sexual offenses. These investigations will be comprehensive, and will display the utmost regard for the physical and emotional well-being of alleged victims and the rights of both alleged victims and alleged perpetrators. This includes working with State and local law enforcement to bring possible criminal charges, seeking disciplinary action through the college, and enforcing mandatory transcript notifications so other institutions are on notice of the offense committed.

SUNY Cobleskill encourages the reporting of sexual misconduct that is prompt and accurate. This allows the college community to quickly respond to allegations and offer immediate support to the victim. SUNY Cobleskill is committed to protecting the confidentiality of victims, and will work closely with students who wish to obtain confidential assistance regarding an incident of sexual misconduct. All allegations will be investigated promptly and thoroughly, and both the victim and the accused will be afforded equitable rights during the investigative process.

It is the collective responsibility of all members of the SUNY Cobleskill community to foster a safe and secure campus environment. In an effort to promote this environment and prevent acts of sexual misconduct from occurring, the college engages in ongoing prevention and awareness education programs. All incoming students and employees are required to participate in these programs, and all members of the college community are encouraged to participate throughout the year in ongoing campaigns and trainings focused on the prevention of sexual misconduct on campus.

## Scope of Policy

Who: This policy applies to all members of the SUNY Cobleskill community, including students, faculty, staff, visitors, independent contractors, and other third parties who are on campus and involved in an incident of sexual misconduct (this can be someone who witnessed an incident or who wishes to report an incident on behalf of another). The policy applies to these parties regardless of sexual orientation or gender identity.

What: This policy prohibits all forms of sexual misconduct. This broad term includes, but is not limited to, acts of sexual harassment, sexual violence, sexual coercion, sexual threats or intimidation, domestic violence, dating violence, sexual assault, stalking, and cyber-stalking. Please refer to the Sexual Misconduct Definitions, section (page 25) for a complete list of terms and prohibited acts.

Where: This policy covers conduct that takes place on the college campus. This includes any building or property owned or controlled by SUNY Cobleskill and used in direct support of, or in a manner related to, the school's educational purposes, including residence halls, dining halls, and public property within or immediately adjacent to and accessible from campus. This also includes any building or property owned or controlled by a student organization that is officially recognized by the college and any building or property not within the same reasonably contiguous geographic area of the college that supports or relates to the school's educational purposes and is frequently used by students. This policy also covers conduct that takes place off- campus that may have a nexus to the college community.

Programs: This policy covers all educational, extracurricular, athletic, or other campus programs.

Activities: This policy covers all campus and school-related activities, including, but not limited to, student organizations (academic, multicultural, religious, service, social and support, sports and recreational), community organizations with student [and/or faculty] participation, and all other educational or extracurricular events hosted by or at the college.

Relationships: This policy covers sexual misconduct occurring between any individuals associated with the university (student, faculty, staff, visitor, etc.) in any type of relationship status. Sexual misconduct may be acts committed by an individual or collective actions committed by members of a group or organization. These acts may be committed against an individual or against a group or organization. A stranger, an acquaintance, or someone with whom the victim has a social, romantic, or intimate relationship may commit these acts. These acts may be committed by or against any individual, regardless of sexual orientation or gender identity.

Confidentiality: The College is committed to maintaining the privacy of all individuals involved in a report of sexual misconduct. While the college encourages victims to report an incident of sexual misconduct, there are many options available for students to speak with someone about what happened while maintaining confidentiality. Please see the Student Handbook sections on Resources Available for Support and Reporting Procedures for more information on confidentiality.

## Available Resources

After an allegation that an act of sexual violence has occurred, including any act of dating violence, domestic violence, sexual assault, or stalking, the college offers students a range of protective measures.

<b>Resource</b>	<b>Contact Information</b>	<b>On or Off Campus</b>	<b>Type of Resource</b>	<b>Confidential</b>
University Police	911 518-255-5555 518-255-5317	On Campus	Campus	Mandated Reporters*
-Beard Wellness Center -Counseling and Health Services	518-255-5225	On Campus	Health Care	Mandated Reporters **
Title IX Coordinator	518-255-5465	On Campus	-Campus -Academic Accommodations	Mandated Reporters *
Office of Student Conduct	518-255-5215	On Campus	Campus	Mandated Reporters *
Residential Life (Including Residence Hall Directors)	518-255-5215	On Campus	Campus	Mandated Reporters
Domestic Violence 24 Hour Hotline	518-234-2231	Off Campus	Community	Mandated Reporters *
Planned Parenthood	518-234-3325	Off Campus	Health Care	N/A
Bassett Hospital Emergency Department	518-254-3300	Off Campus	Health Care	N/A
Cobleskill Police Department	911 518-234-2111	Off Campus	Community	N/A
State Police Department	911 518-234-3131 Toll Free Hotline – 1-844- 845-7269	Off Campus	Community	N/A
Schoharie County Sheriff's Department	518-295-8114	Off Campus	Community	N/A
NY State Division of Human Rights	518-474-2705	External Organization		N/A
NY State Office for Civil Rights	718-488-3550	External Organization		N/A
Pastoral Counselor				N/A
Professional Counselors				Confidential
Non-Professional Counselors and Advocates				N/A

\*All mandated reporters are required to maintain as much confidentiality and sensitivity as possible when working with victims of sexual assault.

\*\* Refers only to the directors of counseling and health services when acting in their administrative/non-clinical capacity.

**1. Resources for Immediate Assistance:** The information below provides contacts for trained on- and off-campus advocates and counselors who can provide an immediate confidential response in a crisis situation. Also provided are emergency numbers for on- and off- campus safety, law enforcement, and other first responders.

Confidential Resources: The College encourages all members of the school community to report any incidents of sexual misconduct; however, there are several confidential resources available to students [faculty and staff] who are not yet ready to report an incident. These individuals can help a victim obtain needed resources, explain reporting options, and assist in navigating the reporting process. These resources are required by law to keep all communications confidential without an individual's express consent to release information.

Campus Resources: These are resources provided by the college/university community offering intervention services, counseling, academic support, and medical services. These resources are not bound by confidentiality, but will work together to maintain individual privacy.

Community Resources: These are resources located off-campus in the local community offering intervention services and counseling.

Health Care Resources: Medical assistance is available 8:00am-4:15pm at the Beard Wellness Center and/or by calling University Police at 518-255-5555 after business hours. Every victim has the option to seek treatment for injuries sustained during an incident of sexual misconduct, preventative treatment for sexually transmitted diseases, and other health services. A medical exam is also an important way for a health provider to properly collect and preserve evidence. In cases where necessary, rape kits are also available by going to the Cobleskill Regional Hospital Emergency Room and victims may contact a Sexual Assault Nurse Examiner (SANE) located at the Cobleskill Regional Hospital. Also, victims may be accompanied by an advocate to the hospital or health provider.

**2. Resources for Ongoing Assistance:** The information below provides contacts for trained on- and off- campus advocates who can provide on-going counseling, advocacy, and support following an incidence of sexual misconduct.

Confidential Resources: These are resources on- and off- campus where the victim may disclose confidentially with counseling, advocacy, health, mental health, or sexual-misconduct-related resources.

Campus Resources: These are resources provided by the college/university community offering counseling and support for victims of sexual misconduct, whether or not a victim chooses to make an official report or participate in the institutional disciplinary or criminal process. These individuals can also provide ongoing support during the institutional disciplinary and criminal process.

Academic Accommodations: SUNY Cobleskill is committed to ensuring the safety and well-being of the victim. A student who has been a victim of sexual misconduct may request an academic accommodation or change in residence after a report of sexual misconduct. Any individual who makes a request will receive appropriate and reasonable accommodation. Possible requests include the ability to change academic schedules or work schedules, withdraw from or retake a class without penalty, access academic support such as tutoring services, and change residence hall assignments.

Interim Measures: In situations where it is necessary, SUNY Cobleskill will take immediate steps to protect victims pending the final outcome of an investigation. These steps include the accommodations listed above in addition to issuing no contact orders. Pending resolution of the complaint, the accused may be prohibited from contacting the victim and may be placed on temporary suspension or denied access to campus. In addition, the college may change the course schedule or residence assignment of the accused. Please refer to the Student Conduct Code for disciplinary procedures related to acts of sexual misconduct.

### **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;
  - For medical attention or to discuss your situation with a counselor: Beard Wellness Center, 518-255-5225, [wellnesscenter@cobleskill.edu](mailto:wellnesscenter@cobleskill.edu)
- Confidentially (for detailed information on confidentiality and privacy, go to page 29 of this report) or anonymously disclose a crime or violation go to <https://secure2.cobleskill.edu/tipline>.
- 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.
    - For questions or concerns regarding Title IX or to file a sexual harassment or discrimination complaint against a student, staff/faculty member, or vendor: Lynn Berger, Director of Employee Relations and Affirmative Action/Title IX Coordinator, 518-255-5465, [bergerla@cobleskill.edu](mailto:bergerla@cobleskill.edu), Knapp Hall 123
    - To report student code of conduct violations including sexual harassment or discrimination: Ed Asselin, Assistant Vice President of Student Development, 518-255-5215, [asselin@cobleskill.edu](mailto:asselin@cobleskill.edu), Bouck Hall 126A
  - University Police
    - For emergency assistance or to report a crime: SUNY Cobleskill University Police, 518-255-5317 or 911
  - Local law enforcement
    - To contact local law enforcement: Cobleskill Police Department, 518-234-2111 or 911, 378 Mineral Springs Rd, Cobleskill, New York 12043.
    - State police 24-hour hotline to report sexual assault on a NY college campus: 1-844-845-7269.
  - Family Court or Civil Court
    - To contact family court or civil court: Schoharie County Court, (518) 453-6999, 290 Main Street, Schoharie, NY 12157

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.

SUNY Cobleskill is Committed to Ensuring a Community that is Safe for All who Study, Live, Work and Visit Here

SUNY Cobleskill is committed to providing a safe and secure environment in which all members are treated with dignity and respect, and a campus free from all discrimination on the basis of sex. To that end, SUNY Cobleskill takes the strongest possible stance against sexual misconduct in all its forms, including sexual harassment, sexual assault, sexual violence or the use of coercion, intimidation or exploitation of others for sexual purposes. The College is actively engaged in educating its members about these vital issues and in providing timely support and assistance to victims of sexual assault.

Should a sexual assault be reported, The College will investigate allegations and take appropriate actions, to the fullest possible extent. The College supports the victim's right to privacy. In the event that a victim wishes to remain anonymous, the College will respect that request while evaluating the obligation to protect the safety and well-being of the broader community. For example, in the event that the assault/crime must be reported, the request for anonymity would be weighed against other factors, such as whether the accused individual is the subject of other complaints. In such instances, every safeguard will be taken in order to ensure the victims' anonymity. It is imperative that victims be fully supported in their efforts to heal and respond as they determine is in their own best interests. To this end, the College will provide information about campus and community medical and counseling resources and support the victim's right to make choices about these resources and options.

All members and representatives of the College community, including campus officers, administrators, faculty, professional staff, employees, and students are expected to recognize and abide by the following principles regarding victims of campus-related sexual assaults:

#### 1) The Right to Human Dignity:

Victims/Survivors shall:

- Be treated with fairness and respect for their dignity;
- Have their privacy honored;
- Be free from any suggestions that they must report sexual assaults to be assured; recognition of any other identified principles or rights;
- Have their allegations of sexual assault treated seriously;
- Be free from any suggestion that they are responsible for the sexual assaults committed against them;
- Be free from any threat of retaliation or other attempt to prevent the reporting of sexual misconduct;
- Be free from unwanted pressure from campus personnel to:
  - o Report sexual assaults if they do not wish to do so,
  - o Report sexual assaults as less serious offenses,
  - o Refrain from reporting sexual assaults for any reason, including the fear of unwanted personal publicity.

#### 2) The Right to Resources on and off campus:

Victims/Survivors shall:

- Receive notice describing options to pursue a criminal complaint with the appropriate law enforcement agency, to pursue the College's disciplinary process, or to pursue both processes simultaneously;
- Be notified of existing campus and community-based medical, counseling, mental health and student services for victims of sexual assault whether or not the assault is formally reported to campus or civil authorities;

- Have access to campus counseling;
  - Be informed of and assisted in exercising;
  - Any rights to confidential or anonymous testing for sexually transmitted infections, HIV, and pregnancy,
  - Any rights to preventive measures such as emergency contraception or HIV prophylaxis,
  - Any rights that may be provided by law to obtain the communicable diseases test results of sexual assault suspects;
  - Be informed of the possible availability of crime victim assistance compensation through the New York State Crime Victims Board;
- Additional information about resources and options to aid in recovery are listed on page 9 of this report and at [www.cobleskill.edu/titleix](http://www.cobleskill.edu/titleix)

### 3) The Right to Campus Conduct Proceedings:

Victims/Survivors have the right to:

- Written and advance notice about a disciplinary hearing involving the person or persons accused of sexually assaulting them;
- Have the opportunity to present witnesses and other evidence, and to receive notice of the process, information about procedures, and written notice of the outcome in a manner that is equivalent to the process of the accused;
- Have a person of their choice accompany them throughout the disciplinary hearing;
- Remain present during the entire proceeding, whenever possible; alternative arrangements may be made for those who do not want to be present in the same room as the accused during the disciplinary hearing;
- Be heard at the proceeding;
- Be assured that their irrelevant past sexual history will not be discussed during the hearing;
- Make a “victim impact statement” if the accused is found in violation of the code;
- Be informed in a timely fashion (10 days) of the outcome of the hearing;
- Have the right to appeal the outcome of the hearing.

### 4) The Right to Law Enforcement and Campus Intervention

- Reports of sexual assault will be investigated and evaluated by the appropriate criminal and civil authorities of the jurisdiction in which the sexual assault is reported;
- Victims shall receive full and prompt cooperation and assistance of campus personnel in notifying the proper authorities;
- Victims shall receive full, prompt, and victim-sensitive cooperation of campus personnel with regard to obtaining, securing and maintaining evidence, including a medical examination when it is necessary to preserve evidence of the assault; “No contact” orders (e.g., Cease and Desist orders) shall be issued promptly and in writing to all parties to a reported sexual assault after the College receives notice of a complaint;
- Campus personnel shall take reasonable and necessary actions to prevent further unwanted contact by victims’ alleged assailants;
- Victims shall be notified of the options for and provided assistance in changing academic and living situations if such changes are reasonably available.

Note: Statutory Mandates

- Nothing in this Statement of Victim's Rights shall be construed to preclude or in any way restrict the College from carrying out its duties under law to report suspected offenses to the appropriate law enforcement authorities. Except as required by law, the College will take care not to identify the victim.
- Nothing in this Statement of Victim's Rights shall be construed to preclude or in any way restrict the College from issuing a Timely Warning when the University is aware of a reported sexual assault incident that potentially puts the campus community at risk. The College will take care not to identify the victim in such notices but may, in certain cases of continuing danger, identify the suspect, assailant or the address where the crime occurred.

## **Sexual Violence Response Policy**

### **Definition of 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.

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

### **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 Cobleskill 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 Cobleskill 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 Cobleskill officials or law enforcement will not be subject to SUNY Cobleskill'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.

### **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.

## Students' Bill of Rights

The State University of New York and SUNY Cobleskill 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-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:

12. Make a report to local law enforcement and/or state police;
13. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
14. 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;
15. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
16. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
17. 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;
18. Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident.
19. 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;
20. Access to at least one level of appeal of a determination;
21. 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;
22. 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 [www.cobleskill.edu/titleix](http://www.cobleskill.edu/titleix). Click on the “Confidential Resources” tab.
- Make a report to:
  - An employee with the authority to address complaints, including the Director of Human Resources and Affirmative Action/Title IX Coordinator, and/or the Director of Student Conduct
  - 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.

## Sexual 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: [www.cobleskill.edu/titleix](http://www.cobleskill.edu/titleix), click on "Confidential Resources"
  - Anonymously via an internet or telephone anonymous reporting system: <http://www.cobleskill.edu/campus-life/university-police>, click on "Anonymous Tip Line"
  - Beard Wellness Center (confidential resource for students), 518-255-5225, [wellnesscenter@cobleskill.edu](mailto:wellnesscenter@cobleskill.edu)
  - Employee Assistance Program Coordinator (confidential resource for employees), Marie Gerhardt, 518-255-5369, [gerharmo@cobleskill.edu](mailto:gerharmo@cobleskill.edu)
- 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:
  - Legal Momentum: <https://www.legalmomentum.org/>;
  - NYSCASA: <http://nyscasa.org>;
  - NYSCADV: <http://www.nyscadv.org/>;
  - Pandora's Project: <http://www.pandys.org/lgbtsurvivors.html>;
  - GLBTQ Domestic Violence Project: <http://www.glbtqdv.org/>; and
  - RAINN: <https://www.rainn.org/get-help>.
  - Safe Horizons: <http://www.safehorizon.org/>.

(note that 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 one of the following college officials who can offer *privacy* and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. Those 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 just 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.

- Lynn Berger, Director of Human Resources and Affirmative Action/Title IX Coordinator, 518-255-5465, [bergerla@cobleskill.edu](mailto:bergerla@cobleskill.edu), Knapp Hall 123
- University Police - 24 hour availability, 518-255-5317 or 911, Johnson Hall
- Ed Asselin, Assistant Vice President of Student Development, 518-255-5215, [asselie@cobleskill.edu](mailto:asselie@cobleskill.edu), Bouck Hall 126A
- To file a criminal complaint with University Police and/or with local law enforcement and/or state police:
  - University Police - 24 hour availability, 518-255-5317 or 911, Johnson Hall
  - Cobleskill Police Department, 518-234-2111 or 911, 378 Mineral Springs Rd, Cobleskill, NY 12043
  - State police 24-hour hotline to report sexual assault on a NY college campus: 1-844-845-7269.
- To receive assistance by the Title IX Coordinator or University Police 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 Cobleskill 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 the Title IX Coordinator anonymously to discuss the situation and available options. Visit [www.cobleskill.edu/titleix](http://www.cobleskill.edu/titleix), click on "Confidential Resources."
  - Lynn Berger, Director of Human Resources and Affirmative Action/Title IX Coordinator, 518-255-5465, [bergerla@cobleskill.edu](mailto:bergerla@cobleskill.edu), Knapp Hall 123
- When the accused is an employee, a reporting individual may also report the incident to the Director of Human Resources or may request that one of the above referenced confidential or private employees assist in reporting to Human Resources. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When the accused is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the reporting 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.
  - Lynn Berger, Director of Human Resources and Affirmative Action/Title IX Coordinator, 518-255-5465, [bergerla@cobleskill.edu](mailto:bergerla@cobleskill.edu), Knapp Hall 123
- You may withdraw your complaint or involvement from the College process at any time.
- Every 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, 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.”*

#### **V- Resources:**

- To obtain effective intervention services.
  - Beard Wellness Center, 518-255-5225, [wellnesscenter@cobleskill.edu](mailto:wellnesscenter@cobleskill.edu) Most services provided within the Center are covered by the Student Health Fee.
  - Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is available at Planned Parenthood for a fee.
    - Planned Parenthood - Cobleskill Health Center, 109 Legion Dr, Cobleskill, NY 12043, (518) 234-3325.
  - Within 96 hours of an assault, you can get a Sexual Assault Forensic 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](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.

#### **VI- 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 College. 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 or 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 College 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:
  - Lynn Berger, Director of Human Resources and Affirmative Action/Title IX Coordinator, 518-255-5465, bergerla@cobleskill.edu, Knapp Hall 123

## **VII- 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 Cobleskill handbook, “On the Hill,” <http://www.cobleskill.edu/campus-life/residential-life/pdfs/on-the-hill-manual.pdf> 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:
  - 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;
  - 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.
  - 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 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 the College).
  - 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.
    - Ed Asselin, Assistant Vice President of Student Development, 518-255-5215, [asselin@cobleskill.edu](mailto:asselin@cobleskill.edu), Bouck Hall 126A
  - 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.

### **Options for Confidentially Disclosing Sexual Violence**

The State University of New York and SUNY Cobleskill 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 Cobleskill, this includes:

- Beard Wellness Center, 518-255-5225, [wellnesscenter@cobleskill.edu](mailto:wellnesscenter@cobleskill.edu)
- Marie Gerhardt, Employee Assistance Program Coordinator, 518-255-5369, [gerharmo@cobleskill.edu](mailto:gerharmo@cobleskill.edu)

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.
- Sexual Assault & Violence Response (SAVR) Resources: <https://www.suny.edu/violence-response/>
- Off-campus healthcare providers
  - Note that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency compensation. More information may be found here: [http://www.ovs.ny.gov/files/ovs\\_rights\\_of\\_cv\\_booklet.pdf](http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf), or by calling 1-800-247-8035. Options are explained here: <http://www.ovs.ny.gov/helpforcrimevictims.html>.

Note that even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to him or herself or others and the mandatory reporting of child abuse.

## **Privacy versus Confidentiality:**

Even SUNY Cobleskill 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 Cobleskill 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 Cobleskill Will Weigh the Request and Respond:**

If you disclose an incident to a College 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.

- Lynn Berger, Director of Human Resources and Affirmative Action/Title IX Coordinator, 518-255-5465, [bergerla@cobleskill.edu](mailto:bergerla@cobleskill.edu), Knapp Hall 123

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 College's failure to act does not adequately mitigate the risk of harm to you or other members of the College 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 Cobleskill 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 College determines that it must move forward with an investigation, the reporting individual or victim/survivor will be notified and the College 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, or other public event, the College is not obligated to begin an

investigation. SUNY Cobleskill may use the information you provide to inform the need for additional education and prevention efforts.

### **Anonymous Disclosure:**

At SUNY Cobleskill, you may make an anonymous report, at <http://www.cobleskill.edu/campus-life/university-police>, click on “Anonymous Tip Line.”

New York State Hotline for Sexual Assault and Domestic Violence: 1-800-942-6906  
The Hotline is for crisis intervention, resources and referrals and is not a reporting mechanism

### **Institutional Crime Reporting:**

Reports of certain crimes occurring in certain geographic locations will be included in the SUNY Cobleskill Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the reporting individual or victim/survivor.

- Lynn Berger, Director of Human Resources and Affirmative Action/Title IX Coordinator, 518-255-5465, [bergerla@cobleskill.edu](mailto:bergerla@cobleskill.edu), Knapp Hall 123
- Thomas Rehberg, Acting Chief of Police and Emergency Management, [518-255-5317](tel:518-255-5317), [Rehbertd@cobleskill.edu](mailto:Rehbertd@cobleskill.edu), Johnson Hall

SUNY Cobleskill 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 Cobleskill will not share information about a report of sexual violence with parents without the permission of the reporting individual.

## **Student Onboarding and Ongoing Education Guide**

The State University of New York and its State-operated and community colleges believe that sexual 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, 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:

- President's welcome messaging;
- Peer theater and peer educational programs;
- Online training;
- Social media outreach;
- First-year seminars and transitional courses;
- Course syllabi;
- Faculty teach-ins;
- Institution-wide reading programs;
- Posters, bulletin boards, and other targeted print and email materials;
- Programming surrounding large recurring campus events;
- Partnering with neighboring SUNY and non-SUNY colleges to offer training and education;
- 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
- 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.

### **Additional Related Policies**

#### **Policy for the Review of a No Contact Order**

SUNY Cobleskill will promptly review existing no contact orders at a party's request, including requests to modify the terms of or discontinue the order. The parties can submit evidence to support their requests. If the campus finds it appropriate, it can even make a schedule for parties who seek to use the same facilities without running afoul of the no contact order.

#### **Policy for Review of an Interim Suspension**

SUNY Cobleskill will promptly review existing interim suspensions at a party's request, including requests to modify the terms or discontinue it. Parties can submit evidence to support their request.

#### **Policy for Review of Interim Measures/Accommodations**

SUNY Cobleskill will promptly review existing interim measures and accommodations at the request of the party who is affected by that interim measure or accommodation. The parties can submit evidence to support their request.

### **Policy for Transcript Notations**

SUNY Cobleskill will make a notation on the transcripts of students found responsible for crimes of violence. The notations are for suspension, expulsion, or withdrawal with charges pending.

### **Reporting Aggregate Data to the NYS Education Department (NYSED)**

The NYS Education Department will create a reporting mechanism for campuses to annually submit the following information:

- i. How many domestic violence, dating violence, stalking, and sexual assault incidents were reported to the Title IX Coordinator this year?
- j. From those incidents in paragraph (a), how many reporting individuals wanted to use the student conduct process for adjudication?
- k. How many of these cases were actually processed through the student conduct process?
- l. How many of the respondents in these cases were found responsible?
- m. How many of the respondents in these cases in paragraph (c) were found not responsible?
- n. What sanctions were imposed for each instance where a respondent was found responsible (paragraph [d])?
- o. How many cases closed before adjudication or before finding because the accused/respondent withdrew from the institution?
- p. How many cases closed before adjudication or before finding because the reporting individual withdrew the complaint?

### **Policy/Instructions on How Parties Can Review the Case File/Evidence**

In student disciplinary proceedings involving domestic violence, dating violence, stalking, or sexual violence, SUNY Cobleskill will allow parties to review available evidence held by the campus in accordance with college/university policy. Parties can also present available evidence as appropriate under campus policies.

### **SUNY Cobleskill's Student Conduct Codes**

<https://www.cobleskill.edu/campus-life/residential-life/pdfs/on-the-hill-manual.pdf>

(SUNY Cobleskill website, click on Current Students, click on Student Handbook)

### **SUNY Cobleskill's Campus Security and Fire Safety Report**

<http://www.cobleskill.edu/campus-life/university-police/pdfs/annual-report-2016.pdf>

(SUNY Cobleskill website, click on Current Students or Faculty & Staff, scroll down, click on University Police, click on Annual Crime Report)

### **SUNY Cobleskill's Discrimination Complaint Procedure**

<https://www.cobleskill.edu/about/offices-services/human-resources/Non-Discrimination-TitleIX.aspx>

(SUNY Cobleskill website, click on Faculty & Staff, click on Human Resources, click on Non-Discrimination/Title IX, scroll down)

## Legislative Definitions

12. "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.
13. "Title IX Coordinator" shall mean the Title IX Coordinator and/or his or her designee or designees.
14. "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.
15. "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.
16. "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.
17. "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.
18. "Accused" shall mean a person accused of a violation who has not yet entered an Institution's judicial or conduct process.
19. "Respondent" shall mean a person accused of a violation who has entered an Institution's judicial or conduct process.
20. "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.
21. "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).
22. "Domestic violence", "dating violence", "stalking" and "sexual assault" shall be defined by each Institution in its Code of Conduct in a manner consistent with applicable federal definitions.

In accordance with the Victims/Survivors 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 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 <http://www.cobleskill.edu/titleix/> )

- Anonymously to University Police via an internet anonymous reporting system <https://secure2.cobleskill.edu/tipline>
- Counseling Services, Beard Wellness Center, 518-255-5225, 130 Albany Avenue, Cobleskill, NY 12043
- 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:
  - Legal Momentum: <https://www.legalmomentum.org/>;
  - NYSCASA: <http://nyscasa.org>;
  - NYSCADV: <http://www.nyscadv.org/>;
  - Pandora's Project: <http://www.pandys.org/lgbtsurvivors.html>
  - GLBTQ Domestic Violence Project: <http://www.glbtqdv.org/> and
  - RAINN: <https://www.rainn.org/get-help>
  - Safe Horizons: <http://www.safehorizon.org/>

(Note that 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 one of the following college officials who can offer privacy and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. Those 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.
- Title IX Coordinator, Lynn Berger, Director of Employee Relations and Affirmative Action/Title IX Coordinator, 518-255-5465
- SUNY Cobleskill University Police, 518-255-5317 or 911 24 hours/day
- To file a criminal complaint with SUNY Cobleskill University Police and/or with local law enforcement and/or state police:
  - SUNY Cobleskill University Police, 518-255-5317 or 911 24 hours/day

- Cobleskill Police Department, 518-234-2111 or 911, 378 Mineral Springs Road, Cobleskill, NY 12043
  - State police 24-hour hotline to report sexual assault on a NY college campus: 1-844-845-7269.
- To receive assistance by the Title IX Coordinator 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 Cobleskill 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 the Title IX Coordinator anonymously to discuss the situation and available options:
    - Title IX Coordinator, Lynn Berger, Director of Employee Relations and Affirmative Action/Title IX Coordinator, 518-255-5465
  - When the accused is an employee, a reporting individual may also report the incident to the Title IX Coordinator, Lynn Berger, Director of Employee Relations and Affirmative Action/Title IX Coordinator, 518-255-5465 or 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.
    - Title IX Coordinator, Lynn Berger, Director of Employee Relations and Affirmative Action/Title IX Coordinator, 518-255-5465
  - You may withdraw your complaint or involvement from the SUNY Cobleskill process at any time.
  - Every 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."

## II. Resources:

- To obtain effective intervention services.
  - Health and Counseling Services, Beard Wellness Center, 518-255-5225, 130 Albany Avenue, Cobleskill, NY 12043. The Student Health Fee covers most all services provided within the Center.
  - Health and Counseling Services, Beard Wellness Center, 518-255-5225, 130 Albany Avenue, Cobleskill, NY 12043. The Student Health Fee covers most all services provided within the Center. Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is available at Planned Parenthood (518-234-3325) at a cost.

- Within 96 hours of an assault, you can get a Sexual Assault Forensic 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-assistance-program> or by calling 1-800-247-8035. Options are explained here: <https://ovs.ny.gov/help-crime-victims>
- 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 Cobleskill policy. Parties may submit evidence in support of their request.
- To have assistance from SUNY Cobleskill 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 SUNY Cobleskill 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 SUNY Cobleskill University Police or, if outside of the jurisdiction or 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 Cobleskill policies and rules.
- When the accused is not a member of the college community, to have assistance from SUNY

Cobleskill 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:
  - Title IX Coordinator, Lynn Berger, Director of Employee Relations and Affirmative Action/Title IX Coordinator, 518-255-5465

#### 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 Cobleskill On the Hill <http://www.cobleskill.edu/campus-life/residential-life/pdfs/on-the-hill-manual.pdf> )

- 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:
  - 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;
  - 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.
  - 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 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 Cobleskill).
  - 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.
  - Ed Asselin, Assistant Vice President of Student Development, 518-255-5215, [asselie@cobleskill.edu](mailto:asselie@cobleskill.edu), Bouck Hall 126A
- The right to choose whether to disclose or discuss the outcome of a student conduct hearing.
- The right to have all information obtained during the course of the student conduct process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

(For complete information regarding the Student's Bill of Rights and Student Disciplinary Process go to <http://www.cobleskill.edu/campus-life/residential-life/pdfs/on-the-hill-manual.pdf> )

## **Sexual Abuse and Acquaintance Rape**

Forcing or coercing someone to have sexual intercourse or engage in other sexual behaviors is against the law. In New York State if a person has sexual intercourse because she/he is fearful for her life or safety, or is unable to consent, the behavior of the perpetrator is considered rape. The perpetrator does not need to use a weapon or physically abuse the person to make them fearful for their safety.

A person is considered unable to consent if she/he is mentally incapacitated or is physically helpless due to drug or alcohol consumption, is mentally incompetent, is asleep, or is less than seventeen years of age. If a person has intercourse under these circumstances, it is rape. "Acquaintance rape" occurs when the attacker and the victim know each other.

Forcing or coercing a woman or a man to engage in any sexual activity (other than sexual intercourse) under the circumstances mentioned above is considered sexual abuse.

The SUNY Cobleskill community condemns all violent behavior especially that of rape or other sexually-related crimes. Members of the SUNY Cobleskill community who commit these crimes will be subject to severe sanctions through the campus student conduct process and the criminal justice system including but not limited to: disciplinary suspension, disciplinary dismissal, financial restitution, termination of SUNY employment,

prosecution in the criminal courts (felony or misdemeanor), and prosecution in the civil court.

The SUNY Cobleskill University Police Department will, consistent with the law and policy, conduct a thorough investigation of all reported rapes and other sexual offenses. These investigations will be comprehensive, and will display the utmost regard for the physical and emotional well-being of alleged victims and the rights of both alleged victims and alleged perpetrators.

Victim support services provided in these cases are available through:

**On Campus:** Wellness Center (counseling and health care), Residential Life professional staff, Department of University Police, Office of the Vice President for Student Affairs, Office of Human Resources Management;

**Off Campus:** Rape Crisis Services (234-4949), Planned Parenthood (234-3325), Cobleskill Regional Hospital (254-3456).

Primary responsibility for coordination of all services related to Acquaintance Rape and Sexual Abuse rests with the Vice President for Student Affairs (518/255-5225).

### **Sexual Assault and the Law**

The State University of New York at Cobleskill has programs in place to protect all members of the SUNY Cobleskill community from sexual assault, including programs for prevention and prosecution of these crimes that occur within the jurisdiction of SUNY at Cobleskill University Police.

*NYS Law contains the following legal provisions defining the crimes related to sexual assault:*

**Sexual assault:** New York State does not specifically define sexual assault. However, according to the Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

**Sex offenses; lack of consent:** Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.

**Sexual misconduct:** When a person (1) engages in sexual intercourse with another person without such person's consent; or (2) engages in oral sexual conduct or anal sexual conduct without such person's consent; or (3) engages in sexual conduct with an animal or a dead human body.

**Rape in the third degree:** When a person (1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) Being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

**Rape in the second degree:** When a person (1) being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree the defendant was less than four years older than the victim at the time of the act.

**Rape in the first degree:** When a person engages in sexual intercourse with another person (1) by forcible compulsion; or (2) Who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

**Criminal sexual act in the third degree:** When a person engages in oral or anal sexual conduct (1) with a person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) being 21 years old or more, with a person less than 17 years old; (3) with another person without such persons consent where such lack of consent is by reason of some factor other than incapacity to consent.

**Criminal sexual act in the second degree:** When a person engages in oral or anal sexual conduct with another person (1) and is 18 years or more and the other person is less than 15 years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

**Criminal sexual act in the first degree:** When a person engages in oral or anal sexual conduct with another person (1) by forcible compulsion; (2) who is incapable of consent by reason of being physically helpless; (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

**Forcible touching:** When a person intentionally, and for no legitimate purpose, forcibly touches 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. It includes squeezing, grabbing, or pinching.

**Persistent sexual abuse:** When a person commits a crime of forcible touching, or second or third degree sexual abuse within the previous ten year period, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of one of one of the above mentioned crimes or any offense defined in this article, of which the commission or attempted commissions thereof is a felony.

**Sexual abuse in the third degree:** When a person subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that (1) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and (2) such other person was more than 14 years old and (3) the defendant was less than five years older than such other person.

**Sexual abuse in the second degree:** When a person subjects another person to sexual contact and when such other person is (1) incapable of consent by reason of some factor other than being less than 17 years old; or (2) less than 14 years old.

**Sexual abuse in the first degree:** When a person subjects another person to sexual contact (1) by forcible compulsion; (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old.

**Aggravated sexual abuse:** For the purposes of this section, conduct performed for a valid medical purpose does not violate the provisions of this section.

**Aggravated sexual abuse in the fourth degree:** When a person inserts a (1) foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or (2) finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old.

**Aggravated sexual abuse in the third degree:** When a person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person (1)(a) by forcible compulsion; (b) when the other person is incapable of consent by reason of being physically helpless; or (c) when the other person is less than 11 years old; or (2) causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

**Aggravated sexual abuse in the second degree:** When a person inserts a finger in the vagina, urethra, penis,

rectum or anus of another person causing physical injury to such person by (1) forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old.

**Aggravated sexual abuse in the first degree:** When a person subjects another person to sexual contact: (1) By forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old; or (4) when the other person is less than thirteen years old and the actor is twenty-one years old or older.

**Course of sexual conduct against a child in the second degree:** When over a period of time, not less than three months, a person: (1) Engages in two or more acts of sexual conduct with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct with a child less than 13 years old. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charges offense occurred outside of the time period charged under this section.

**Course of sexual conduct against a child in the first degree:** When a person over a period of time, not less than three months in duration, a person: (1) Engages in two or more acts of sexual conduct, or aggravated sexual contact with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact with a child less than 13 years old.

**Facilitating a sex offense with a controlled substance:** A person is guilty of facilitating a sex offense with a controlled substance when he or she: (1) knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and (2) commits or attempts to commit such conduct constituting a felony defined in this article.

**Incest in the third degree:** A person is guilty of incest in the third degree when he or she marries or engages in sexual intercourse, oral sexual conduct or anal sexual conduct with a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

## **Sexual Harassment**

Harassment on the basis of sex is a violation of the Civil Rights Act of 1964 and of the policies and intent of the Board of Trustees of the State University of New York.

Unwelcome sexual advances or physical contacts of a sexual nature constitute sexual harassment. Sexual Harassment of employees by supervisors or of students by faculty or administrators which imposes requirement of sexual cooperation as a condition for employment or academic advancement is hostile and will not be tolerated in this academic community. Whenever knowledge is received that a sex-based condition is being imposed, prompt and remedial action to investigate the allegation will be taken immediately.

Examples of sexual harassment: sexually degrading words or gestures; verbal sexual abuse or harassment; offensive sexual graffiti, pictures or cartoons; subtle pressure for sexual activity; leering or ogling; disparaging remarks to a person about his/her gender or clothing; demands for sexual favors accompanied by implied or overt threats; unnecessary touching, patting, pinching, or brushing.

Complaints, inquiries, and further information should be referred to the Vice President for Student Affairs,

Director of Employee Relations and Affirmative Action, the Wellness Center, or University Police.

### **Special Information Related to Disciplinary Cases Involving Sexual Harassment and Sexual Violence**

**Alternative Arrangements:** The person filing the charge(s) and the person charged each have the right to alternate arrangements so that the two parties must not be in the same room during the hearing. Both parties and the hearing panel must be able to hear each other.

**Burden of Proof:** The burden of proof in cases of sexual harassment and sexual violence is “preponderance of the evidence.” This test asks whether it is “more likely than not” that the sexual harassment or sexual violence occurred. If the evidence presented meets this standard, then the person charged must be found responsible.

**Confidentiality:** The College will protect the privacy of all parties to a complaint or other report of sexual harassment and sexual violence to the extent possible. When the college receives complaints of sexual harassment or sexual violence, the college has an obligation to respond in a way that limits the effects of the sexual harassment and sexual violence and prevents its recurrence. Information will be shared as necessary in the course of an investigation with people who need to know, such as investigators, witnesses, and the person charged. If you are unsure of someone’s duties and ability to maintain your privacy, ask them before you talk to them. Certain staff are obligated by law to maintain confidentiality, including the Beard Wellness Center (518-255-5225) and the local rape crisis center off-campus (518-234-4949).

**Equal rights for the person charged and person filing charges:** Any rights or processes offered to a person charged are also offered to a person filing charges.

**Informal resolution procedures:** Informal resolution procedures, such as mediation, are optional and may be used when the College determines that it is appropriate and the parties are in agreement about using it. Mediation may not be used in cases involving sexual violence.

**Notice of outcome:** Students filing charges in sexual violence incidents have an absolute right to be informed of the outcome, essential findings, and sanctions of the hearing, in writing, in a way consistent with federal and state law. The person filing charges and the person charged shall be notified concurrently in writing within 10 days of the hearing.

**Questioning and cross-examination:** The person charged and the person filing charges in cases involving sex discrimination, including sexual harassment and sexual assault, may not directly question or cross-examine each other. Each may submit his/her questions to the disciplinary panel, which will be responsible for asking the questions.

**Right to appeal:** After receiving notice of the disciplinary board’s decision, either party can request an appeal within 24 hours for the following reasons: (1) A procedural defect in the process had a significant effect on the outcome; and/or (2) the discovery of new information which was unknown or unavailable at the time of the hearing and would have a significant effect on the outcome. The non-requesting party will receive notice of the appeal and may submit either his or her own appeal or a written response to the requesting party’s appeal within 24 hours, which the appeals officer/board will consider together. The decision of the appeal officer is final.

**Retaliation:** Retaliation against a person who files a sexual harassment or sexual violence complaint, serves as a witness, or assists or participates in any manner is strictly prohibited and will result in disciplinary sanctions. Participants who experience retaliation should contact the Title IX Coordinator at 518-255-5465.

**Timeline:** A timeline of the major steps from incident through resolution follows:

- Event to filing of charges, usually 14 days or less
- Hearing, usually within 21 days of receipt of charges
- Parties receiving notice of the outcome at the conclusion of the hearing. Written notice is provided within 10 days of the hearing.
- Parties may file an appeal request within 24 hours of the verbal notice of the outcome.

If extraordinary circumstances prevent any step from occurring within the stated time frame, all parties will be promptly notified and will be given an estimated time for the step to occur. Participants may also request an extension from the college, which should be granted if it will not unduly prejudice the rights of the other party.

### **Sexual Misconduct Definitions:**

**Affirmative Consent:** Affirmative consent is a knowing and 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 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.

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

**Dating Violence:** means violence committed by a person:

- who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - the length of the relationship;
  - the type of the relationship; and
  - the frequency of interaction between the persons involved in the relationship

**Domestic Violence:** means a felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim,
- a person with whom the victim shares a child in common,
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (under the Violence Against Women Act) or,
- 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 the jurisdiction.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age (seventeen) or because of his/her temporary or permanent mental incapacity.

**Force:** The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.

**Incest:** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Non-consensual sexual contact:** Any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman that is without consent and/or by force.

**Non-consensual sexual intercourse:** Any sexual intercourse, however slight, with any object, by a man or woman upon a man or a woman that is without consent and/or by force. Intercourse includes: vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This applies to male and female victims.

**Retaliation:** Any action by any person that is perceived as intimidating, hostile, harassing, retribution, or violent that occurred as a result of the making and follow-up of a report of a violation of this code of conduct.

**Sex Discrimination:** Sexual 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.

**Sexual Exploitation:** Occurs when a student 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:** 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:** Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent, including, but not limited to rape, sexual battery, and sexual coercion.

**Stalking:** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: fear for his or her safety or the safety of others; or suffer substantial emotional distress.

**Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent. In New York State, the age of consent is seventeen.

## **Reporting Policies & Procedures**

### ***A. Where to Report All Acts of Sexual Misconduct/Violence***

#### **1. Filing a Complaint with the University:**

A person may report sexual misconduct, including sexual harassment, sexual assault, domestic violence, dating violence, sexual assault, stalking, and cyber-stalking to the following offices (refer to page 14 of this report):

1. Criminal complaint
  - a. University Police
2. Institutional complaint
  - a. Title IX Coordinator
  - b. Vice President for Student Affairs
  - c. Campus Authorities
  - d. Counseling Center
  - e. Student Health Center
  - f. Residential Life staff
  - g. Provost
  - h. Office of Human Resources
  - i. Academic Advisors
  - j. Educational Opportunity Program
  - k. Professional staff in Athletics, including coaches
  - l. Faculty Advisors to student groups
3. Student Conduct/Discipline
4. Employee Discipline
  - a. Office of Human Resources

A student may file a complaint with one or more Offices, and each Office is prepared to assist the student with deciding on where complaints may be filed, if any, and the processes associated with each Office’s complaint procedures. In addition, each Office is able to refer a student for academic accommodations, housing accommodations, and health care services.

#### **2. Filing a Complaint with a State and/or Federal Agency:**

A student who is not satisfied with the University’s handling of a complaint, may also file a complaint with federal and state agencies. Refer to Appendix B.

### 3. Dual Filing a Complaint with the University and a State and/or Federal Agency:

In addition, the Complainant may file a complaint with the appropriate State or Federal agency at any point during the process.

### 4. Title IX Coordinator

The Title IX Coordinator is responsible for the University's compliance with Title IX of the Education Amendments of 1972. In this role, the Title IX Coordinator administers the review, investigation, and resolution procedures for reports of sexual misconduct. Please refer to the Reporting Policies & Procedures section for additional information on the role and duties of the Title IX Coordinator.

#### ***Role of the Title IX Coordinator in the Complaint Process:***

The Title IX Coordinator shall be notified of all sexual misconduct complaints by the University employee who took the complaint in order for the Title IX Coordinator to oversee the complaint processes and accommodations for the student. For additional information regarding Title IX refer to <http://www.cobleskill.edu/titleix/>.

#### ***B. Investigatory Procedures:***

1. **Criminal complaints:** the NYS and/or federal penal codes will apply, and the matter will follow the criminal processes through a police investigation, a referral to the District Attorney's Office for prosecution and the criminal court system for resolution.
2. **Institutional complaints:** the complaint will be handled through the University's Policy and Procedures Against Sexual Harassment. Please see <http://www.cobleskill.edu/campus-life/university-police/>.

**Student Disciplinary complaints:** the complaint will be handled through the University's Student Disciplinary Code. Please see **Student Disciplinary Complaints**

<https://www.cobleskill.edu/campus-life/student-conduct/> - Student Conduct overview page

**Employee Disciplinary complaints:** the complaint will be handled through the Office of Human Resources, in accordance with its procedures for complaints against management confidential employees, or for complaints against an employee who is a member of a union, in accordance with the disciplinary procedures set forth in the applicable NYS Collective Bargaining Agreements negotiated statewide through the NYS Governor's Office of Employee Relations. Please see **Employee Disciplinary Complaints**

<https://www.cobleskill.edu/about/offices-services/human-resources/index.aspx> – Human Resources Overview page

### ***C. Evidentiary Standard in Institutional, Student Disciplinary & Employee Disciplinary Complaints:***

**Preponderance of the Evidence:** the standard of proof in sexual misconduct cases, which asks whether it is “more likely than not” that the sexual misconduct occurred.

### ***D. Potential Outcomes under the Procedures:***

- 1. Criminal Complaints:** The complaint may result in criminal penalties, such as fine, community service, probation, jail sentence, registration as a sex offender with the NYS or federal databases.
- 2. Institutional Complaints:**
  - a. Under the *sexual misconduct/harassment policy*, if there is a finding that a sexual assault may have occurred *and the alleged perpetrator is*
    - A *student*, then the matter is referred to the Student Discipline process for student discipline, and the penalties may be disciplinary probation, suspension or expulsion from the residence halls, or suspension or expulsion from the University.
    - An *employee*, then the matter is referred to the Office of Human Resources for employee discipline and the penalties may include fines, formal counseling, probation, suspension with or without pay, or termination from employment.
  - b. Under the *Student Discipline process*, the penalties may be disciplinary probation, suspension or expulsion from the dorms, or suspension or expulsion from the University.
  - c. Under the *Employee Disciplinary process*, the penalties may be fines, formal counseling, probation, suspension with or without pay, or termination from employment.

### ***E. Retaliation***

The University is firmly committed to a policy that encourages timely disclosure of sexual misconduct. Any person, who, in good faith, reports sexual misconduct will be protected from retaliation (defined as an adverse action taken because an individual has engaged in protected activities), threats of retaliation, suspension or discharge from an educational opportunity or employment, or any other forms or means of discrimination because this person reported alleged sexual misconduct.

### ***F. Confidentiality and Reporting Protocol***

1. If a crime of sexual misconduct has occurred, including dating violence, domestic violence, sexual assault, or stalking, the college/university encourages accurate and prompt reporting of these crimes to the campus police or State and local police agencies. However, it can be difficult for a victim to come forward after such an event, and there are several options available for students who wish to maintain confidentiality while getting the support they need. Different employees on campus have different abilities to maintain a victim’s confidentiality:
  - a. **Privileged Communications:** Some employees are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication”
  - b. **No Personally Identifying Information:** Other employees may talk to a victim in confidence, and generally only report to the College that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a College investigation into an incident against the victim’s wishes

- c. Responsible Employees: These employees are required to report all the details of an incident (including the identities of both the victim and accused) to the Title IX coordinator. A report to these employees (called “responsible employees”) constitutes a report to the College—and generally obligates the College to investigate the incident and take appropriate steps to address the situation

Even SUNY Cobleskill offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

## 2. Privileged & Confidential Communications:

- a. Professional and Pastoral Counselors:

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim’s permission.

- b. No Personally Identifying Information:

Non-Professional Counselors and Advocates:

Individuals who work or volunteer in the on-campus offices such as the Wellness Center, including front desk staff and students, can generally talk to a victim without revealing any personally identifying information about an incident to the College. A victim can seek assistance and support from these individuals without triggering a College investigation that could reveal the victim’s identity or that the victim has disclosed the incident. While maintaining a victim’s confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Coordinator. A victim who speaks to a professional or non-professional counselor or advocate must understand that, if the victim wants to maintain confidentiality, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the accused. Even so, these individuals will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. These individuals will provide the victim with assistance if the victim wishes to do so.

- c. Reporting to Responsible Employees:

A “responsible employee” is a College employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student

misconduct, or who a student could reasonably believe has this authority or duty. When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. A responsible employee must report to the Title IX coordinator all relevant details about the alleged sexual violence shared by the victim and that the College will need to determine what happened – including the names of the victim and accused, any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the College’s response to the report. A responsible employee should not share information with law enforcement without the victim’s consent or unless the victim has also reported the incident to law enforcement. Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee’s reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources. If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the victim’s request for confidentiality. Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim’s wishes, including for the College to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

### 3. Requesting Confidentiality:

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College’s obligation to provide a safe, non-discriminatory environment for all students, including the victim. If the College honors the request for confidentiality, a victim must understand that the College’s ability to meaningfully investigate the incident and pursue disciplinary action against the accused may be limited. Although rare, there are times when the College may not be able to honor a victim’s request in order to provide a safe, non-discriminatory environment for all students.

When weighing a victim’s request for confidentiality or that no investigation or discipline be pursued, Title IX coordinator will consider a range of factors, including the following:

- The increased risk that the accused will commit additional acts of sexual or other violence, such as
  - whether there have been other sexual violence complaints about the same accused individual;
  - whether the accused has a history of arrests or records from a prior school indicating a history of violence;
  - whether the accused threatened further sexual violence or other violence against the victim or others;
  - whether the sexual violence was committed by multiple perpetrators;
  - whether the sexual violence was perpetrated with a weapon;

- whether the victim is a minor;
- whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the victim's request for confidentiality. If the College determines that it cannot maintain a victim's confidentiality, the College will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response. The College will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated.

The College will also:

- Assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see portion of policy identifying these);
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the accused pending the outcome of an investigation) or adjustments for assignments or tests; and inform the victim of the right to report a crime to campus or local law enforcement – and provide the victim with assistance if the victim wishes to do so.

The College may not require a victim to participate in any investigation or disciplinary proceeding. Because the College is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices. If the College determines that it can respect a victim's request for confidentiality, the College will also take immediate action as necessary to protect and assist the victim.

#### 4. Other Confidential Avenues:

There are other ways to disclose a sexual assault that will be handled confidentially:

##### a. College Sponsored Public Awareness Events

If a student discloses a situation through a college sponsored public awareness event, the information the student provides will not result in an investigation. The University may use the information the student provides to inform the need for additional education and prevention efforts.

b. Anonymous Reporting

A student may call the University Police office anonymously at 518-255-5555 to talk about the situation and find out information about the student's options. The student should simply tell the receptionist that he or she would prefer not to give his or her name. The student can talk confidentially and disclose as much or as little information as the student would like to. The student may also complete a Sexual Assault Anonymous Report or file a report using the University Police anonymous tip line <https://secure2.cobleskill.edu/tipline>.

c. Off-Campus Counselors and Advocates

Crisis Services and off-campus healthcare providers will generally maintain confidentiality unless a student signs a consent or waiver form.

**If you are Sexually or otherwise Assaulted on Campus:**

- **Get to a safe place as soon as you can.**
- **Try to preserve all physical evidence; do not bathe, douche, or change your clothes.**
- **Contact University Police at 255-5555 immediately.**

Remember, assaults – sexual or otherwise – are crimes; they are not the victims fault. Victims have the right to pursue adjudication of crimes that occur on the Cobleskill Campus through the criminal courts and/or through the University's internal disciplinary process (under the Campus Code of Conduct). University Police are trained to assist with prosecution in both systems.

**Safety Tips**

- When you first date someone you don't know well, check them out with friends or classmates. Plan to meet somewhere where there are other people - a restaurant, a movie, a mall - or better yet - go with a group of friends.
- Be prepared to find your own transportation home. Carry enough cash for a taxi or other way home.
- Do not get drunk or stoned. Remember drugs and alcohol decreases your ability to take care of yourself and make sensible decisions.
- Clearly and firmly, let your date know your limits before you get into a situation you cannot control.
- Trust your instincts. If you think something is not quite right, or you feel uneasy, get to where there are other people to tell your date to leave - NOW. Be ASSERTIVE.
- Remember that a "no" means "no". If you think that a "no" means "maybe", perhaps the physical intimacy is not in your best interest.
- Be cautious of your drinking limits when meeting new friends at bars or parties.
- Do not accept a ride from someone you have just met; be sure to bring a friend or two along.
- Let your friends, roommates, resident hall staff know where you are going, who you are going with, and when you'll be home.
- Lock your car doors when driving.
- Avoid dark isolated places.
- Avoid walking alone after dark.

## **Examples of Abusive Behavior:**

### **Physical**

- Pinching, grabbing, shoving, punching, kicking, restraining, hitting or hair pulling, biting, scratching

### **Sexual**

- Pressuring or forcing a partner into unwanted sexual activity in person or via social media and texting
- Making it difficult or impossible for a partner to say no to sexual activity or behavior
- Preventing a partner from effectively using birth control or other forms of contraception

### **Technology**

- Impersonating a partner online or publically posting negative comments about a partner
- Frequently emailing, texting, messaging, or calling about the location or activity of a partner

### **Psychological/Threats and Intimidation**

- Threatening to leave or hurt a partner, themselves, a partner's family, friends, or pets
- Controlling whom a partner is allowed to see or telling a partner what they can or cannot do
- Yelling, screaming, insulting, intimidating, embarrassing or spreading rumors about a partner
- Minimizing, denying, or blaming a partner for any abuse

## **What can you do if you think you are in a relationship with an abusive partner?**

If you think you might be in a relationship with someone who is abusing you in any way, you can:

- Reach out to someone you trust – a friend, an instructor/professor, a parent, a club leader or coach.
- Contact a local victim service provider, victim advocates group on campus, a resident assistant, campus health services, or campus security to discuss what your community and campus can do to help you.
- Create a safety plan and think about discussing it with someone you trust or a local victim service provider. Whether you are still in a relationship with your partner or have broken up, it is helpful to have a plan. For help creating your own safety plan visit [Respect Love](#).
- Know your rights for Orders of Protection by contacting one of the [Love is Respect](#) helplines listed below. You can get an order of protection from Family Court if you are (or have been) in an intimate relationship with the abuser.
- Call, text, or online chat one of the helplines listed below.

## Websites:

[www.respectlove.opdv.ny.gov](http://www.respectlove.opdv.ny.gov)  
[www.loveisrespect.org](http://www.loveisrespect.org)  
[www.nomore.org](http://www.nomore.org)  
[www.loveisnotabuse.com](http://www.loveisnotabuse.com)

## Helplines and Online Chat Available 24 Hours a Day/7 Days a Week:

National Domestic Violence Hotline **1.800.799.7233**  
National Teen Dating Abuse Hotline **1.866.331.9474 TTD/TTY-1.866.331.8453**  
New York State Domestic and Sexual Violence Hotline **1.800.942.6906, 1-800.942.6908 (Spanish language)**  
Love is Respect Peer Advocates **1.866.331.9474 or Text “loveis” to 22522**

## Online Chat:

[www.loveisrespect.org](http://www.loveisrespect.org)

## Sex Offense Registry

This Act requires the Division of Criminal Justice Services (DCJS) to maintain a Sex Offender Registry. The registry contains information on sex offenders classified according to their risk of re-offending:

- Level 1 – Low risk
- Level 2 - Moderate Risk
- Level 3 – High Risk

This Act also requires that DCJ S also maintain a subdirectory of Level 3 sex offenders. The DCJS Sex Offender Registry site may be found at <http://www.criminaljustice.ny.gov/nsor/> and contains their subdirectory of Level 3 sex offenders as well as other information regarding New York State’s Sex Offender Registry.

Sex offenders in New York State are required to notify the Registry of any institution of higher education at which he or she is or expects to be, whether for compensation or not, enrolled, attending or employed, and whether such sex offender resides or expects to reside in a facility operated by the institution. Changes in status at the institution of higher education must also be reported to the Registry no later than ten (10) days after such change.

## Bystander Intervention

Bystander intervention is an invaluable tool in the fight against Intimate Partner Violence (domestic violence and dating violence,) but many people will not intervene if they do not know the right way to go about it or when to get involved. If you witness Intimate Partner Violence, you can be an active bystander whether you know the people involved or not. You have the power to stop incidents of abuse by: gathering a group to talk to the abuser, creating a distraction, speaking up and letting the abuser know their actions are not okay, telling a trusted college official about what you saw, or calling the Police/University Police. While calling 911 or University Police can be overwhelming, it’s important to involve law enforcement if you feel your or someone else’s safety has been threatened or is in danger. Even if you feel it is not your place to get involved, remember that Intimate Partner Violence is not a personal problem; it is a serious crime that affects us all. For more information on how you can be an active bystander visit: [Respect Love](http://www.respectlove.org)

## How to Be an Active Bystander

A *bystander*, in terms of dating abuse, is an individual who does not participate in the abuse, but is an outside observer of it. Bystanders may know the people involved or they may not. Either way, bystanders have the power to stop abuse that is happening, intervene before abuse happens, or get help for the person being abused. Being an *active* bystander means doing something to stop abuse. Even if you feel it is not your place to get involved, remember that dating abuse is not a personal problem; it is a serious crime that affects us all.

One thing to keep in mind before you get involved in any situation is *safety* – yours and the victim’s. You should never do anything that can put yourself or the person being abused in danger. If you think a situation might be dangerous, call the police.

## How Can I Help?

There are lots of ways to be an active bystander, like:

- Speak out - If you see a friend talk to or treat his or her partner disrespectfully, say something. Try something like, “Hey. I heard the way you were talking to Chris. That was really mean. Why do you treat Chris like that?”
- Respond as a group - when talking to someone about abuse, it sometimes helps to have friends join you for the conversation.
- Create a distraction - If you see someone being abusive, create a distraction. For example, spill your drink, ask the abuser for directions, or stand nearby pretending to talk on your cell phone.

Remember – If things get out of hand or become too serious, or if you’re not sure what to do, call the police.

## Aid to Victims of Sexual Misconduct or Sexual Violence

If you are a victim of sexual misconduct or sexual violence, you should immediately report the incident to the police. If the incident occurred on campus, call the University Police at ext. 5555. If it occurred off campus, contact the appropriate law enforcement agency. Police cannot investigate the incident as a crime unless you file a formal report. Reporting a crime to the police or to another campus office does not necessarily obligate you to follow through with criminal prosecution.

- Go to some place you feel safe. Remove yourself from dangerous settings as soon as possible.
- Talk to someone you trust like a friend, instructor, coach, resident assistant, or parent and discuss your options. If you do not feel comfortable talking to your friends, family, or campus members, contact your local victim service provider. An advocate can provide you with options specific to your situation.
- Go to the hospital emergency room as soon as possible if the violence involved a sexual penetration or other physical injuries. (Evidence can be collected several hours after an attack, but its value diminishes over time.) You should not wash or change clothing or otherwise “clean up.” Bring a full change of clothing since the clothes you were wearing at the time of the incident may be kept as evidence. Your follow-up medical care is crucially important. You may need tests for sexually transmitted diseases and pregnancy.
- Consider reporting to University Police or local law enforcement. Law enforcement can assist in obtaining orders of protection and safety suggestions.
- No matter when or where the violence occurred, support and referral resources are available to help you. Contact at least one of the offices listed in this report (page #9.)

- Remember victim compensation and other services are available. You do not need to be a NYS resident to be eligible for assistance from the Office of Victim Services (OVS). If you are a victim of a violent crime in New York, you can apply for victim compensation. For more information, ask your local victim service provider or visit the OVS website: <http://www.ovs.ny.gov/>

## Campus Crime Statistics

### Clery geography:

For the purpose of collecting statistics for submission to the Department of Education and inclusion in the annual security report, Clery geography includes;

- Campus:
  - Any building or property owned or controlled by the institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to the institution’s educational purposes, including residence halls; and
  - Any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the College but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor)
- Non-campus building or property;
  - Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
  - Any building or property owned or controlled by the College that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- Public property:
  - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

In accordance with recent updates to the “Campus Safety Act,” the data is presented to review crime activity both on campus and on streets immediately adjacent to campus property. A map, which defines these areas, appears at the end of this report. Reported campus, as defined above, offenses include all offenses reported on campus property and in campus buildings. A specific breakdown on offenses occurring in university owned residence halls appears under “residence halls.”

The two other categories presented in this chart are: non-campus building or property and public property, as defined above. The first category, non-campus building or property, includes properties owned by the College Auxiliary Services outside the campus boundaries. There are no off-campus properties owned by student organizations officially recognized by the college.

This section on campus crime statistics also includes arrests and disciplinary referral made to campus authorities for alcohol, drug, and weapon possession charges that are violations of law. As defined by the Campus Safety Act, a disciplinary referral is an instance when a student is formally reported in writing to a university officer for possible sanction.

The crimes presented are based on reports filed with the University Police Department and the Director of Judicial Affairs. Formal requests for crime statistics for areas defined as “public property immediately adjacent to the campus” were made with the Cobleskill Police Department, the Schoharie County Sheriff’s Department, and the New York State Police. Formal requests were also made to law enforcement agencies having jurisdictional responsibility for areas identified as a non-campus building or property. The definitions of these offenses, which are defined in the “Uniform Crime Report” and the “Crime Awareness and Campus Security Act,” appear in this report.

Experts on campus crime warn that crime comparisons among colleges must be undertaken with caution. The crime reports do not consider the nature of the institutions (rural or urban, residential or commuter, etc.).

In addition, colleges with highly professional police departments may pursue crime more aggressively than colleges that handle most incidents through a campus judicial system.

High numbers may not mean that a campus is less safe than others are. To the contrary, they may correlate to an enhanced degree of safety.

### **Crime Reporting Definitions**

The Federal Bureau of Investigation’s Uniform Crime Reporting Handbook defines the crimes listed in this report. The definitions of forcible and non-forcible sex offenses are excerpted from the National Incident Based Reporting System Edition of the Uniform Crime Reporting Handbook and are as follows:

**Arson** - Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

#### ***Criminal Homicide*** –

- **Murder and Non-negligent Manslaughter** - The willful (non-negligent) killing of one human being by another.
- **Manslaughter by Negligence** - The killing of another person through gross negligence.

**Robbery** - The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or putting the victim in fear.

**Aggravated Assault** - An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary** - The unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft** - The theft or attempted theft of a motor vehicle.

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

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age (seventeen) or because of his/her temporary or permanent mental incapacity.
- **Incest:** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** is sexual intercourse with a person who is under the statutory age of consent. In New York State, the age of consent is seventeen.

**Domestic Violence:** means a felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim,
- a person with whom the victim shares a child in common,
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- 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 the jurisdiction in which the crime of violence occurred.

**Dating violence:** means 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 reporting party's statement and with consideration of the following factors:
  - the length of the relationship;
  - the type of the relationship; and
  - the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

**Stalking:** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress.

For the purpose of this definition:

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

***Weapon Law Violations*** - The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

***Drug Abuse Violations*** - Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

***Liquor Law Violations*** - The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition).

***Hate Crimes*** - Also known as, a bias crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported: race, gender, religion, national origin, disability, sexual orientation, gender identity or ethnicity of the victim. For Clery purposes hate Crimes include the criminal offenses crimes of murder, non-negligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, arson in addition to the offenses of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property, and of other crimes involving bodily injury to any person in which the victim is intentionally selected because of the actual or perceived.

## Campus Crime Statistics as Defined by the Clery Act

<b>Criminal Offenses</b>	On Campus			In Residence Halls (Residence Halls are a subset of On Campus and are included in On Campus totals)			In or On a non-campus building/property			On public property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017
Murder	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter Non-negligent	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter Negligent	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses Forcible												
Rape	2	1	5	2	1	5	0	0	0	0	0	0
Fondling	2 <sup>^</sup>	3	6	2 <sup>^</sup>	2	4	0	0	0	0	0	0
Sex Offenses Non-forcible												
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	1	1	0	1	1	0	0	0	0	0	0
Robbery	0	2*	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	4 <sup>^^</sup>	1 <sup>**</sup>	2 <sup>***</sup>	4 <sup>^^</sup>	1 <sup>**</sup>	2	0	0	0	0	0	0
Burglary	2	3	6	2	3	5	0	0	0	0	0	0
Motor Vehicle Theft	1	0	0	0	0	0	0	0	0	0	0	0

<sup>^</sup> One incident in this category also classified as Domestic Violence and one incident also classified as Stalking

<sup>^^</sup> Two incidents in this category also classified as Domestic Violence

\*One incident with two victims

\*\*This incident also classified as Domestic Violence

\*\*\*One incident in this category also classified as Fondling and one incident also classified as Rape

<b>Bias Related Crimes</b>	On Campus			In Residence Halls (Residence Halls are a subset of On Campus and are included in On Campus totals)			On Public Property			In or On a non-campus building/property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017
Murder	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter Non-negligent	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter Negligent	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses Forcible												
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses Non-forcible												
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Larceny/Theft	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/ Vandalism of Property	0	0	3E	0	0	0	0	0	0	0	0	0

When a hate crime is reported, it will be labeled with the following categories of prejudice: *R- race, G-gender, S-sexual orientation, RE-religion, D-disability, E-ethnicity, N-national origin, GI-gender identity*. In addition to the above categories,

the following crimes need to be reported if they are hate crimes: larceny-theft; simple assault; intimidation; destruction, damage, vandalism of property, or any other crime involving bodily injury.

	On Campus			On-Campus Residence Halls (Residence Halls are a subset of On Campus and are included in On Campus totals)			On Public Property			In or On a non-campus building/property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017
Domestic Violence	3	3	2	3	3	1	0	0	0	0	0	0
Dating Violence	5	7	4	3	7	2	0	0	0	0	0	0
Stalking	1	0	0	0	0	0	0	0	0	0	0	0

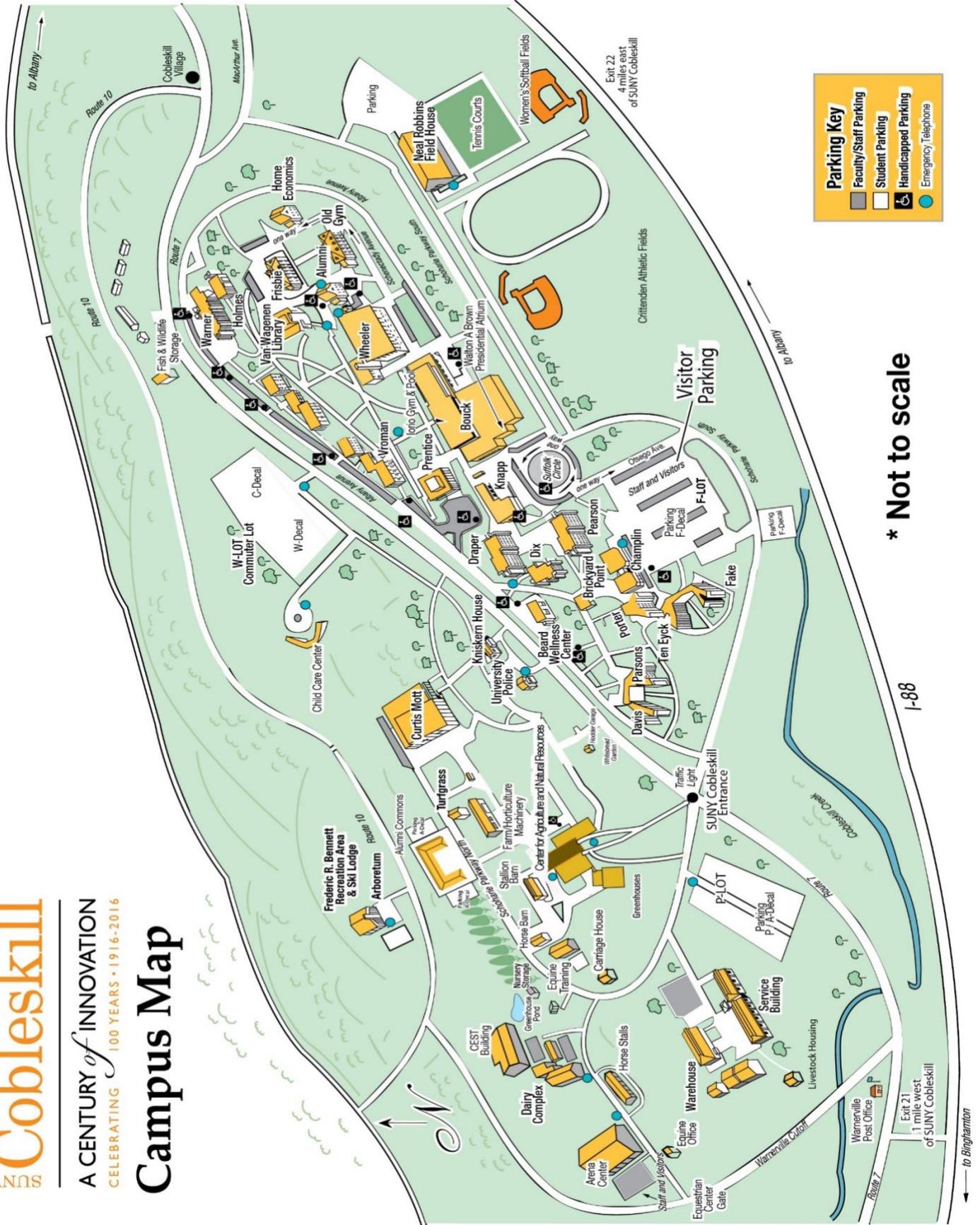
Statistics include anonymous reports made to campus offices described in this report. They, however, represent incidents believed to be made in good faith, but for which no verification may have been established.

## Arrests and Disciplinary Referrals

Arrests	On Campus			On-Campus Residence Halls (Residence Halls are a subset of On Campus and are included in On Campus totals)			On Public Property			In or On a non-campus building/property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017
Illegal weapons possession	1	1	0	0	0	0	0	0	0	0	0	0
Drug law violations	13	20	21	2	4	2	2	1	1	0	0	1
Liquor law violations	2	1	0	0	0	0	0	0	0	0	0	0

Campus Disciplinary Action	On Campus			On-Campus Residence Halls (Residence Halls are a subset of On Campus and are included in On Campus totals)			On Public Property			In or On a non-campus building/property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017
Illegal weapons possession	3	3	1	1	2	1	0	0	0	0	0	0
Drug law violations	57	89	76	29	47	31	3	4	5	0	0	0
Liquor law violations	97	81	68	75	74	65	0	0	1	0	0	0

# Campus Map



\* Not to scale

I-88

Exit 21  
1 mile west  
of SUNY Cobleskill



## Fire Safety Report

SUNY Cobleskill’s “fire log” is maintained and available by contacting University Police.

*The following is a compilation of Department of Education reportable fires in the residence halls that occurred during the 2015, 2016 and 2017 calendar years.*

Note that cases of arson would also be reported in the crime section of this document (Page 70).

### 2015

Location	Total fires in each building	Cause	Number of related injuries treated at medical facility	Related deaths	Value of damaged property
ALUMNI COMMONS	0	N/A	N/A	N/A	N/A
DAVIS HALL	0	N/A	N/A	N/A	N/A
DIX HALL	0	N/A	N/A	N/A	N/A
DRAPER HALL	1	Unintentional – food in microwave	N/A	N/A	\$0-99
FAKE HALL	0	N/A	N/A	N/A	N/A
PARSONS HALL	0	N/A	N/A	N/A	N/A
PEARSON HALL	0	N/A	N/A	N/A	N/A
TEN EYCK HALL	0	N/A	N/A	N/A	N/A
VROMAN HALL	1	Unintentional – Grease fire on stove	N/A	N/A	\$2312.60
WIETING HALL	0	N/A	N/A	N/A	N/A

## 2016

Location	Total fires in each building	Cause	Number of related injuries treated at medical facility	Related deaths	Value of damaged property
ALUMNI COMMONS	0	N/A	N/A	N/A	N/A
DAVIS HALL	0	N/A	N/A	N/A	N/A
DIX HALL	0	N/A	N/A	N/A	N/A
DRAPER HALL	0	N/A	N/A	N/A	N/A
FAKE HALL	0	N/A	N/A	N/A	N/A
PARSONS HALL	0	N/A	N/A	N/A	N/A
PEARSON HALL	1	Unintentional – Faulty connection in elevator	N/A	N/A	\$100-999
TEN EYCK HALL	0	N/A	N/A	N/A	N/A
VROMAN HALL	0	N/A	N/A	N/A	N/A
WIETING HALL	0	N/A	N/A	N/A	N/A

## 2017

Location	Total fires in each building	Cause	Number of related injuries treated at medical facility	Related deaths	Value of damaged property
ALUMNI COMMONS	0	N/A	N/A	N/A	N/A
DAVIS HALL	0	N/A	N/A	N/A	N/A
DIX HALL	0	N/A	N/A	N/A	N/A
DRAPER HALL	0	N/A	N/A	N/A	N/A
FAKE HALL	2	1 Unintentional – small grease fire on stove 1 intentional – arson men's bathroom toilet seat burned	0, 0	0, 0	\$0-99 \$0-99
PARSONS HALL	0	N/A	N/A	N/A	N/A
PEARSON HALL	0	N/A	N/A	N/A	N/A
TEN EYCK HALL	0	N/A	N/A	N/A	N/A
VROMAN HALL	0	N/A	N/A	N/A	N/A
WIETING HALL	0	N/A	N/A	N/A	N/A

## Fire Safety Systems

### Student Housing Facilities

Building	Detection Type	Sprinkler or Fire Suppression (Yes/No/Partial)	Fire Alarm Sound	Strobe
ALUMNI COMMONS	SMOKE/HEAT	Y	Y	Y
DAVIS HALL	SMOKE/HEAT	P	Y	Y
DIX HALL	SMOKE/HEAT	P	Y	Y
DRAPER HALL	SMOKE/HEAT	P	Y	Y
FAKE HALL	SMOKE/HEAT	P	Y	Y
PARSON HALL	SMOKE/HEAT	P	Y	Y
PEARSON HALL	SMOKE/HEAT	P	Y	Y
PORTER HALL*	SMOKE/HEAT	P	Y	Y
TEN EYCK HALL	SMOKE/HEAT	P	Y	Y
VROMAN HALL	SMOKE/HEAT	P	Y	Y
WIETING HALL	SMOKE/HEAT	P	Y	Y

**\*Presently not being used to house students**

Over the past several years an extensive upgrade of the fire alarm system has been undertaken which included upgrading and replacing smoke detectors, heat detectors, manual pull stations, control panels, and annunciators in the academic, administrative, and residence hall buildings throughout campus. The system was designed and installed in accordance with NFPA 72 National Fire Alarm Code. As all campus buildings are rehabilitated, special attention is given to fire safety systems. It should also be noted that evacuation instructions are posted on the back of all residence hall room doors

**All fires need to be reported to the County 911 Center or University Police (518) 255-5555**

**In 2017 a total of 104 Fire Drills were held on campus**

## **Responsibilities**

**Environmental Health and Safety Office** has the responsibility for overseeing the testing and maintenance of the campus fire alarm system. As requested by the Office of Residential Life, the EH&S office will provide fire safety training to Residential Life staff. The EH&S officer coordinates the annual campus fire safety inspection with the NYS Office of Fire Prevention and Control Specialist. The Specialist also provides training as requested.

**Supervisors** will assist with efforts to provide Emergency Action Plan training to employees.

**Students** have responsibility for

1. Reporting fires and other emergencies;
2. Correcting or reporting unsafe conditions;
3. Observing evacuation procedures and protocol for other campus emergencies. Residential students are responsible for maintaining their rooms in a clean and safe condition.

**University Police** has responsibility for

1. Assisting with fire drills and emergency evacuations;
2. Reporting fires and emergencies to the appropriate agencies; and
3. Responding to or assisting with other campus emergencies.

**Visitors** have responsibility for observing evacuation procedures and protocol for other campus emergencies.

**Employees** have responsibility for

1. Reporting fires and other emergencies;
2. Correcting or reporting unsafe conditions; and
3. Observing evacuation procedures and protocol for other campus emergencies.

## **Emergency Evacuation**

All faculty, staff, and students are expected to familiarize themselves with the evacuation plan for the buildings in which they occupy. Evacuation procedures are posted in each building. Special procedures are in place for evacuating students with disabilities. All faculty, staff and students are expected to leave a building immediately when the fire alarm is activated. Doors and windows should be closed as part of the evacuation process. Elevators shall not be used to evacuate when the fire alarm is active.

In the residence halls, students are instructed at the opening meeting and other floor/wing meetings on evacuation procedures. Specific fire alarm procedures have been developed for Resident Assistants (RAs) and Residence Hall Directors (RDs). Whenever a smoke or fire condition exists these staff members are expected to assist in the evacuation of the building as they exit the building also. Staff members must report to University Police any special needs or issues they observe while evacuating the facility.

## **Fire Safety Education and Training**

Emergency Procedure cards, which include fire safety instructions, are posted throughout campus in offices and classroom. Additionally, programs are presented in residence halls on various safety issues including fire safety. Students are reminded about fire evacuation procedures during all hall meetings, floor meetings and after problems occurring during fire drills or other activations of the alarm. All residential students receive a copy of the SUNY Cobleskill Fire Safety Brochure

### **For the safety of all residents, the use and/or possession of these items will not be allowed in any of the residence halls:**

- Portable heaters.
- Sun lamps.
- Extension cords and/or power strips without surge protection.
- All cooking devices (toaster ovens, Foreman grills/ovens, popcorn poppers, hot pots, etc.)
- Candles/incense or any type of open flame (including charcoal, propane, grills or stoves.)
- Air conditioners.
- Electric blankets.
- Coffee pots without built-in automatic shut-off.
- Multi-tap electric plugs.
- Halogen lamps.
- Microwave ovens (**Micro-Fridge units, which are only available through Residence Life, combine a refrigerator, freezer and microwave in one unit, and are the only microwaves approved for use in student rooms.**)
- Refrigerators exceeding 1.75 amps. (**Each campus room is permitted one refrigerator that must be UL-approved with three-pronged plug, tight-fitting door gasket and un-frayed feeder line and must be inspected and approved by college personnel before placing them in a residence hall room.**)
- All furniture items brought into the residence halls must comply with the accepted fire safety standards and meet the California Standard 133 for fire safety.
- Firearms (including BB, pellet and paintball), weapons, ammunition, firecrackers, explosives, harmful chemicals or any other type of flammable materials.
- Internal combustion engines are prohibited within the buildings.
- Because of the danger of fire, candles or any kind of open flame (including charcoal, propane, grills, stoves and incense) are not allowed in the residence halls.
- All residence halls are non-smoking and smoking is only allowed in designated campus locations.

**\*The college reserves the right to inspect electrical appliances for safety and energy considerations, and to ban certain appliances, which do not conform to the campus standards**

# APPENDIX - A

## **EDUCATIONAL AWARENESS PROGRAMS AND INITIATIVES TO ADDRESS ISSUES REGARDING CAMPUS SAFETY, SUBSTANCE ABUSE, SEXUAL VIOLENCE, DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING AND HEALTHY LIVING CHOICES**

- **Blue Light Awareness Day**
  - This program, which is held each semester, is co-sponsored by the Wellness Center and University Police Department. The program, which highlights the location of the campus “blue light emergency phones,” provides awareness of and strategies for dealing with the issues of campus safety and violence awareness and prevention. An annual survey is also conducted regarding safety topics to guide future programming efforts.
  
- **“The Can Chronicle” BI-Weekly Newsletter Publication**
  - This bi-weekly newsletter, which is prepared by and presented by the Wellness Center, provides information regarding topics such as: Healthy Relationships, Sexual Violence, Domestic Violence, Dating Violence, Stalking, Alcohol Awareness, Bystander Information, Spring Break Safety, Healthy Eating Choices and Internet Safety.
  
- **Red Watch Band training**
  - This “Bystander Intervention” training, which is offered to all Resident Assistant’s, provides specific skills on how to assess, intervene and refer an individual related to alcohol abuse.
  
- **Substance Abuse Advertising Campaign**
  - This campaign, which is a campus wide advertising campaign, is done to encourage students to make good choices and with special regard to healthy decision making.
  
- **Social Norming Campaign-Substance Abuse**
  - Using relevant Cobleskill campus data regarding actual student substance use and abuse the Wellness Center creates a poster series offering information and strategies dealing with pertinent trends and issues.
  
- **Equalogy**
  - This theatrical program, which is infused within FFCS Curriculum and communicated as part of the Freshmen Orientation program, addresses the issues of sexual assault and sexual violence.
  
- **Rape Aggression Defense Training Course(RAD)**
  - This program, which is a multi-team approach (University Police/Judicial Affairs / Student Success Center /Wellness Center), is a self-defense course training for women which teaches basic self-defense techniques and self-confidence training.

- **Bringing in the Bystander**
  - This prevention program emphasizes a bystander intervention approach and assumes that everyone has a role to play in ending violence against women. . It uses a community of responsibility model. The curriculum approaches both women and men as potential bystanders or witnesses to risky behaviors related to sexual violence around them.to teach bystanders how to intervene safely and effectively in cases where sexual assault may be occurring or where there may be risk. This program which is delivered to all student leaders has been implemented into the Freshman Seminar Course
  
- **Food for thought tabling series**
  - This series of nine interactive tabling series to present sexual violence awareness/prevention and Affirmative Consent information. Special guests during the series included Planned Parenthood, Schoharie County Sexual Assault Services, wellness Center staff, Title IX Coordinator and University Police Officers.
  
- **Alcohol Table Top Trivia**
  - Tabletop trivia packet cards were put out in the dining halls for student's to quiz themselves on their knowledge about alcohol. This included facts such as what constitutes a "drink," myths about sobering up, family influence, toxicity, alcohol digestion, effects on sexual performance, and more.
  
- **Facts on tap: Can you walk the Line?**
  - This was a presentation on alcohol education with an experiential beer goggles component.
  
- **Health and Wellness Expo**
  - A four-hour Health and Wellness Expo consisting of representatives from both College and community organizations. Educational activities and health information was provided on topics including; substance abuse, nutrition and healthy diet options, personal finance, domestic violence awareness, disability support services, safe sex practices, smoking cessation and Title IX.
  
- **Sex in an Envelope**
  - This program, presented by the Residence Life Staff, deals with issues regarding communication between sexual partners and provides an explanation of "consent."
  
- **Shot of Reality**
  - A national presentation, which provides a captivating look at the impact of alcohol on a college campus. It addresses issues such as, binge drinking, health risks, alcoholism, drunk driving, sexual violence and misconduct, and alcohol related laws.
  
- **Let's talk about it**
  - Speaker presentation dealing with the issues of mental health and suicide prevention.

- **What the Duck?**
  - Program centers on the issues involving alcohol and personal safety.
  
- **Wellness Wagon**
  - This is a continuous program under the direction of the Wellness Center in which “peer educators” travel the campus with a wagon and distribute information on various topics such as substance abuse, personal safety, mental health information, healthy eating choices and various other topics pertaining the students health and wellness.
  
- **Sex in the dark.**
  - This program focuses on issues surrounding sex education, healthy relationships and sexual violence awareness and prevention.
  
- **Social Norming Campaign**
  - Using billboards that are strategically placed across campus this program uses factual information to dispel common myths regarding substance abuse.
  
- **University Police Officers Residence Hall presentations**
  - University Police Officers in cooperation with Resident Assistants provide numerous presentations in the residence halls on various topics including substance abuse, personal safety, spring break travel, healthy relationships and other topics to insure that students are kept up to date on trends and issues that may affect their safety.
  
- **Sex Discussed Here**
  - This program focuses on issues surrounding sex education, healthy relationships and sexual violence awareness and prevention.
  
- **One Love Violence Prevention**
  - This program focuses on healthy relationships and dating and domestic violence prevention.
  
- **Female Organism**
  - The theatrical program using a comedy theme presents information regarding healthy relationships, sexual violence prevention and dating responsibility.
  
- **Title IX Day**
  - This campus wide event promotes the meaning and importance of “affirmative consent” and information surrounding healthy relationships and sexual violence.

# APPENDIX B:

## **NYS Division of Human Rights**

### State Headquarters

New York State Division of Human Rights  
One Fordham Plaza, 4th Floor  
Bronx, New York 10458  
Tel: (718) 741-8400  
Fax: (718) 741-3214

### Albany

New York State Division of Human Rights  
Empire State Plaza, Corning Tower, 28th Floor, Post Office Box 2049  
Albany, New York 12220  
Tel: (518) 474-2705  
Fax: (518) 473-3422

### Office of Sexual Harassment

New York State Division of Human Rights  
Office of Sexual Harassment  
55 Hanson Place, Suite 347  
Brooklyn, New York 11217  
Tel: (718) 722-2060 or 1-800-427-2773  
Fax: (718) 722-4525

### Office of AIDS Discrimination

New York State Division of Human Rights  
Office of AIDS Discrimination  
20 Exchange Place, 2nd Floor  
New York, New York 10005  
Tel: (212) 480-2522 or 1-800-522-4369  
Fax: (212) 480-0143

## **United States Department of Labor**

### Office of Federal Contract Compliance Programs (OFCCP)

201 Varick Street, Room 750  
New York, NY 10014  
Tel: (212) 337-2006  
Fax: (212) 620-7705

### OFCCP New York District Office

26 Federal Plaza, Room 36-116  
New York, NY 10278-0002  
Tel: (212) 264-7742  
Fax: (212) 264-8166

**New York State Department of Labor**

State Campus, Building 12, Room 500

Albany, NY 12240-0003

Tel: (518) 457-2741

Fax: (518) 457-6908

**United States Equal Employment Opportunity Commission**

EEOC National Headquarters

131 Main Street NE, Fourth FL., Suite 4NW02F Washington, D. C. 20507

Tel: (202) 663-4900

Fax: (202) 663-4912

EEOC Field Office

6 Fountain Plaza, Suite 350

Buffalo, New York 14202

Tel: (716) 551-4441

Fax: (716) 551-4387 56

**Office for Civil Rights**

OCR National Headquarters

U. S. Department of Education

Office of Civil Rights, Customer Service Team

Mary E. Switzer Building

330 C. Street, S. W. Washington, D. C. 20202

Tel: (800) 421-3481

Fax: (202) 205-9862

Office for Civil Rights, New York Office

32 Old Slip, 26th Floor

New York, NY 10005-2500

Tel: (646) 428-3800

Fax: (646) 428-3843