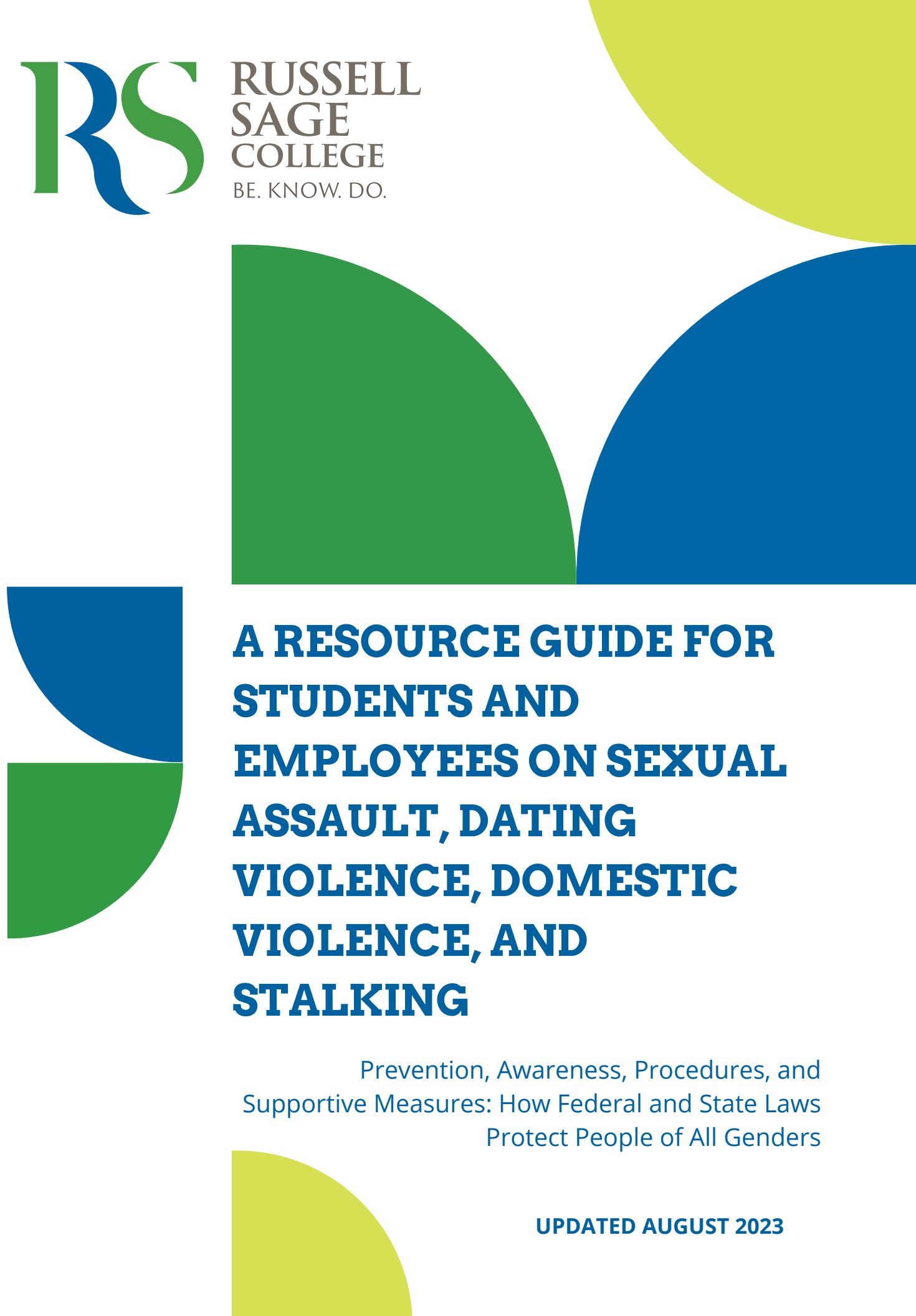




RUSSELL
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COLLEGE
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A RESOURCE GUIDE FOR STUDENTS AND EMPLOYEES ON SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING

Prevention, Awareness, Procedures, and
Supportive Measures: How Federal and State Laws
Protect People of All Genders

UPDATED AUGUST 2023

If you have experienced a sexual offense:

- 1 Go to a safe place as soon as you are able.
- 2 Seek immediate medical attention if you are injured, or believe you may have been exposed to an STI/STD or potential pregnancy.
- 3 Contact any of the following for immediate assistance:

Amanda Bastiani, Title IX Coordinator	518-244-4809, bastia@sage.edu or titleix@sage.edu during regular business hours Monday through Friday
Human Resources	518-244-6857, hr@sage.edu , or Cowee Hall (second floor)
Public Safety	518-244-3177 (Albany or Troy)
Wellness Center	518-292-1917 (Albany) or 518-244-2261 (Troy) Regular business hours, M-F (confidential resource)
Deans of Students	518-292-1753 (Albany) or 518-244-2207 (Troy) Regular business hours, M-F
Spirituality Center, Darren Gundrum, Chaplain	518-244-4746 or gundrd@sage.edu . Regular business hours, M-F (confidential resource)
The Albany County Crime Victim and Sexual Violence Center	518-447-7716 24-hour hotline (confidential resource)
St. Peter's Crime Victim Services	518-271-3257 24-hour hotline (confidential resource)
Equinox (Albany)	518-432-7865 (confidential resource)
Unity House (Troy)	518-274-2607 (confidential resource)
In Our Own Voices (Albany)	518-432-4188
The Legal Project (Albany)	518-435-1770 (confidential resource)

Note that campus officials may contact on-call staff from other departments when their offices are closed or they are otherwise unavailable to assist immediately. If you are off-campus and experiencing an emergency situation, you can call local police by dialing 911.

4 It is important that to preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets towels, clothing, etc. You may choose to avoid washing, urinating, bathing, etc., until after being examined at the hospital, if possible. Because evidence of a sexual assault can deteriorate quickly, you may choose to seek a medical exam as soon as possible. Evidence collection should be completed within 120 hours of an assault, but fluids, hair samples, and DNA can be collected for a long time thereafter. Even if you have washed, evidence can often still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. Sexual assault nurse examiners (SANE) are trained in the collection of forensic evidence, and can check for injuries and exposure to sexually transmitted diseases. If you are still wearing any clothes worn during the assault, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a clean paper (not plastic) bag or a wrapped in a clean sheet. Leave sheets/towels at the scene of the assault. Police will collect them. Typically, police will be called to the hospital to take custody of the rape kit, but it is up to you whether you wish to speak with them or file a criminal complaint.

5 Choose how to proceed:

- Do nothing until you are ready;
- Pursue resolution by Sage; and/or
- Initiate criminal proceedings; and/or
- Initiate a civil process against the perpetrator.

You may pursue whatever combination of options is best for you. If you wish to have an incident investigated and resolved by Sage, students should contact The Title IX Coordinator or Dean of Students. Employees should contact Human Resources. Sage procedures will be explained. Those who wish incidents to be handled criminally should contact Public Safety or local police where the assault occurred. A campus official is available to accompany students in making such reports, if desired. Contact the Dean of Students' Office for more information.

ABOUT CONFIDENTIALITY

To make informed choices, all parties should be aware of confidentiality and privacy issues, as well as institutional mandatory reporting requirements.

Confidential Reporting:

If reporting students wish that details of an incident be kept confidential, they should speak with Wellness Center staff or Campus Chaplains. Their services are free of charge.

Mandated Reporting

All Russell Sage College employees who are not designated above as confidential, are mandated reporters for all the details of which they are aware about an incident. Resident Assistants are also mandated reporters. They share this information with the Title IX Coordinator. Giving a mandated reporter notice of an incident constitutes official notice to the institution. Incidents of sexual offenses will be taken seriously when official notice is given to the institution. Such incidents of sexual offenses will be investigated and resolved in a prompt and equitable manner under Sage's resolution procedures, which are discussed in a later section of this brochure.

You may request confidentiality and/or that the Title IX Coordinator provide you with remedies and resources without initiating a formal resolution process. The coordinator will weigh requests for confidentiality against the institutional need to address and remedy discrimination under Title IX. Generally, Sage will be able to respect your wishes, unless it believes there is a threat to the community based on the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused.

In cases where your request for confidentiality is granted, Sage will offer you available resources, supports, and remedies. You are not obligated to pursue formal resolution in order to access the resources that are available. If Sage decides that it is obligated to pursue a formal resolution based on the notice you have given, you are not obligated to participate in the resolution process. However, the ability of Sage to enforce its policies or provide some remedies may be limited as a result of your decision not to participate.

Policy

Russell Sage College ("Sage" or the "College") strictly prohibits all Sexual Offenses. In the event that a Sexual Offense does occur, the College takes the matter very seriously.

The College's Sexual Offense Policies & Procedures are available to all students and employees, and are applicable to any conduct that has a reasonable connection to the College. The College will apply the provisions of this policy regardless of whether the Sexual Offense occurs on campus, off campus, or while a student or employee is participating in a study abroad program. When the Sexual Offense involves students or employees from two or more institutions, the College will work collaboratively with the other institutions to address the Sexual Offense, provided that the collaboration complies with the Family Educational Rights Privacy Act (FERPA).

The College applies the protections set forth in these policies and procedures 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, criminal conviction, familial status, or any other protected characteristic under federal or state law.

Further, students have the right to exercise their civil rights and practice of religion without interference by the College's investigative, criminal justice, or judicial or conduct process. Additionally, the College will not force students to undergo medical procedures that they say are forbidden by their religion. The College will work with participants to ensure they do not have to choose between participating in the process and practicing their religion.

Sexual offenses, including sexual harassment, sexual assault, intimate partner violence (domestic violence and dating violence), and stalking are violations of The College's Student Code of Conduct and its Sexual Offense Policies & Procedures for Students and Employees. A number of federal laws and regulations, including Title IX, the Violence Against Women Act, and the Clery Act, as well as New York State Law 129-B titled Enough is Enough, mandate how institutions respond to such allegations. Many types of sexual offenses also constitute violations of New York State law.

Members of the campus community, guests, and visitors have a right to be free from sexual offenses. All members of the community must conduct themselves in a way that does not infringe upon the rights of others. The College's policies are intended to define expectations for appropriate conduct and outline resolution processes to address conduct that does not meet these expectations. When individuals accused of a sexual offense are found to be in violation of the policy, The College will impose serious sanctions.

All members of the campus community, guests, and visitors are protected by this policy regardless of their sexual orientation or gender identity. The College has jurisdiction over all acts of sexual offenses involving members of the campus community, no matter where they occur, whether on or off campus.

For more details on this policy, please visit www.sage.edu/titleIX.

Additional information about campus crime, state laws, and disclosures related to sexual offenses can be found online in the campus Annual Security and Fire Safety Report. Access it here: www.sage.edu/resources/publicsafety.

Sexual Offense Violations

The following are the definitions of conduct prohibited by the Title IX grievance and sexual offense policies:

Sexual Harassment

Sexual harassment is:

- unwelcome,
- sexual, sex-based, and/or gender-based verbal, written, online, and/or physical conduct.

Hostile Environment

A hostile environment is created when sexual harassment is:

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive that it:
- unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the institution's educational [and/or employment], social, and/or residential program.

Sanctions range from warning through expulsion/termination.

Sexual Assault

Sexual assault is:

- 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.
- Fondling – the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- Incest – sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape –sexual intercourse with a person who is under the statutory age of consent. Under New York law, the age of consent is 17 years old.

Sanctions typically result in suspension or expulsion/termination.

Relationship Violence

Generally, relationship violence is:

- a pattern of coercive behaviors that serve to exercise control and power in an intimate relationship. The coercive and abusive behaviors can be physical, sexual, psychological, verbal and/or emotional in nature. Intimate partner abuse can occur in relationships of the same or different genders; between current or former intimate partners who have dated, lived together, or been married. Relationship violence includes both domestic violence and dating violence. *see policy for full definitions.

Sanctions range from warning through expulsion/termination.

Stalking

Stalking is:

- engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress.

Generally, stalking is a pattern of behavior that can include:

- Repeatedly leaving or sending victim unwanted items, presents, flowers
- Harassing the victim through the internet, including social networking websites
- Repeated, unwanted and intrusive phone calls, e-mails or text messages; especially after being clearly informed to stop
- Damaging or threatening to damage the victim's property
- Following, monitoring, surveillance of victim and/or victim's family, friends, co-workers
- Abusing or killing a pet or other animal
- Crossing jurisdictions/borders to stalk/commit offenses

Sanctions range from warning through expulsion/termination.

Retaliation

Retaliation is:

- any adverse action, taken against a person participating in a protected activity, because of that person's participation in that protected activity
- conduct that might deter a reasonable person from making a report

Sanctions range from warning through expulsion/termination.

Consent

Affirmative Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity.

Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

- Consent to any sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
 - » Whether through words or actions that clearly display consent, each party must affirmatively consent to participating in each sexual activity. Consenting to one type of sexual activity is not blanket consent to any and all types of sexual activity.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, being under the age of consent, or if an individual otherwise cannot consent.
 - » Minors who cannot consent under New York's laws covering age of consent are considered incapacitated. Under New York law, the age of consent is 17 years old. Students and employees are encouraged to review New York State Penal Law Article 130 for additional details regarding New York's age of consent.
 - » Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. This does not mean that individuals cannot affirmatively consent to sexual activity or contact when they have been drinking or using drugs, however. Such individuals may still affirmatively consent through words or actions that clearly indicate interest in engaging in the activity.
 - » Incapacitation is to be determined by a student conduct or investigation process based on available evidence, acknowledging that in almost no cases will scientific evidence of alcohol or drug level (such as a breathalyzer taken at the time of the assault) be available. There is no single standard or number of drinks that leads to incapacitation. This level varies for different people, and may depend in part on their age, gender, height, weight, metabolism and whether and how much they have recently eaten.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

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

Your Rights

All students have the right to:

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

Remedies

Russell Sage College may take whatever steps are deemed necessary to appropriately respond to allegations of sexual offenses, protect students' rights, and keep members of the campus community safe from further harm.

Measures include but are not limited to:

- Issuing interim suspensions pending a hearing.
- Reporting incidents to local police and/or prosecutors.
- Referring to counseling and health services.
- Referring to the Employee Assistance Program.
- Providing education to the community.
- Altering the housing situation of the reporting or responding party.
- Altering work arrangements for employees.
- Providing campus escorts.
- Providing transportation assistance.
- Implementing contact limitations between the parties.
- Offering adjustments to academic deadlines, course schedules, etc.

These measures are available regardless of whether a reporting party seeks formal resolution or makes a crime report.

Victim

You may choose one or more options.

We encourage medical treatment for all options.

Option 1:

Medical treatment and optional evidence collection at hospital emergency room.

Local police and local sexual assault advocacy agency respond to hospital.
Provided options to speak to one or both and receive services.

Provided option to receive on-campus support services.

Option 2:

Non-confidential report.

Referred to Title IX Coordinator for investigation.

Provided options to seek medical treatment and optional evidence collection at hospital emergency room

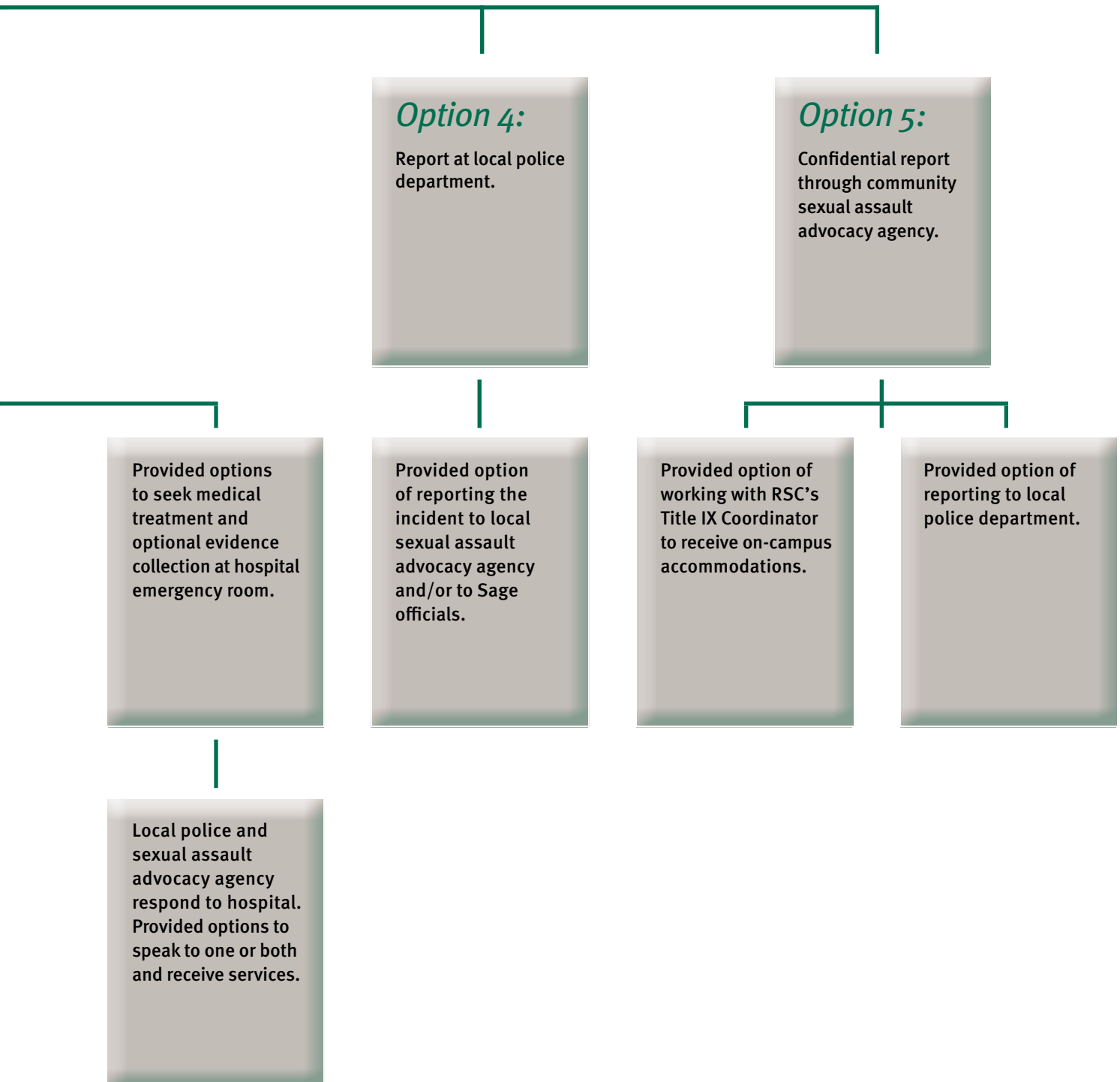
Option 3:

Confidential report at The Sage Wellness Center and/or Spirituality Center.

Provided option of seeking counseling for on- or off-campus support.

Provided option of reporting to local police.

Provided option to receive sexual assault advocacy locally.



Risk Reduction

Risk Reduction for Intimate Partner Violence, Stalking, Sexual Harassment, and Sexual Violence

While victim-blaming is never appropriate and Russell Sage College fully recognizes that only those who commit sexual offenses are responsible for their actions, The College provides the suggestions that follow to help individuals reduce their risk of committing acts of sexual offenses and their risk of being victimized.

Reducing the Risk of Being Accused of a Sexual Offense

- Show your potential partner respect if you are in a position of initiating sexual behavior.
- If a potential partner says “no,” accept it and don’t push. If you want a “yes,” ask for it, and don’t proceed without clear permission.
- Clearly communicate your intentions to your potential sexual partners, and give them a chance to share their intentions and/or boundaries with you.
- Respect personal boundaries. If you are unsure what’s OK in any interaction, ask.
- Avoid ambiguity. Don’t make assumptions about consent, about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you don’t have consent.
- Don’t take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way. Others’ loss of control does not put you in control.
- Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn’t want to happen. That person may be undecided about how far to go with you, or you may have misread a previous signal.
- Respect the timeline for sexual behaviors with which others are comfortable, and understand that they are entitled to change their minds.
- Recognize that even if you don’t think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you may hold.
- Do not assume that someone’s silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
- Understand that consent to one type of sexual behavior does not automatically grant consent to other types of sexual behaviors. If you are unsure, stop and ask.
- Understand that exerting power and control over another through sex is unacceptable conduct.

Reducing the Risk of Victimization

- Make any limits/boundaries you may have known as early as possible.
- Clearly and firmly articulate consent or lack of consent.
- Remove yourself, if possible, from an aggressor’s physical presence.
- Reach out for help, either from someone who is physically nearby or by calling someone. People around you may be waiting for a signal that you need help.
- Take affirmative responsibility for your alcohol and/or drug consumption. Alcohol and drugs can increase your vulnerability to sexual victimization.
- Look out for your friends, and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices.

Programs

Bystander Intervention

The College offers bystander intervention programming to all new students in an effort to ensure that each member of the campus community is invested in creating a safe campus environment for themselves and others. Program participants are instructed on safe options for preventing harm and intervening when a risk of a sexual offense exists.

Title IX/VAWA/Clery/Enough Is Enough Training

Incoming students are provided with education and training on awareness and risk reduction of sexual violence, dating violence, domestic violence, stalking, and consent in compliance with federal and state law.

Ongoing Campaigns

Ongoing awareness and prevention campaigns are provided throughout the school year to all students and employees.

Procedures

Russell Sage College's procedures are detailed fully at: www.sage.edu/titleIX/policies

Intake

A College official will assist the reporting party with making choices and accessing resources. Assuming the reporting party chooses to move forward with a campus resolution, the next step is a preliminary inquiry.

All inquiries will be conducted by campus officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Preliminary Inquiry

An initial determination is made about the allegations and whether to move them forward to a formal investigation. This decision is made by the Title IX Coordinator, taking into account the nature of the allegations and the reporting party's wishes. If the decision is made to move forward, the Coordinator refers the allegations to investigators.

Investigations

An investigative model is used to resolve allegations. Trained investigators will provide an investigation that is prompt, thorough, reliable, equitable, fair, and impartial. They will interview reporting and responding parties and witnesses and prepare reports with their findings and sanctioning recommendations.

Information about all the steps in the investigative process is available at: www.sage.edu/titleIX/policies

Hearings

The hearing panel will have the opportunity to question the investigators during hearings. The panel may accept or reject investigators' recommendations. If the panel rejects the recommendations or decides to issue alternate sanctions, it must do so within the framework of the policy, citing clear evidence to support its decisions. The panel may additionally return the report to investigators for modification.

The parties may make opening and closing statements to address the issues raised in the investigators' report. If a party is found responsible of a policy violation, the panel may review a written impact statement, which can include desired sanctioning outcomes.

Standard of Evidence

Russell Sage College uses a preponderance of evidence standard. Decision-makers consider whether, given the available credible evidence, it is more likely than not that a violation occurred.

Past History

The past sexual history or character of an individual is not considered unless it is determined to be highly relevant. All such information sought to be entered for consideration by a party or the College will be presumed irrelevant until evidence of its relevance is offered. The existence of a pattern of behavior by a responding party may be relevant to the finding and sanction imposed. Both parties will be notified in advance if such information has been deemed relevant and will be considered during the process.

Final Determination

The parties will be informed in writing of the outcome of the resolution, without significant delay between the notifications to each party. This notice will include the procedures for appealing the decision, any change to the results that occurs prior to the time that such results become final, and when results are considered to be final.

Appeals

All parties involved in sexual offense proceedings may appeal decisions within 2 business days on the basis of the grounds permitted by the College's policy. All parties are included in any appeal reconsideration and have equal rights of participation. There is only one level of appeal. That decision is final.

For details, see: www.sage.edu/studentlife/code-of-conduct



Key Contacts

Amanda M. Bastiani Title IX Coordinator

518-244-4809, bastia@sage.edu, titleix@sage.edu. Online reporting option: sage.edu/titleix

Human Resources

518-244-6857, hr@sage.edu

Other Resources

Public Safety		518-244-3177, Albany 518-244-3177, Troy	24 hours, 7 days a week
Wellness Center		518-292-1917, Albany 518-244-2261, Troy	Regular business hours (M-F), confidential resource
Dean of Students		518-292-1753, Albany 518-244-2207, Troy	Regular business hours (M-F)
Spirituality Center		518-244-4746	Regular business hours (M-F), confidential resource
The Albany County Crime Victim and Sexual Violence Center, Albany		518-447-7716	24-hour hotline (confidential resource)
St. Peter's Crime Victim Services, Troy		518-271-3257	24-hour hotline (confidential resource)
Equinox	Albany	518-432-7865	
Unity House	Troy	518-274-2607	
In Our Own Voices	Albany	518-432-4188	All confidential resources
The Legal Project	Albany	518-435-1770	

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