



**Annual Report on Security and Fire Safety**

**Troy Campus**

**2026**

## **Student Right-to-Know and Campus Security Act**

In November 1990, the Student Right-to-Know and Campus Security Act was signed into law (Public Law 101542 as amended by Public Law 102-26 and The Higher Education Amendments of 1992). This law, known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, requires educational institutions to publish and distribute an annual security report containing campus security policies and procedures as well as campus crime statistics. The Higher Education Act of 2008 created additional requirements to disclose policies related to fire safety, missing persons and emergency notification. In 2013, the reauthorization of the Violence Against Women Act further expanded the requirements for policies and crime data collection. This document is published and distributed to the students and employees of Russell Sage College – Troy campus in compliance with that act.

### **Office of Public Safety**

Security services for Russell Sage College Troy are provided by the University Heights Association's Office of Public Safety. The University Heights Association is a consortium of three colleges - The Albany Law School, The Albany College of Pharmacy and Health Sciences and Russell Sage College – Albany Campus - that share contiguous campuses, academic collaborations and a variety of services. The Office of Public Safety is located in the John Paine Building at 65 1<sup>st</sup> Street, Troy NY 12180. In an emergency, Public Safety may be reached at 244-3177. Non-emergency calls can also be made to 244-3177. The Director of Public Safety reports directly to the Vice President for Student Life. The Office of Public Safety provides uniformed, radio-dispatched patrols on a 24 hour a day, seven days a week basis. Among the services provided by the Office of Public Safety are:

- preventive patrol, by vehicle, foot and bicycle
- emergency response
- crisis management
- law enforcement
- incident reporting and Clery Act reporting
- investigations
- medical emergency response
- traffic control and parking enforcement
- crime prevention awareness and training
- liaison with public sector public safety agencies

The staff of the Office of Public Safety is assisted by several technologies intended to enhance safety and security across both campuses. Those technologies include:

- Blue light phones are located at Ackerman Lot, Big Lot, and Lot 4 on wall of 92 1st St. parking lots, Shea Library, Wool House Alley, Sage Park in front of Sage Hall, Kellas Hall on Fishbowl, McKinstry Dining Hall entrance, German House, French Courtyard Alley, and Roy Court.

- A closed circuit television system which places a series of cameras at strategic locations, both outdoors and inside selected facilities. The cameras are monitored on a 24 hour basis in the Dispatch Center, where they are also recorded for investigatory and evidentiary reasons.
- Caller ID software which allows the dispatch center to immediately locate the source of any call made to the emergency phone line or to 911.
- Proximity card access to exterior doors, which notifies Public Safety when doors are opened after hours or when doors are left open for extended periods. Installed on many buildings with additional buildings identified for future installation.
- Alarm monitoring technology which immediately informs Public Safety when intrusion, fire or trouble alarms are activated.
- “Send Word Now”, an emergency text messaging system available to all students, faculty and staff. Send Word Now is the college’s means of notifying the community of an emergency and providing vital information and instructions.
- Rave Guardian Mobile App for all students, faculty and staff is a stand alone mobile safety tool that allows easy access to campus and emergency resources with one click. Anyone with a Sage email address can download the app and begin using it.

### **Authority of Campus Public Safety Officers**

Public Safety Officers are security guards licensed by the State of New York. They are trained to the standards and requirements set by the New York State Division for Criminal Justice Services and the Department of State.

As security guards, their authority to arrest is the same as a citizen; they may make warrantless arrests for a felony “in fact committed” or any offense “in fact committed” in their presence. They may not make warrant arrests or arrests based on reasonable cause.

Selected Public Safety Officers attend a regional Campus Public Safety Officer Academy at the Zone 5 Regional Law Enforcement Academy, which is certified by NYS DCJS. Graduates of that Academy are eligible for appointment, upon request of the Board of Trustees, as a private college security officer. Such appointment grants authority, restricted to the geographical area of authority, to make a warrantless arrest for an offense committed in his presence, or a crime when he has reasonable cause to believe that such person has committed such crime.

Public Safety Officers have the authority to request identification from all persons on campus, and to determine the reason for their presence on campus.

Public Safety Officers have the authority to issue UHA tickets for parking violations and moving offenses on any of the UHA campuses.

### **Reporting Crimes, Emergencies and Suspicious Behavior**

All members of the Sage community are encouraged to immediately report to Public Safety any criminal activity, emergency or hazardous situation or suspicious person or behavior as follows:

### **Emergencies:**

By dialing **518-244-3177** from any campus telephone by dialing extension: **3177** by simply lifting any of the red emergency phones, located across campus directly underneath blue lights.

In the event that the victim of a crime is unable to report it, anyone with knowledge of the crime is encouraged to report it to Public Safety or any Campus Security Authority.

Emergencies may also be reported directly to local police, fire and emergency medical services by dialing 911 from any telephone. In the event that a call is made directly to 911, the caller is encouraged to also call x3177 immediately afterward.

Non-emergencies: by dialing **518-244-3177** or from any campus telephone by dialing **3177**.

For your safety and protection, all calls made to the Office of Public Safety are received by Caller ID software, which instantly identifies the location of the caller. They are also recorded and available for instant replay.

The Public Safety dispatch center is also directly linked to the City of Troy Public Safety Answering Point (PSAP).

### **Campus Security Authorities**

Recognizing that crime victims may be inclined to report their victimization to someone other than a Public Safety Officer or the police, the Clery Act requires all institutions to collect crime reports from a variety of individuals that Clery considers to be "campus security authorities". Under Clery, a crime is "reported" when it is brought to the attention of a CSA by a victim, witness, offender or third party. If a CSA receives crime information and believes it was provided in good faith, they must document the incident in a report.

At Russell Sage College, Campus Security Authorities include all University Heights Association Public Safety Officers, Residence Life Staff, Athletics Coaches and Staff, Student Life Staff, any anyone identified as having significant student responsibility according to Russell Sage College, and the following:

- Title IX Coordinator Amanda Bastiani 518-244-4809
- Vice President for Student Life Trish Cellemme 518-292-1753
- Dean of Students (Albany) Grace Giancola 518-292-1753
- Dean of Students (Troy) Stacy Gonzalez 518-244-2207
- Interim Director of Residence Life Grace Giancola 518-244-2008

- Director of Human Resources Brian Evers 518-244-2391
- Assoc. VP for Student Life for Student Wellness Tawana Davis 518-244-2273

### **Response to Reports**

Victims, witnesses and any other persons affected by criminal activity are encouraged to report that activity to the Office of Public Safety immediately. Accurate and timely information is essential to the investigation of any incident.

It is the policy of the Public Safety Office to investigate all crimes, complaints and incidents reported. It may also proactively investigate any activity or situation of potential hazard or criminality.

When a complaint or report of criminal activity is reported, it is investigated immediately. Depending on the needs of the Colleges, the wishes of the complainant and the severity of the crime, it may also be referred to the appropriate local, state or federal law enforcement agencies.

Public Safety and other appropriate Campus offices will also investigate reports of non-criminal activity that violates College policy. The Office of Public Safety cooperates closely with the judicial process of Russell Sage College.

### **Voluntary Confidential Reporting**

If you are the victim of a crime and do not want to pursue action within the RSC judicial process or within the criminal justice process, you may want to consider making a confidential report. With your permission, the Director of Public Safety will cause a report to be filed recording the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the incident confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep accurate records of the number of incidents involving students and staff, determine if and where there is a pattern of crime, and alert the Russell Sage community to a potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

### **Disclosing information to the Community**

Information related to reported crime and emergencies is essential to a safe campus. The Office of Public Safety has several means of sharing this important information with the community.

In the event of a serious incident that poses an immediate threat to members of the community, a message will be disseminated through the Send Word Now emergency alert system advising people of the incident and providing instructions that should be followed. This system will be used for “all hazards”, regardless of the nature of the incident. It may be used for crimes, weather emergencies, hazardous material incidents, terrorist incidents or natural disasters. Send Word Now will also be used to update the community and provide an “all clear” message when the incident has been resolved.

Send Word Now messages are authorized by the President, Provost, Vice President for Finance, Vice President for Student Life or the Director of Public Safety.

The Office of Public Safety will also provide “timely warnings” when crimes occur that pose a continuing threat to members of the community. A continuing threat occurs when a suspect in a crime is not yet identified or is identified but remains at large. These warnings are generally shared by email, voicemail, Campus announcement or by posted flyers. In the event that a threat is both immediate and continuing, Send Word Now may also be used.

All crimes reported to the Office of Public Safety will be recorded in the crime log, which is available to the public at The Armory at Sage. This chronological log of crime on campus is updated each business day and shows crimes occurring over the most recent 60 days. It contains information such as the nature of the crime, its location, date and time, and the disposition of the case.

A fire safety log is also available at the Office of Public Safety. It includes information about all fires occurring at Troy Campus of Russell Sage College, including the nature of the fire, its location, date and time. It is updated each business day and shows any fires occurring over the most recent 60 days.

Other sources of information about crimes and fires include the following tables in this document: Crime Statistics, Hate Crimes and Fires. Incident reports may be available to the community in the Office of Public Safety, contingent upon confidentiality requirements and the need for investigative integrity. The US Department of Education also offers this information for all colleges and universities in the country. It is available at Security Survey.

### **Emergency Notification and Evacuation of the RSC community**

In the event of an emergency requiring immediate action, RSC will notify the community and provide instructions as soon as a timely assessment of the situation allows. A Send Word Now message will be crafted and sent, information and instruction will be posted to My Portal, and a global voicemail will be delivered. Depending on circumstances, a room by room verbal notification may be made. Each of those information delivery systems is practiced and tested once each semester.

Evacuation is practiced three times a year. Every classroom and office has evacuation routes prominently displayed.

### **Building Access**

Most campus buildings are locked at all times and require a fob for access. For non-fob buildings, only the main entrance is open for entry; all doors remain available for exit. Academic buildings fully lock 30 minutes after the start of the last scheduled class each day. In Troy, fob-accessible buildings require fobs at all times; non-fob buildings have a single entry point and follow the same academic building lock schedule.

Residence Halls are locked at all times, with residents having personal access through their fob. Every resident student is issued one room key, and one front door key or fob, when they check in. The College strongly advises each student to lock their room whenever they leave and when sleeping. If a student loses their key(s) and/or fob, or they are stolen, a lock change will occur at a cost to the student. Two Resident Assistants are scheduled on duty each evening and weekend as information resources and for help with medical, security or maintenance concerns. In addition, a trained college employee is available each night to assist in emergency situations. For any emergencies, the Office of Public Safety is also available 24 hours a day at 518-244-3177.

For more information regarding building access at RSC, please visit:  
<https://www.sage.edu/about/offices-centers/public-safety/building-access/>.

## **Policy on Missing Persons and Missing Students**

Russell Sage College seeks to assure the safety and security of its entire community. The following policies shall be followed in the event that a resident student is reported to be missing from an on campus student housing facility, and may be used in the event that any student or employee is believed to be missing from anywhere.

- I. Definitions.
  - A. “reported to be missing” means that any associate of a resident student is unable to locate that student and seeks the assistance of college officials to locate that student.
  - B. “determined to be missing” means that after a preliminary investigation conducted by Public Safety, the Deans of Students and the Office of Residence Life, a resident’s whereabouts are unknown. Presence in the residence hall, attendance in class, attendance at work and interaction with friends and family should all be considered in making this determination.
  - C. “Resident student” shall mean any student of Russell Sage College who resides in a facility owned or operated by Russell Sage College.
  - D. “On campus housing facility” shall mean any student housing facility that is owned or controlled by Russell Sage College, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus. It shall include:
    1. Undergraduate and graduate student housing;
    2. Single family houses that are used for student housing;
    3. Summer school student housing;
    4. Buildings owned by a third party that has a written agreement with the institution to provide student housing;

5. Housing for officially and not officially recognized student groups that are owned or controlled by Russell Sage College, or are located on property that is owned or controlled by Russell Sage College.

## II. Considerations:

A. It is often difficult to determine where a person is missing from. Careful consideration must be given in determining if a person is missing from campus, from a residence hall, from an off campus residence, from a permanent residence, or from a place of employment or recreation.

B. The disappearance of a person may occur under a variety of circumstances, including but not limited to, abduction (by family, by romantic interest, by stranger), intentional flight or concealment (runaway), withdrawal or separation from the institution or when a person becomes lost, disoriented and unable to “find their way”. Until proven otherwise, each case shall be treated as occurring under the most urgent circumstances.

C. Law enforcement agencies may have policies that do not provide for report taking when a person is first thought to be missing. Circumstances such as age, time and place last seen, mental health and personal circumstances may affect their decision to take a report.

D. College students frequently reside in communal situations. Roommates, suitemates and other residents may have privacy concerns and expectations that should be considered, when appropriate. However, the most important concern is the safety of the missing person.

E. The location from where a person is missing may be a crime scene. It should be treated as such until determined otherwise.

## III. Designated contact person

A. Russell Sage College shall provide every resident student, and may provide any student or employee, regardless of age, the opportunity to register one or more persons to be contacted in the event that person is determined to be missing.

1. A designated contact person is in addition to an emergency contact person, although both can be the same person.
2. A designated contact person can be anyone.
3. A student may identify multiple designated contact persons.
4. The identity of a designated contact person shall remain confidential, but shall become available to the college officials identified in IV.A., and it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.
5. Information regarding the designated contact person is collected electronically through the Student Profile screen in Self-Service.

IV. When a student is reported missing:

- A. A student or employee who reasonably believes that a resident student may be missing from campus without an explanation should report that suspicion to:
  - 1. UHA Public Safety at 518-244-3177.
  - 2. The appropriate Dean of Students office.
    - a. Albany at 518-292-1753.
    - b. Troy at 518-244-2207.
  - 3. The Director of Residence Life at 518-244-2008.
- B. If Public Safety is not the original recipient of the report, the original recipient shall immediately notify Public Safety.
- C. Upon receipt of such a report, the Offices listed in IV.A shall begin a collaborative preliminary investigation which addresses the following considerations:
  - 1. Is the student missing from campus, their permanent home or some other location?
  - 2. Is there a witness or physical evidence of an abduction or foul play?
  - 3. Is the student mentally and emotionally stable?
  - 4. Is the student experiencing academic, personal or financial problems?
  - 5. Has the student disappeared before?
  - 6. Is there a substance abuse issue?
  - 7. Has the student been recently threatened or warned?
  - 8. Have any similar incidents been reported in the area?
- D. The preliminary investigation will also:
  - 1. Check access systems for use by the student.
  - 2. Check class attendance and with faculty.
  - 3. Check with roommates, suitemates, floormates, teammates, co-workers, etc..
  - 4. Check their place of employment.
  - 5. Check with friends.
  - 6. Check with family.
    - a. To be conducted by either the Dean of Students or the Vice President for Student Life.

V. When a student is determined to be missing:

- A. If a resident student is determined to be missing, within 24 hours Russell

Sage College shall notify:

1. Local law enforcement;
  - a. Once local law enforcement has been notified, interaction between Russell Sage College, the Police Department and University Heights Association Public Safety shall be governed by the Memorandum of Understanding currently in place among those entities.
2. Designated contact persons;
3. If the student is under 18 years of age and is not emancipated, the student's custodial parent or guardian.

B. Nothing shall preclude Russell Sage College from making the notifications described above prior to 24 hours of the determination that a resident student is missing, particularly if foul play, threat, danger or instability is suspected.

**Fire safety systems for residence halls at Russell Sage College are as follows:**

- Albany Campus:
  - Albany Campus Residence Hall has extensive emergency lighting and exit signage throughout the building. It has heat detectors and smoke detectors in each room, as well as in common areas, that trigger audible alarms and strobe lighting when activated. It has sprinklers in common areas as well as in each room.
- Troy Campus:
  - French House has extensive emergency lighting and exit signage throughout the building. It has heat detectors and smoke detectors in each room, as well as in common areas, that trigger audible alarms and strobe lighting when activated. The alarms are monitored in the Public Safety Dispatch Center. It has sprinklers in the common areas of the building.
  - German House has extensive emergency lighting and exit signage throughout the building. It has heat detectors and smoke detectors in each room, as well as in common areas, that trigger audible alarms and strobe lighting when activated. The alarms are monitored in the Public Safety Dispatch Center. It has sprinklers in the common areas of the building.
  - Kellas/Slocum Hall has extensive emergency lighting and exit signage throughout the building. It has smoke detectors and pull stations in common areas that trigger audible alarms and strobe lighting when activated. The alarms are monitored in the Public Safety Dispatch Center.
  - Manning Hall has extensive emergency lighting and exit signage throughout the building. It has audible local smoke detectors in individual rooms and pull stations in common areas that are monitored in the Public Safety Dispatch Center.
  - McMurray/Spicer/Gale House has extensive emergency lighting and exit signage throughout the building. It has heat detectors and smoke detectors in each room, as well as in common areas, that trigger audible alarms and strobe lighting when activated. The alarms are monitored in the Public Safety Dispatch Center. It has sprinklers in the common areas of the building.
  - Sage Hall has extensive emergency lighting and exit signage throughout the building. It has heat and smoke detectors in individual rooms, as well as in common areas, that

- trigger audible alarms and strobe lighting when activated. Some common areas of the building have sprinklers.
- Spanish House has extensive emergency lighting and exit signage throughout the building. It has heat detectors and smoke detectors in each room, as well as in common areas, that trigger audible alarms and strobe lighting when activated. The alarms are monitored in the Public Safety Dispatch Center. It has sprinklers in the common areas of the building.
  - Wool House has extensive emergency lighting and exit signage throughout the building. It has heat detectors and smoke detectors in each room, as well as in common areas, that trigger audible alarms and strobe lighting when activated. The alarms are monitored in the Public Safety Dispatch Center. It has sprinklers in the common areas of the building.

## **Russell Sage College Policy for the Prevention of Campus Hazing**

### **Purpose of the Policy**

In compliance with applicable federal, state, and local laws, Russell Sage College (“RSC”) is committed to the prevention of and transparency about hazing incidents in its program. RSC is required under section 485(f) of the Higher Education Act, otherwise known as the Jeanne Clery Campus Safety Act (the “Clery Act”) to report campus crime data, support victims of violence, and publicly outline the policies and procedures that have been established to improve campus safety. On December 23, 2024, the Stop Campus Hazing Act (the “Hazing Act”) was signed into law, and amended the Clery Act to include crime reporting requirements and policy implementation related to hazing. In accordance with the Clery Act and Hazing Act, RSC adopts this Russell Sage College Policy for the Prevention of Campus Hazing (the “Hazing Policy”).

This Hazing Policy addresses the following:

- Current RSC policies relating to hazing;
- How to report incidents of hazing;
- The process used to investigate reported incident of hazing;
- Information on applicable New York State law, and other applicable local laws; and
- An overview of prevention and awareness programs related to hazing, which includes a description of research-informed campus-wide prevention programs.

### **Current Policy on Hazing**

In accordance with requirements under the Clery Act, RSC publishes and distributes a public annual security report (the “ASR”) containing campus security policies and procedures as well as campus crime statistics for the preceding three calendar years. Pursuant to additional requirements under the Hazing Act, RSC will include statistics for hazing incidents that were reported to RSC’s Office of Public Safety or local law enforcement. RSC will also compile and prominently publish on its public website a Campus Hazing Transparency Report (“CHTR”) that summarizes findings concerning any student organization found to be in violation of the institution’s standards of conduct related to hazing. The CHTR will include: (1) the name of the student organization; (2) a general description of the violation that resulted in a finding of responsibility; and (3) related dates (the date of the alleged incident, the date an investigation was initiated, the date the investigation concluded with a finding, and the date the institution provided notice to the organization of the finding).

*NOTE: In certain circumstances, allegations of hazing may be appropriately addressed by additional RSC policies. If a complaint of hazing is made that alleges conduct that could constitute Title IX Sexual Harassment as defined under the Title IX Grievance Procedure, the Title IX Grievance Procedure will apply, and this Hazing Policy **DOES NOT** apply. However, if a Title IX Complaint is dismissed, RSC may still choose to investigate the allegations of hazing under this policy, if RSC determines that the alleged conduct may potentially violate this policy.*

## **What is Hazing?**

**“Hazing”** refers to any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate that: (i) was committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and (ii) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as physical preparation necessary for participation in an athletic team), of physical or psychological injury.

Examples of hazing may include:

- Whipping, beating, striking, electronic shocking, placing of a harmful substance on someone’s body, or similar activity;
- Causing, coercing, or otherwise including sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- Causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- Causing, coercing, or otherwise inducing another person to perform sexual acts;
- Any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- An activity against another person that includes criminal violation of local, State, Tribal, or Federal law; and
- Any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

The term **“student organization”** means an organization at RSC (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at RSC, whether or not the organization is established or recognized by RSC.

### Where can hazing occur?

RSC reserves the right to hold all students responsible for violations of the Hazing Policy, as well as the Student Code of Accountability whether the incident occurs on or off RSC premises, including study abroad locations. Typically, the same process will be followed for on campus or off-campus violations. Evidence confiscated during a campus investigation will be retained by the Office of Public Safety until the conclusion of the student accountability process.

### Reporting Hazing

RSC encourages all students and members of the RSC community to report conduct or incidents of hazing.

1. External Reporting Options:

a. Local law enforcement, such as the Albany Police Department or the Troy Police Department, and/or the New York State Police.

- Albany Police Department
  - Address: 165 Henry Johnson Blvd., Albany NY 12210
  - Emergencies: 9-1-1
  - Non-Emergencies: (518)438-4000
  - Website: <http://www.albanyny.org/Government/Departments/PoliceDepartment.aspx>
- Troy Police Department
  - Address: Central Station, 55 State Street, Troy NY 12180
  - Emergencies: 9-1-1
  - Non-Emergencies: (518)270-4411
  - Website: <http://www.troypd.org/Departments/PoliceDepartment/Home.aspx>
- New York State Police, Troop G
  - General Address: 760 Troy Schenectady Road, Latham, NY 12110
  - General Phone: (518) 783-3211
  - Zone 1 – Troy Address: 295 Brickchurch Road, Troy, NY 12180
  - Zone 1 – Troy Phone: (518) 279-4426
  - Zone 4 – Albany Address: Concourse, Empire State Plaza, Albany, NY 12242
  - Zone 4 – Albany Phone: (518) 474-5331

b. National Anti-Hazing Hotline

888-NOT-HAZE or 888-668-4293

2. Internal Reporting Options:

a. RSC's Office of Public Safety and/or the University Heights Association.

- Main Address: The Armory at Sage, 130 New Scotland Avenue, Albany, NY 12208
- Satellite Office: John Paine Building, 1st Floor, Troy, NY 12180
- Emergencies: 518-244-3177 Non-Emergencies: 518-244-3177
- Website: <https://www.sage.edu/about/offices-centers/public-safety/>

b. The Office of Student Accountability, Chief Accountability Officer

- Grace Giancola
- 518-244-2008
- [studentaccountability@sage.edu](mailto:studentaccountability@sage.edu)
- [nohazing@sage.edu](mailto:nohazing@sage.edu)

Reports may also be directed to the Title IX Coordinator, Vice President for Student Life, Athletic Director, coaches, advisors, Deans or other College officials who have responsibilities for student organizations. Employees receiving such reports must share them with RSC's Office of Public Safety, which is responsible for determining whether the alleged behavior must be reported to law enforcement authorities.

Reports may be anonymous. A confidential report of hazing can be submitted online at: [Online Reporting Form](#)

If you believe you have been subjected to hazing, you may file a complaint under this policy or through the Student Code of Accountability to RSC's Student Conduct Administrator. Information on hazing can be found in the RSC Student Code of Accountability at Sections IX and X, available here:

<https://www.sage.edu/wp-content/uploads/2025/02/RSC-Code-of-Accountability-20242025.pdf>

General information on student conduct and the Student Code of Accountability can be found here: <https://www.sage.edu/student-life/office/code-of-accountability/file-a-report/>

Reports of hazing may be made verbally or in writing.

**If you are reporting an emergency, please call Public Safety Immediately at 518-244-3177.**

### Investigating Allegations of Hazing

RSC will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever RSC receives a complaint or other notice of alleged acts of hazing. An investigation of any complaint, information, report, or knowledge of suspected hazing will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

RSC faculty members, other employees, and students may be required to cooperate in an investigation of suspected hazing under this Policy as needed. Failure of an RSC faculty member or other employee to cooperate with an investigation under this Policy may lead to disciplinary action, up to and including termination or dismissal from RSC. RSC faculty members, other employees, and students who participate in an investigation will not be retaliated against. RSC will take disciplinary action against anyone engaging in retaliation against employees or students who file complaints, support another's complaint, or participate in harassment investigations.

1. Intake with RSC's Student Conduct Administrator or Designee
  - When RSC becomes aware that hazing has occurred, the complaint will be referred to the Student Conduct Administrator or designee, as well as the RSC Office of Public Safety.
  - The Student Conduct Administrator or designee will contact the complainant, if known, and offer the complainant an opportunity to meet with the Student Conduct Administrator to discuss the complaint.
  - The Student Conduct Administrator or designee may issue a temporary order limiting the organization's activities while the investigation is conducted.
  - The Student Conduct Administrator will then make an initial assessment regarding the validity of the complaint and information received about the incident.
  - If the Student Conduct Administrator finds there is insufficient evidence or information to initiate an investigation, the concern will be dismissed.
  - *If the alleged conduct may constitute sexual harassment under Title IX, the Title*

*IX Coordinator will make an initial assessment regarding the alleged conduct and determine whether such conduct falls under the Title IX Grievance Procedure. If the alleged conduct may constitute sexual harassment under Title IX, the Title IX Coordinator will inform the complainant of their right to file a Formal Complaint under the Title IX Grievance Procedure. If a Title IX Formal Complaint is filed, the Title IX Grievance Procedure will apply, and this Hazing Policy procedure DOES NOT apply. However, if the Formal Title IX Complaint is dismissed, RSC may still choose to investigate the alleged hazing under this Policy, if RSC determines that the alleged hazing may potentially violate this Policy.*

## **2. Investigation Process**

- The Student Conduct Administrator will discuss the allegations with the complainant and the accused, in separate meetings, and provide the complainant and the accused with equal opportunities to identify witnesses and present evidence supporting their respective positions.
- A notice of interview will be sent to the impacted parties/witnesses/victims.
- The Student Conduct Administrator or designee will interview all impacted parties, and request, review, and preserve all relevant evidence, including but not limited to documents, e-mails, electronic communications, social media posts, and phone records.
- Following the interview of impacted parties, the Student Conduct Administrator or designee will determine if the organization has violated the Student Government Constitution.
- The Student Conduct Administrator or designee will also determine if there is enough information to charge the individual student with a violation of the RSC Student Code of Accountability.

## **3. Investigation Reports and Findings**

- Create a written report of the investigation which contains the following:
  - i. A list of documents reviewed, along with a detailed summary of relevant documents;
  - ii. A list of names of those interviewed, along with a detailed summary of their statements;
  - iii. A timeline of events;
  - iv. A summary of prior relevant incidents, reported or unreported;
  - v. A preponderance of the evidence determination for each allegation of hazing; and
  - vi. The basis for the decision and final resolution of the complaint, together with any corrective actions.
- The Student Conduct Administrator or designee will provide the accused students and/or organization with written notice of the outcome of the investigation, with all relevant findings.

## **4. Sanctions**

- In cases where organizations have been involved in conduct that is found to amount to “hazing” under this policy, sanctions may include a loss of privileges, temporary suspension of registration, or termination of registration for that organization.
- In cases of individual violators, appropriate student conduct action may be imposed as outlined in the RSC Student Code of Accountability, which may

- include suspension, expulsion, or other restrictions from full participation in the RSC community.
- Additional details regarding Student Conduct Charges and related actions can be found in the Student Code of Accountability, available at

<https://www.sage.edu/wpcontent/uploads/2025/02/RSC-Code-of-Accountability-2024-2025.pdf>

## **New York State Law**

Hazing is also prohibited by the criminal laws of New York State. RSC may refer the matter for criminal prosecution depending on the nature and extent of the hazing.

New York State Penal Law addresses hazing as follows:

**§120.16 Hazing in the First Degree.** A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct, including but not limited to, making physical contact with or requiring physical activity of such other person, which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury. Hazing in the first degree is a class A misdemeanor.

**§120.17 Hazing in the Second Degree.** A person is guilty of hazing in the second degree when, in the course of another person's initiation or affiliation with any organization, he intentionally or recklessly engages in conduct, including but not limited to, making physical contact with or requiring physical activity of such other person, which creates a substantial risk of physical injury to such other person or third person. Hazing in the second degree is a violation.

Individuals and student organizations may also be liable under civil law in the State of New York for the mental and physical harm that results from hazing.

## **RSC's Commitment to Education and Prevention of Hazing**

Russell Sage College is deeply committed to a student experience that is inclusive, respectful and safe. As such, hazing in any form is prohibited and will not be tolerated. Prevention of hazing is the responsibility of every member of the College community. All students are trained on how to identify and combat hazing and are strongly encouraged to report any incidents of hazing. Students who are part of an athletic team receive additional training before they can compete.

Russell Sage College is a member of the Campus Prevention Network and has been awarded the Seal of Prevention in 2024 and 2025. We have been recognized as an institution of higher education that has taken action to create a safer, more inclusive campus through evidence-based digital prevention education on issues such as sexual assault, alcohol misuse, mental health, relationship abuse, harassment, and discrimination.

Policy revised: June 2025

# **POLICY PROHIBITING SEXUAL OFFENSES UNDER TITLE IX and ARTICLE 129-B**

Adopted August 1, 2026

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## **I. INTRODUCTION**

### **A. Statement Of Nondiscrimination**

In compliance with applicable federal, state and local laws, including Title IX of the Education Amendments of 1972 ("Title IX"), New York Education Law Article 129-B ("129-B"), and the New York State Human Rights Law (the "HRL"), Russell Sage College ("RSC" or "College") does not discriminate on the basis of race, color, gender, gender characteristics and expression, sex, sexual orientation, age, religion, actual or perceived national origin, citizenship or immigration status, actual or perceived gender identity, familial status, pregnancy, marital status, military or veteran status, physical or mental disability, status as a victim of a sexual assault, relationship violence, and/or stalking, genetic predisposition and carrier status, previous convictions as specified by law, or any other characteristics protected by applicable law (the "Protected Characteristics"), in any aspect of its admissions or financial aid programs, educational programs and related activities, or with respect to employment and advancement in employment. RSC is committed to providing a work and learning environment that is free from discrimination and harassment by anyone based on an individual's Protected Characteristics, or because the individual has engaged in activity protected by federal or state laws prohibiting discrimination.

The protections in this Policy Prohibiting Sexual Offenses Under Title IX and 129-B (the "Policy") apply regardless of the Protected Characteristics of the complainant and respondent.

### **B. Title IX of the Education Amendments of 1972**

The College does not discriminate on the basis of sex in its admissions practices, employment practices, or educational programs. As a recipient of federal financial assistance for education activities, the College is required by Title IX to ensure that all of its education programs and activities do not discriminate on the basis of sex. The College also prohibits retaliation against any person opposing sex discrimination or participating in any sex discrimination investigation or complaint process, whether internal or external to the institution. Sexual harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX and by RSC Policy.

### **C. Article 129-B**

By adopting this Policy, the College is also complying with 129-B, which requires the College to implement a uniform and comprehensive procedure to address sexual assault, domestic violence, dating violence, and stalking. The 129-B requirements go beyond the federal requirements under Title IX. To the extent these obligations differ, the Policy notes these distinctions.

#### **D. Purpose of this Policy**

This Policy identifies and defines conduct prohibited under this Policy and the process that will be used to respond to allegations of Sexual harassment, sexual assault, dating and domestic violence, and stalking (the “Prohibited Conduct,” as defined below).

The College will act on all notices of allegations of Prohibited Conduct or retaliation. It will take necessary measures to end conduct that is in violation of this Policy, prevent its recurrence, and remedy its effect on individuals and the community.

Situations involving other conduct that may be in violation of other RSC student or employee conduct policies should be reported to the Office of Student Accountability at [studentaccountability@sage.edu](mailto:studentaccountability@sage.edu) for matters involving students, or the Office of Human Resources at [hr@sage.edu](mailto:hr@sage.edu), or the Office of the Provost for matters involving faculty or staff. Situations involving other conduct relating to nonaffiliates should be reported to the Office of Public Safety.

#### **E. Who is Covered by This Policy**

This Policy applies to the entire RSC community, including, but not limited to, students, student organizations, faculty, administrators, and staff, whether on or off campus, and third parties such as guests, visitors, volunteers, invitees, and alumni when they are on campus or participating in RSC-sponsored activities. Members of the College community are expected to provide truthful information in any report, meeting, or proceeding under this Policy.

Any respondent who is not an RSC student, faculty member, or staff member is generally considered a third party. RSC’s ability to take appropriate corrective action against a third party may be limited and will depend on the nature of the third party’s relationship, if any, to the College. When appropriate, the Title IX Coordinator will refer such allegations against third-party respondents to the appropriate office. The status of a party may impact which resources and remedies are available to them, as described in this Policy.

#### **F. What is Prohibited by This Policy**

This Policy prohibits Title IX Sexual Harassment, as defined below. This Policy also prohibits 129-B Sexual Offenses, as defined in Appendix B, even if they do not meet the strict definitions under Title IX. As noted above, at times, these acts shall also be collectively referred to as “Prohibited Conduct” under this Policy.

The College has adopted two distinct procedures for Title IX Sexual Harassment and 129-B Sexual Offenses. Incidents of Title IX Sexual Harassment are addressed under the College’s Title IX Procedure (the “Title IX Procedure”), attached hereto as **Appendix A**. Incidents of 129-B Sexual Offenses are handled under the College’s 129-B Sexual Offense Procedure (the “129-B Procedure”), attached hereto as **Appendix B**.

The Title IX Procedure **ONLY** applies when an individual files a Formal Complaint (as defined in Appendix A), alleging conduct that:

- Meets the definition of “Title IX Sexual Harassment” in Appendix A;
- Involves a complainant who is currently participating in, or attempting to participate in, the education programs or activities of RSC;
- Occurred after August 14, 2020;
- Occurred within the United States; and
- Occurred within RSC’s “education program or activity,” as defined in Appendix A.

Conduct that does not occur within RSC’s “education program or activity” under Title IX may still be prohibited under 129-B and this Policy, if RSC determines that the off-campus conduct affects a substantial RSC interest, including access to the educational program or activity, safety and security, compliance with applicable law, and meeting its educational mission, and the conduct is subject to RSC’s disciplinary authority under RSC’s Student Code of Accountability.

## **II. KEY DEFINITIONS**

### **A. Advisor**

Each party has the right to choose and consult with an advisor of their choice at their own expense. The advisor may be any person, including a friend, family member, therapist, union representative, or an attorney. RSC will not limit the choice of advisor. Parties in this process may be accompanied by an advisor of choice to any meeting or proceeding to which they are required or are eligible to attend.

Except where explicitly stated by this Policy, advisors shall not participate directly in the process. RSC will provide the parties with equal access to advisors; any restrictions on advisor participation will be applied equally.

The advisor may not represent, advocate, or speak on behalf of a complainant or respondent. An advisor may not disrupt or impede any resolution proceeding.

### **B. Complainant**

Any individual who has reported being or is alleged to be impacted by Prohibited Conduct as defined by this Policy, and who was participating in an RSC program or activity at the time of the alleged misconduct.

### **C. Confidential Resources**

Any individual identified by the College who receives information about conduct

prohibited under this Policy in their confidential capacity and who is privileged under state law will not report prohibited conduct disclosed to them without written consent. Designation as a confidential resource under this Policy only exempts such individuals from disclosure to the Title IX Coordinator. It does not affect other mandatory reporting obligations under state child abuse reporting laws, the Clery Act as a campus security authority, or other laws that require reporting to campus or local law enforcement.

#### **D. Days**

Any reference to days refers to business days when the College is in normal operation.

#### **E. Disclosure or Report**

A disclosure or report may be made by anyone, whether they learned about conduct potentially constituting sex discrimination under this Policy, or whether they personally experienced such conduct. A person making a disclosure or report may or may not be seeking to initiate an investigation.

#### **F. No-Contact Directive**

A No Contact Directive is a document issued by an RSC administrator that is designed to limit or prohibit contact or communications between the parties. A No-Contact Directive must be mutual, with the exception that a No-Contact Directive issued as either a sanction or remedy may be unilateral, directing that the respondent does not contact the complainant.

#### **G. Notice**

All notices under this Policy are written and sent to the student or employee's assigned RSC email address or delivered via Certified Mail to the local or permanent address(es) of the parties as indicated in official RSC records or personally delivered to the intended recipient.

#### **H. Party/Parties**

Refers to complainant(s), respondent(s), or both/all complainant(s) and respondent(s).

#### **I. Prohibited Conduct**

A term used in this Policy that includes both Title IX Sexual Harassment and 129-B Sexual Offenses.

#### **J. Remedies**

Remedies mean measures provided, as appropriate, to a complainant or any other person the College identifies as having had their equal access to the College's education program or activity limited or denied by sex discrimination or other prohibited conduct covered by this Policy. These measures are provided to restore or preserve

that person's access to the education program or activity after RSC determines that sex discrimination occurred. Only the complainant will be informed of any remedies pertaining to them. Some examples are academic support and/or opportunity to retake a class or resubmit work or time extensions on course or degree completion, or non-academic support such as counseling, or changes to work assignments or locations. The Title IX Coordinator is responsible for implementation of remedies.

#### **K. Respondent**

An individual, or group of individuals such as a student organization, who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct under this Policy; or retaliation for engaging in a protected activity.

#### **L. Sanctions**

One or more of the sanctions or disciplinary steps listed here may be imposed on a respondent who is found responsible for a violation of RSC's policies. Sanctions or disciplinary steps not listed here may be imposed in consultation with the Title IX Coordinator.

The form of sanction or discipline used will depend on the nature of the offense, as well as any prior disciplinary history. Such discipline or sanction will be imposed pursuant to and in accordance with any and all applicable RSC rules, policies, and procedures. Factors considered when determining a sanction/ responsive action may include:

- The nature, severity of, and circumstances surrounding the violation.
- An individual's disciplinary history.
- Previous resolutions or allegations involving similar conduct.
- The need for sanctions/responsive actions to bring an end to the sex discrimination or retaliation.
- The need for sanctions/responsive actions to prevent the future recurrence of sex discrimination or retaliation.
- The need to remedy the effects of the sex discrimination or retaliation on the victim and the campus community.

Student sanctions imposed are implemented when the decision is final (after an appeal, or, if there was no appeal, after the appeals period expires).

Faculty found responsible for violating this Policy may be referred to the appropriate academic official for any other applicable processes.

Possible sanctions and disciplinary steps for student respondents include, but are not limited to the following:

- Warning
- Disciplinary probation
- Loss of privileges
- Fines
- Restitution
- Sanctions
- Parental/guardian notification
- Residence hall suspension
- Residence hall expulsion
- Short-term college suspension
- Long-term college suspension
- Administrative suspension
- Expulsion
- Revocation of degree
- Withholding degree
- Prohibition of professional practice
- Mandatory assessment/counseling.

Possible sanctions and disciplinary steps for staff and faculty respondents include, but are not limited to:

- Verbal warning
- Written reprimand
- Mandatory training session(s)
- No contact order
- Suspension without pay
- Termination and/or termination with the issuance of a persona non grata letter

#### **M. Student**

Any person who has (or will have) attained student status by way of:

- a. Admission, housing or other service that requires student status.
- a. Registration for one or more credit hours.
- a. Enrollment in any non-credit, certificate or other program offered by the College.

## **N. Retaliation**

Retaliation means intimidation, threats, coercion, or discrimination against any person by the College, a student, or an employee or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX, Article 129-B, or this Policy, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding under this Policy.

The prohibition against retaliation applies to any individuals who participate (or refuse to participate) in any manner in an investigation and to any student who refuses to participate in an investigation or proceeding.

Retaliation may occur even where there is a finding of "not responsible" under this Policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not Retaliation.

## **III. Administration of this Policy**

### **A. Title IX Coordinator of the Office of Title IX**

RSC is committed to promoting a diverse, equitable, and inclusive working and learning environment free from sex discrimination. The Title IX Coordinator is charged with monitoring compliance with Title IX; providing education and training; and coordinating the College's investigation, response, and resolution of all reports of Prohibited Conduct under this Policy. The Title IX Coordinator acts with independence and authority and oversees all resolutions under this Policy free from bias and conflicts of interest. The Title IX Coordinator is available to meet with any Student, Employee, or other individual to discuss this Policy or the accompanying procedures and can be contacted at:

Amanda Bastiani

Title IX Coordinator/EEO Specialist

518-244-4809

[bastia@sage.edu](mailto:bastia@sage.edu) / [titleix@sage.edu](mailto:titleix@sage.edu)

Brian Evers

Director of Human Resources/Deputy Title IX Coordinator

518-244-6857

[eversb@sage.edu](mailto:eversb@sage.edu) / [hr@sage.edu](mailto:hr@sage.edu)

## **B. Delegation of Duties Under This Policy**

Obligations in this Policy assigned to a particular title, such as the Title IX Coordinator, may be designated as appropriate by the College, including to external professionals.

## **C. Conflicts of Interest or Bias**

Any individual carrying out any part of this Policy shall be free from any actual conflict of interest or demonstrated bias that would impact the handling of a matter. Should the Title IX Coordinator have a conflict of interest, the Title IX Coordinator is to immediately notify the President and Director of Human Resources, who will either take or reassign the role of Title IX Coordinator for purposes of carrying out the handling and finalization of the matter at issue. Should any investigator, Decisionmaker, or Appeals Officer have a conflict of interest, the investigator, Decisionmaker, or Appeals Officer is to notify the Title IX Coordinator upon discovery of the conflict so that the Title IX Coordinator may reassign the role as appropriate. This Policy will note where parties have the opportunity to challenge the participation of any individual implementing this Policy based on actual conflict of interest or demonstrated bias.

## **D. Coordination Among Multiple Institutions**

When such conduct involves students or employees from two or more institutions, such institutions may work collaboratively to address the conduct provided that such collaboration complies with the Family Educational Rights and Privacy Act ("FERPA").

## **E. Transfer of Complaints Between Policies**

If a Formal Title IX Complaint is filed that alleges conduct that could constitute Title IX Sexual Harassment as defined in Appendix A, the Title IX Procedure will apply, and the 129-B Procedure in Appendix B DOES NOT apply. However, if the Formal Title IX Complaint is dismissed, RSC may still choose to investigate the allegations under another RSC Policy.

If a Formal Complaint alleges conduct that does not meet the definition of Title IX Sexual Harassment but could constitute a Sexual Offense as defined in Appendix B, the 129-B Procedure will apply. However, if the complaint is dismissed under both the Title IX and 129-B Procedures, RSC may still choose to investigate the allegations under the College's Discrimination and Harassment Policy, or any other applicable RSC policy.

## F. Allegations Potentially Falling Under Two Policies

Where the alleged conduct, if true, includes both conduct that would constitute Title IX Sexual Harassment and conduct that would not constitute Title IX Sexual Harassment but may violate the Code of Accountability, Discrimination and Harassment Policy, the 129-B Procedure (Appendix B), or any other College Policy, the Title IX Procedure in Appendix A will ONLY be applied to the investigation and adjudication of allegations that constitute covered Title IX Sexual Harassment. Further, the following rules will apply:

- All allegations will be investigated by the investigator who is appointed to investigate the Title IX Sexual Harassment allegations. A second trained investigator may also be appointed to assist with the investigation and investigate the allegations that do not constitute Title IX Sexual Harassment.
- Neither the Title IX Coordinator nor the appointed Title IX Investigator will make any determination regarding allegations that meet the definition of Title IX Sexual Harassment.
- In situations where one investigator has been appointed to investigate the alleged conduct, the following procedures will apply:
  - The investigator will begin the investigation under the applicable policies and engage in fact-finding and evidence collection;
  - The investigator will draft an investigation report under each policy, in compliance with the rules applicable under each policy;
  - The investigator will make a finding of responsibility and determination for allegations that **do not** constitute Title IX Sexual Harassment or fall under this Policy;
- The investigator may make a recommendation, but not a determination, regarding the Title IX Sexual Harassment allegations.
- If, during the investigation, the investigator dismisses the allegations under the Title IX Procedure because they do not constitute Title IX Sexual Harassment, the investigator may make a determination regarding whether it is more likely than not that the alleged conduct still violated the Code of Accountability, Discrimination and Harassment Policy, the 129-B Procedure (Appendix B), or any other non-Title IX Policy.
  - If a determination is made that it is more likely than not that alleged conduct occurred that does not constitute Title IX Sexual Harassment, but violates the Code of Accountability, 129-B Procedure, and/or Discrimination and Harassment Policy, RSC will pursue disciplinary action. Further information regarding internal disciplinary proceedings for students can be found in the Student Code of Accountability. Further

information regarding internal disciplinary proceedings for employees can be found in the Employee Handbook and/or in any applicable collective bargaining agreement with RSC.

#### **IV. RIGHTS OF THE PARTIES**

##### **A. Students' Bill of Rights**

Under this Policy, all RSC students have the right to:

- Make a report (or decline to report) to local law enforcement and/or state police;
- Have disclosures of Sexual Assault, Domestic Violence, Dating Violence, and Stalking and all other forms of Prohibited Conduct treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the complaint resolution process and/or criminal justice process free from pressure by the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the College courteous, fair, and respectful health care and counseling services, where available;
- Be free from any suggestion that the Complainant/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;
- Describe the incident to as few representatives of the College as practicable and not be required to unnecessarily repeat a description of the incident;
- Be protected from retaliation by the College, any student, the Accused, the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the College;
- Access to at least one level of appeal of a determination;
- Be accompanied by an Advisor of choice who may assist and advise a Complainant or a Respondent during any meetings and hearings under the Policy and procedures; and
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or complaint resolution process of the College.

##### **B. Requests for ADA/504 Accommodations**

In both practice and Policy, RSC adheres to the requirements of the Americans with Disabilities Act of 1990, as amended 2008 (ADAAA); Sections 504 and 508 of the

Rehabilitation Act of 1973, as amended; and all other federal and state laws and regulations prohibiting discrimination on the basis of disability. The College is committed to providing individuals with disabilities equal access and opportunity and strives, through its policies and practices, to ensure the full participation of individuals with disabilities in all aspects of RSC life.

Parties may request reasonable accommodations for disabilities to the Title IX Coordinator at any point relating to the implementation of this Policy, including making a disclosure or report, and initiating a resolution procedure. Accommodations will be granted if they are appropriate and do not fundamentally alter the process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the parties, even where the parties may be receiving accommodations in other RSC programs and activities. With the consent of the impacted student or employee, the Title IX Coordinator will work collaboratively with the Director of Accessibility Services and/or the Director of Human Resources.

Students with questions or concerns regarding reasonable accommodation of individuals with disabilities should be directed to:

Danielle Barbaro

RSC Section 504 Compliance Officer,

Director of Accessibility Services,

Third Floor of the Albany Library and Shea Learning Center (Troy Library, room B07),

RSC 518-292-8624 (Albany), 518-244-2208 (Troy).

Employees with questions or concerns regarding reasonable accommodation of individuals with disabilities should contact:

Brian Evers,

Director of Human Resources,

65 First Street,

Troy, Cowee Hall 2nd Floor

[eversb@sage.edu](mailto:eversb@sage.edu)

518-244-6857

### **C. Policy for Alcohol and/or Drug Use Amnesty**

A student making a report to the Title IX Coordinator may be eligible for Amnesty for drug or alcohol related violations of the Student Code of Accountability that occurred on or around the same time as the incident, or that was in connection with the incident.

The health and safety of every student at the College is of the utmost importance. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at a 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. The College strongly encourages students to report Prohibited Conduct to RSC officials. A bystander or complainant acting in good faith who discloses any incident of Prohibited Conduct under this Policy to RSC officials or law enforcement will not be subject to discipline for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the Prohibited Conduct. This Policy does not provide amnesty for drug dealers or those who use drugs or alcohol as a weapon or to facilitate Prohibited Conduct. Under this Amnesty provision, personal drug use and possession, whether it is intentional or accidental, will not form the basis of student disciplinary charges. A bystander is someone 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.

#### **D. Privacy and Confidentiality**

The College values the privacy of its students, employees, and other community members. Community members should be able to seek the assistance they need and access this Policy without fear that the information they provide will be shared more broadly.

References made to privacy mean RSC offices and employees who cannot guarantee confidentiality, but will maintain privacy to the greatest extent possible, relaying information as necessary to investigate or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. The College will limit the disclosure as much as practicable.

All activities under these procedures shall be conducted with the privacy interests of those involved. While RSC will take all reasonable steps to protect the privacy of individuals involved in a complaint, it may be necessary to disclose some information to individuals or offices on campus in order to address a complaint or provide for the physical safety of an individual or the campus. Thus, RSC cannot, and does not, guarantee that all information related to complaints will be kept confidential.

In order to maintain the privacy of evidence gathered as part of any resolution process, access to materials under the procedures in this Policy will be provided only by a secure method and parties and advisors are not permitted to make copies of any documents shared or make use of the documents outside of the processes described in this Policy. Parties may request to review a hard copy of materials, and the College will make that available in a supervised or monitored setting. Inappropriately sharing materials provided during this process may constitute retaliation under this Policy.

Individuals may speak confidentially with a Confidential Resource. Confidential Resources (e.g., licensed mental health care providers, physicians, clergy) may not

report to Title IX Coordinator any identifying information about Prohibited Conduct that may violate this Policy without the written consent of the individual who supplied the information, unless required by law. Such disclosures will not be reported to the Title IX Coordinator or initiate any process under this Policy.

The following College employees are confidential and are not required to report information about sex discrimination to the Title IX Coordinator (so long as they are hired for and functioning within the scope of their duties to which the confidentiality applies):

- Wellness and Counseling Centers: Troy 518-244-2261, [troywellnesscenter@sage.edu](mailto:troywellnesscenter@sage.edu); Albany 518-292-1917, [albanywellnesscenter@sage.edu](mailto:albanywellnesscenter@sage.edu)
- Spiritual Center: Darren Gundrum, Protestant Chaplain & Spiritual Advisor, [gundrd@sage.edu](mailto:gundrd@sage.edu)

*State law requires professional counselors to report: (i) when a patient is likely to engage in conduct that would result in serious harm to the patient or others; (ii) if there is reasonable cause to suspect that a minor has been sexually abused. These reports must be made to applicable county mental health officials or the director of community services, pursuant to New York Mental Hygiene Law § 9.46.*

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

## **E. Supportive Measures**

Complainants and respondents have the right to receive supportive measures from RSC regardless of whether a Formal Complaint is filed. Supportive measures are non-disciplinary and non-punitive.

Supportive measures may include, but are not limited to:

- counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- restrictions on contact between the parties (no contact orders)
- leaves of absence

- increased security and monitoring of certain areas of the campus
- room changes
- other support measures deemed fit for the situation

RSC will maintain the confidentiality of any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair RSC's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Upon request, RSC will provide both the accused or respondent and the reporting individual a prompt review, reasonable under the circumstances, of the need for and terms of any supportive measures related to Prohibited Conduct that directly affects them, in which he or she is allowed to submit evidence in support of his or her request. In the event that supportive measures granted to or against one party impacts another party, both the directly impacted party and the secondarily impacted party may request a review of the terms or totality of the supportive measure by RSC and may submit information as to the reasoning for requesting a change.

Requests to review supportive measures related to Prohibited Conduct should be submitted to: Trish Cellemme, Vice President for Student Life at [cellep@sage.edu](mailto:cellep@sage.edu) (for students), or Brian Evers, Director of Human Resources, at [eversb@sage.edu](mailto:eversb@sage.edu), or (518) 244-2391 (for employees). If a request for review is received from one party, the other party will be notified of the request for review. The Vice President for Student Life or Director of Human Resources will issue a determination in response to the request and notify both parties of the determination.

## **F. Protective Orders and No Contact Orders**

### **1. Orders of Protection**

Victims may have a right to obtain a court order to protect themselves from the perpetrators. RSC will enforce all applicable no contact orders, restraining orders, and similar lawful orders issued by a criminal, civil, or tribunal court, to the extent required by law.

An order of protection is issued by the court to limit the behavior of someone who harms or threatens to harm another person. It is used to address various types of safety issues, including, but not limited to situations involving domestic violence. Family Courts, criminal courts, and Supreme Courts can all issue orders of protection. An order of protection may direct the offending person not to injure, threaten or harass you, your family, or any other person(s) listed in the order.

A Family Court order of protection is issued as part of a civil proceeding. Its purpose is to stop violence within a family, or within an intimate relationship, and provide protection for those individuals affected. All Family Court proceedings are confidential. To obtain an order of protection in the Family Court, your relationship to the other person must

fall into one of the following categories: (1) current or former spouse, (2) someone with whom you have a child in common, (3) a family member to whom you are related by blood or marriage, or (4) someone with whom you have or have had an “intimate relationship.” An intimate relationship does not have to be a sexual relationship. A relationship may be considered intimate depending on factors such as how often you see each other, or how long you have known each other. After a petition is filed, the court will decide if it is an intimate relationship.

To start a proceeding in Family Court, you need to file a form called a Family Offense petition. You can contact the Family Court in your county for help completing and filing the petition. Contact information for the Family Courts in Albany and Troy are as follows:

- Albany County Family Court

Address: 30 Clinton Avenue, Albany, NY 12207

Phone: 518-285-8600

Fax: 518-238-4344

- Rensselaer County Family Court

Address: 1504 Fifth Ave, Troy, N.Y. 12180

Phone: 518-453-5515

Fax: 518-285-8500

You may also wish to speak with an attorney or domestic violence advocate before filing.

A criminal court order of protection is issued as a condition of a defendant’s release and/or bail in a criminal case. A criminal court order of protection may only be issued against a person who has been charged with a crime.

RSC will provide reporting individuals assistance from Public Safety, RSC security forces, or other appropriate officials in obtaining an order of protection. The following individuals can be contacted for assistance in obtaining or understanding an Order of Protection:

- Robert A. Sears

Director of Public Safety

518-292-1723 office

518-542-1490 cell

[bsears@universityheights@sage.edu](mailto:bsears@universityheights@sage.edu)

- The Legal Project

24 Aviation Road, Suite 101

Albany, NY 12205

(518) 435-1770 (phone)

(518) 435-1773 (Fax)

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

RSC will provide the accused or respondent and the reporting individual a copy of any order of protection or equivalent that RSC receives. RSC will also provide the accused or respondent and the reporting individual an opportunity to meet or speak with a representative of RSC, or other appropriate individual, 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 or persons. RSC will provide the accused or respondent and the reporting individual an explanation of the consequences of violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension. RSC will also call on and assist local law enforcement in effecting an arrest when an individual violates an order of protection.

## 2. No Contact Orders

A "no contact order" may be used by RSC as an interim or supportive measure to protect students following a report of Prohibited Conduct. This "no contact order" is an RSC document that does not have the legal effect of an order of protection, which is obtained through a court.

Under the no contact order: (1) the complainant and/or respondent's continued intentional contact with one another may be a violation of RSC's Policy that is subject to additional conduct charges; and (2) if the complainant and respondent observe each other in a public place, it is the responsibility of the party that arrived second to leave the area immediately and without directly contacting the other individual. This may include establishing a schedule of attendance for the accused or respondent to access certain locations at RSC, such as academic buildings, libraries, athletics or fitness facilities, and dining halls.

Upon request, both the complainant and respondent are entitled to a prompt review, reasonable under the circumstances, of the need for and terms of the mandatory no contact order, including potential modification, in which they are allowed to submit evidence in support of their requests. Requests to review a mandatory no contact order should be submitted to: Trish Cellemme, Vice President for Student Life at [cellep@sage.edu](mailto:cellep@sage.edu). If a request for review is received from one party, the other party will be notified of the request for review. The Vice President for Student Life will issue a

determination in response to the request and notify both parties of the determination.

To make a request to impose a RSC “no contact order,” you can contact: Amanda M. Bastiani, Title IX Coordinator/EEO Specialist, [bastia@sage.edu](mailto:bastia@sage.edu) or [titleix@sage.edu](mailto:titleix@sage.edu), (518) 244-4809.

### **G. Emergency Removal of Student Respondents**

RSC retains the authority to remove a respondent from RSC’s program or activity on an emergency basis, where RSC (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the alleged Prohibited Conduct justifies a removal.

If RSC determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. RSC will provide both the accused or respondent and the reporting individual a prompt review, reasonable under the circumstances, of the need for and terms of a mandatory interim suspension, including potential modification, in which they are allowed to submit evidence in support of their request. Requests to review a mandatory interim suspension should be submitted to Trish Cellemme, Vice President for Student Life at [cellep@sage.edu](mailto:cellep@sage.edu). If a request for review is received from one party, the other party will be notified of the request for review. The Vice President for Student Life will issue a determination in response to the request, and notify both parties of the determination.

### **H. Administrative Leave for Employee Respondents**

RSC retains the authority to place a non-student employee respondent on administrative leave during the Title IX and/or 129-B Procedures, consistent with the employee handbook, applicable collective bargaining agreement, and code of accountability.

### **I. Emergency Access to Information & Resources**

At any time, one of the following resources trained in interviewing victims of sexual assault will be available to provide information about options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney. These individuals will also explain whether they are authorized to offer the reporting individual confidentiality or privacy, and shall inform the reporting individual of other reporting options:

Title IX Coordinator/EEO Specialist,

Amanda Bastiani,

518-244-4809,

bastia@[sage.edu](mailto:sage.edu) / titleix@[sage.edu](mailto:sage.edu),

(Albany) Kahl Campus Center, room 202;

(Troy) Cowee Hall, room 207

*The Title IX Coordinator will generally be available for emergency access on weekdays during normal business hours. When the Title IX Coordinator is not available, emergency access to a Designee will be available at the following: Public Safety (518) 244-3177.*

## **V. RSC REPORTING OBLIGATIONS**

### **A. Employee Reporting Obligations**

RSC believes it is important to be proactive in taking reasonable steps to identify and prevent incidents of Prohibited Conduct. All employees, with limited exceptions as identified by RSC, are required to promptly provide to the Title IX Coordinator all complaints or reports of Prohibited Conduct that involve members of the RSC community to the Title IX Coordinator and share all information reported or made available to the employee. Please visit the following for more information:

<https://www.sage.edu/student-life/cultural-enrichment-diversity/title-ix/faculty-staff-resources-sexual-assault-prevention-response/>.

Non-confidential employees who fail to report and/or delay in reporting Prohibited Conduct may be subject to discipline.

When providing this information to the Title IX Coordinator, the employee must include their own name and contact information, and all known details about an incident, which may include, if known, the dates, times, locations, names of involved individuals and the nature of the incident.

Aside from this reporting obligation, employees will, to the fullest extent possible, maintain the privacy of an individual's information, consistent with [FERPA](#).

RSC also encourages employees who themselves experience Prohibited Conduct to bring their concerns to the Title IX Coordinator and/or the Director of Human Resources/Deputy Title IX Coordinator, though they are not required to do so.

Researchers conducting an IRB-approved human subjects research study designed to gather information about Prohibited Conduct are not required to report to the Title IX Coordinator disclosures made in the course of that study to the Title IX Coordinator.

In addition, certain employees of RSC are considered by law to be mandatory reporters of child abuse, or abuse of persons with disabilities. These RSC employees are required

by law to report incidents of child abuse to the New York State Central Register of Child Abuse and Maltreatment (SCR), and incidents of abuse of persons with disabilities to the Vulnerable Persons' Central Register (VPCR). A fuller description of the mandatory child abuse reporting obligation and those covered by that obligation can be found at: Article 6 of New York's Social Services Law, and <https://ocfs.ny.gov/publications/Pub1159/OCFS-Pub1159.pdf>. A fuller description of the mandatory reporting requirements for suspected abuse of persons with disabilities can be found in Article 9 of New York's Social Services Law, and [https://www.justicecenter.ny.gov/system/files/documents/2019/11/reporting-requirements-for-human-services-professionals\\_v2\\_0.pdf](https://www.justicecenter.ny.gov/system/files/documents/2019/11/reporting-requirements-for-human-services-professionals_v2_0.pdf).

The College is also required to report certain information related to sexual assaults to state and federal agencies.

### **B. Crime and Incident Disclosure Obligations**

The Clery Act is a federal crime and incident disclosure law. It requires, among other things, that the College report the number of incidents of certain crimes, including some of the Prohibited Conduct in this Policy, that occur in particular campus-related locations. The Clery Act also requires the College to issue a warning to the community in certain circumstances.

In the statistical disclosures and warnings to the community, the College will ensure that a complainant's name and other identifying information is not disclosed. The Title IX Coordinator will refer information to Public Safety when appropriate for a determination about Clery-related actions, such as disclosing crime statistics or sending campus notifications.

For more information regarding RSC's campus crime statistics, available in the Annual Security & Fire Safety reports for the Troy and Albany campuses, please visit the following: <https://www.sage.edu/about/offices-centers/public-safety/>.

### **C. Public Awareness Events**

As part of RSC's public awareness campaign, RSC may from time to time schedule primary prevention, public awareness, and advocacy programs for students and employees, which include the following but are not limited to:

- Self-Defense and Personal Safety Training
- Title IX training - including training on roles as mandated reporters
- Mentors in Violence Prevention Training
- Training on how to appropriately respond to victims of sexual assault, dating violence, domestic violence, and stalking
- Active Bystander training

- Healthy Relationship trainings
- Take Back the Night
- One Love Workshops

Information regarding these programs can be found on RSC's website, at <http://www.sage.edu/titleix/>.

Employees are required to report to the Title IX Coordinator information about Prohibited Conduct they learn about at public awareness events. The Title IX Coordinator is not obligated to respond directly to any identified complainant in a report of Prohibited Conduct disclosed at a public awareness event that takes place on-campus or in a school-sponsored online platform unless there is an imminent and serious threat to someone's health or safety, and as such, no outreach to an identified complainant by the Title IX Coordinator is required. In all cases, the College must use the information to inform its efforts to prevent Prohibited Conduct, including by providing tailored training to address alleged Prohibited Conduct in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of Prohibited Conduct.

## **VI. REPORTING OPTIONS**

### **A. Report the Incident**

RSC encourages, but does not require, victims, survivors, complainants, claimants, and witnesses with victim status of Prohibited Conduct (reporting individuals) to report the incident to one or more of the following resources:

1. First, you may (but are not required to) report Prohibited Conduct to local law enforcement (such as the Albany Police Department or the Troy Police Department), and/or the New York State Police for the sole purpose of documentation. You may also (but are not required to) report it to local law enforcement and/or State Police so that they may investigate the matter and identify an offender. You may contact local and state law enforcement as follows:

- Albany Police Department

Address: 165 Henry Johnson Blvd., Albany NY 12210

Emergencies: 9-1-1

Non-Emergencies: (518) 438-4000

Website:

<http://www.albanyny.org/Government/Departments/PoliceDepartment.aspx>

- Troy Police Department

Address: Central Station, 55 State Street, Troy NY 12180

Emergencies: 9-1-1

Non-Emergencies: (518) 270-4411

Website: <http://www.troydpd.org/Departments/PoliceDepartment/Home.aspx>

- New York State Police, Troop G

General Address: 760 Troy Schenectady Road, Latham, NY 12110

General Phone: (518) 783-3211

- Zone 1 – Troy: 295 Brickchurch Road, Troy, NY 12180; (518) 279-4426
- Zone 4 – Albany: Concourse, Empire State Plaza, Albany, NY 12242; (518) 474-5331

If you want or need assistance in notifying the local Police Departments or State Police, you should contact RSC's Office of Public Safety who will assist you in doing so. RSC's Office of Public Safety can be contacted as follows:

- Addresses:
- Main Office: 130 New Scotland Avenue, The Armory at Sage, Albany, NY 12208
- Satellite Office: John Paine Building, 1st Floor, Troy Campus
- Emergencies: (518) 244-3177
- Non-Emergencies:
- (518) 244-3177

If you choose to contact law enforcement, you may have the further option to (but are not required to) pursue the case through the criminal justice system, where you will be assisted by the District Attorney's office, the local or state Police Department and the support and advocacy services of your choice.

2. Second, you may (but are not required to) report the Prohibited Conduct to UHA Public Safety. This may trigger the judicial process of RSC, which may result in the removal of the offender from the campus. It also assists RSC in complying with Federal requirements for reporting Assaults occurring on campus. You may (but are not required to) report Prohibited Conduct anonymously to UHA Public Safety, preserving your privacy and only reporting the particulars of the incident.

2. Third, you may also (but are not required to) report Prohibited Conduct to the Title IX Coordinator or any senior officer of RSC.
- When you first disclose an incident to a representative of RSC, you will be presented with (1) a copy of this Policy, (2) a written explanation of your rights and options, whether the incident occurred on or off-campus, and (3) the following information: “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.”
  - You will have the right to emergency access to the Title IX Coordinator or another appropriate official who has been designated by the Title IX Coordinator to provide emergency assistance (the “Designee”). The Designee may be an official of RSC or an official of an off-campus resource. The Title IX Coordinator or Designee will be available upon the first instance of disclosure by a reporting individual to provide immediate information and assistance regarding (1) options to proceed, including other reporting options; (2) where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible; and (3) the criminal justice process, including that it utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney. The Title IX Coordinator or Designee will also explain whether he or she is authorized to offer you confidentiality or privacy, and will inform you about other reporting options.
  - The Title IX Coordinator will generally be available for emergency access on weekdays during normal business hours, at the following: Amanda M. Bastiani, Title IX Coordinator/EEO Specialist, [bastia@sage.edu](mailto:bastia@sage.edu) or [titleix@sage.edu](mailto:titleix@sage.edu), (518) 244-4809.
  - When the Title IX Coordinator is not available, emergency access to a Designee will be available at the following: Public Safety (518) 244-3177.
  - Be aware that certain RSC officials with significant responsibility for student and employee activities may be required by law to disclose the occurrence of the event. If you make a report to an official who is required by law to disclose the occurrence of the event, but you request confidentiality, the Title IX Coordinator will evaluate the confidentiality request by weighing the request against RSC’s obligation to provide a safe, non-discriminatory environment for all members of its community. If it is determined that the incident must be disclosed, your name will be kept confidential, and you will be offered privacy to the greatest extent possible. If it is determined that the incident must be kept confidential, RSC will still assist with academic, housing, transportation, employment, and other reasonable and available supportive and/or safety measures.

- Even RSC officers 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. Your identity will remain private at all times if you wish to maintain privacy.
  - RSC will make every effort to ensure that you are asked to describe the incident to as few representatives of RSC as possible and are not required to unnecessarily repeat a description of the incident.
  - You have the right to withdraw your report and/or to withdraw from involvement in RSC's investigation of the complaint at any time. If you choose to withdraw, however, RSC may still have obligations to investigate and/or take actions under state or federal law. If RSC continues an investigation or takes action after you withdraw, you have the right to participate as much or as little as you wish.
4. Fourth, in addition to, or in lieu of, reporting Prohibited Conduct to one or more of the above, you may (but are not required to) make a confidential report to any campus mental health counselor, pastoral counselor, social worker, psychologist, nurse-practitioner, or other person with a professional license or who is supervised by such a person. This includes, but is not limited to, professional employees and support staff at the Wellness Center. These employees are exempt from any requirement to further disclose your report to them, unless you want and ask them to do so. These employees can assist in obtaining services for reporting individuals.
  4. In addition, you may confidentially disclose Prohibited Conduct and obtain services from the state or local government.
6. You can also make an anonymous report to a confidential hotline provided by New York state agencies and not-for-profit entities. These hotlines include:
- New York State Domestic and Sexual Violence Hotline: 1-800-942-6906.
  - Equinox Hotline: 518-432-7865.
  - Unity House Hotline: 518-272-2370.
  - The National Domestic Violence Hotline: 1-800-799-7233.
  - The National Sexual Assault Hotline: 1-800-656-4673.
  - Safe Horizon Hotlines: 800-621-4673 (domestic violence), 866-689-4357 (victims of other crimes, 1-212-227-3000 (rape & sexual assault victims).
7. If the accused is an employee of RSC, you can report Prohibited Conduct to RSC's Human Resources Department or request that another employee assist in reporting to the Human Resources Department.

RSC encourages the victims of Prohibited Conduct to report the incidents in any of the manners described above. However, again, victims are not required to report the Assault to, or to seek assistance from RSC, law enforcement, or campus authorities. RSC will not pressure any student or employee to disclose a crime or violation, or to participate in the judicial, conduct, or criminal justice processes.

Reporting an incident does not:

- obligate the victim to prosecute;
- subject the victim to inappropriate scrutiny or judgment by the person receiving the report; or
- suggest in any way that the victim is at fault for the crime or violation or should have acted in a different manner to avoid the crime or violation.

Reporting the incident does:

- ensure that a victim receives necessary medical testing and treatment;
- provide the opportunity for the collection of evidence critical to a prosecution, which cannot be obtained later;
- ensure that the victim has knowledge of and access to professional, confidential counseling from counselors specifically trained in the areas of the Prohibited Conduct.

## **B. File a Complaint with RSC**

If you believe you have been subject to Prohibited Conduct, you may file a complaint under one or more of the following policies:

- File a complaint under this Policy under either the Title IX Procedure outlined in Appendix A, or the 129-B Procedure outlined in Appendix B.
- File a complaint under RSC's [Non-Discrimination and Anti-Harassment Policy for Students and Employees](#).

The Title IX Coordinator, and not the individual reporting, shall be responsible for determining which RSC Policy applies.

## **C. Request to File Student Accountability Charges**

If the accused or respondent is a student, you may request that RSC file student accountability charges against the accused or respondent. All students have the right to request that RSC bring student accountability charges against another student. Requests to file charges should be prepared in writing and directed to the Vice President for Student Life. Written requests may be emailed to the Vice President of Student Life

at [cellep@sage.edu](mailto:cellep@sage.edu), or mailed or delivered in person to the Vice President of Student Life at: RSC, 140 New Scotland Ave., Albany, NY 12208.

RSC retains the right to determine whether to file the charges against the accused or respondent. RSC can initiate charges or choose not to initiate them when evidence does or does not merit doing so, in conformity with state and federal law, RSC's Student Code of Accountability, and other RSC policies. Additional details regarding Student Conduct Charges can be found in the Student Code of Accountability, available at: <https://www.sage.edu/student-life/office/code-of-accountability/>.

You should be aware that there are significant differences between RSC's disciplinary system and the criminal justice system, because they have different, important goals. In the criminal justice system, prosecutors pursue cases when they believe there is sufficient evidence to prove, beyond a reasonable doubt, that an individual has committed a criminal act. A person who is convicted of a crime will face criminal penalties, such as incarceration, probation, or the imposition of a fine. RSC's disciplinary process seeks to determine whether an individual has violated college Policy. In this process, a preponderance of the evidence standard of proof is used to determine responsibility. A person who is found to have violated RSC Policy may be suspended, expelled or otherwise restricted from full participation in the RSC community. Additional information regarding these distinctions can be found in the Student Code of Accountability, available at: <https://www.sage.edu/student-life/office/code-of-accountability/>.

#### **D. Initiate Legal Proceedings**

You may have the right to initiate legal proceedings. RSC serves as a resource to students in initiating these proceedings. However, RSC is not required to bring actions on behalf of reporting individuals, provide or pay for attorneys, or provide direct support. Local resources may be able to help you initiate legal proceedings, however. These resources may provide services with or without cost. The resources include the following:

- Pro Bono Appeals Program c/o Rural Law Center of NY

90 State Street, Suite 700

Albany, NY 12207

Business Phone: (518) 561-5460

Website: <http://www.nysba.org/CustomTemplates/Content.aspx?id=180>

- Albany County Bar Association

112 State Street, Suite 1120

Albany, NY 12207

Business Phone: (518) 445-7691

Website: <http://www.albanycountybar.com>

Hotline: (518) 445-7691

- The Legal Project

24 Aviation Road, Suite 101

Albany, NY 12205

(518) 435-1770 (phone)

(518) 435-1773 (Fax)

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

- Unity House Law Project

Christopher A. Amato, Esq.

518-687-1827

[camato@unityhouseny.org](mailto:camato@unityhouseny.org)

## **E. Reporting to Administrative Agencies**

The U.S. Equal Employment Opportunity Commission (EEOC) investigates reports of unlawful harassment and discrimination, including Prohibited Conduct, in employment.

The U.S. Department of Education, Office for Civil Rights (OCR) investigates complaints of unlawful discrimination and harassment of students and employees in education programs or activities.

For more information, contact the nearest office of the EEOC or OCR.

US Department of Education

Office for Civil Rights

Contact information

U.S. Equal Employment Opportunity Commission (EEOC)

<https://www.eeoc.gov/contact-eeoc>

State Offices

New York State Division of Human Rights (DHR)

<https://dhr.ny.gov/complaint>

## **VII. RESPONDING TO A REPORT OF TITLE IX SEXUAL HARASSMENT**

Details regarding the investigation and decision-making procedures applicable to Title IX Sexual Harassment can be found in Appendix A.

## **VIII. RESPONDING TO A REPORT OF ARTICLE 129-B SEXUAL OFFENSES**

Details regarding the investigation and decision-making procedures applicable to Article 129-B Sexual Offenses can be found in Appendix B.

## **IX. RECOMMENDED IMMEDIATE RESPONSES TO A SEXUAL OFFENSE**

If you believe you are the victim of Prohibited Conduct, you should follow the following procedures:

### **A. Get Yourself to a Safe Place**

UHA Public Safety, the Albany Police Department, the Troy Police Department, and/or the New York State Police can help you do this. Officers of those agencies are trained to respond to the needs of a victim of Prohibited Conduct. They can also make you aware of support and advocacy services and advise you about reporting procedures and requirements.

### **B. Obtain Medical Attention**

For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible is important in the case of sexual assault. Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (or “SAFE,” commonly referred to as a rape kit) at a hospital. We encourage you to receive immediate medical attention at a facility that uses SAFE, or Sexual Assault Forensic Examiners. Completing a SAFE will not require you to file a police report, but it will help to preserve evidence in case you decide at a later date to file a police report. Local hospitals, with and without SAFE, include the following:

| <b>Program/<br/>Entity</b> | <b>SAFE<br/>Facility?</b> | <b>Location</b>                           | <b>Contact<br/>Information</b> |
|----------------------------|---------------------------|-------------------------------------------|--------------------------------|
| Samaritan<br>Hospital      | Yes                       | 2215 Burdett Ave.<br>Troy, NY 12180       | P: 518-271-3300                |
| St. Mary's<br>Hospital     | No                        | 1300 Massachusetts Ave.<br>Troy, NY 12180 | P: 518-268-5000                |

|                          |     |                                          |                 |
|--------------------------|-----|------------------------------------------|-----------------|
| Albany Medical Center    | Yes | 43 New Scotland Ave.<br>Albany, NY 12208 | P: 518-262-3125 |
| St. Peter's Hospital     | Yes | 315 S. Manning Blvd.<br>Albany, NY 12208 | P: 518-525-1550 |
| Albany Memorial Hospital | Yes | 600 Northern Blvd. Albany, NY 12204      | P: 518-471-3221 |

While there should be no charge from these hospitals for a rape kit, there may be charges 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.

You may also receive medical services from RSC's Wellness Center. These services are provided at no cost to the reporting individual. The Wellness Center can be located and/or contacted as follows:

|                                                                                                                                                                                                         |                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Kellas Hall, lower level<br><br>First Street<br><br>Troy, New York 12180 <a href="mailto:troywellnesscenter@RSC.edu">troywellnesscenter@RSC.edu</a><br>Phone: (518) 244-2261<br><br>Fax: (518) 244-2262 | Kahl Campus Center, lower level<br><br>140 New Scotland Avenue<br><br>Albany, New York 12208<br><a href="mailto:albanywellnesscenter@RSC.edu">albanywellnesscenter@RSC.edu</a><br><br>Phone: (518) 292-1917<br><br>Fax: (518) 292-1918 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is available at:

| Program/ Address                                                               | Telephone      | Hours                                   | Cost                                                                                                | Notes                                                                                                                                              |
|--------------------------------------------------------------------------------|----------------|-----------------------------------------|-----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Albany County Health Department STD Clinic<br>175 Green St<br>Albany, NY 12202 | (518) 447-4589 | Tue-Thu<br>8:30-10:00 AM<br>(check-in ) | For a fee. Students must be Albany county residents or full-time students living in campus housing. | Patients are seen on a first come first serve basis.<br><br>Clinic hours listed are for check-in. Clinic remains open until all patients are seen. |

|                                                                                    |                    |                      |      |                |
|------------------------------------------------------------------------------------|--------------------|----------------------|------|----------------|
| Rensselaer County<br>Health Dept 1600<br>7th Ave Second<br>Floor Troy, NY<br>12180 | (518) 270-<br>2655 | Wed 2:00-<br>4:30 PM | Free | Walk-in clinic |
|------------------------------------------------------------------------------------|--------------------|----------------------|------|----------------|

Remember that this medical treatment may also provide the opportunity for the collection and documentation of evidence, should you decide to pursue the incident and offender through the legal system. UHA Public Safety, the Albany Police Department, the Troy Police Department, and/or the New York State Police may assist you in this effort as well.

The New York State Office of Victim Services may also 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>.

### **C. Preserve Evidence**

We encourage you to take steps to preserve any and all evidence when Prohibited Conduct occurs, as this evidence may be necessary to prove that Prohibited Conduct took place and/or to obtain a protective order. Be aware that the location of Prohibited Conduct, your clothing, and your person may be considered a “crime scene,” and as such, a source of evidence. The location of the incident should be safeguarded and the victim should avoid washing, douching, using the toilet or changing clothes prior to a medical/legal exam. 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.

### **D. Receive Other Intervention Services**

RSC recommends that reporting individuals seek the assistance of trained professionals in the aftermath of Prohibited Conduct, and will assist reporting individuals to receive this assistance.

RSC’s Wellness Center is a provider of helpful services for reporting individuals, including exit counseling, health, mental health, and other related services. These services are provided at no cost to the reporting individual. The Wellness Center can be located and/or contacted as follows:

|                                                                            |                                                                                |
|----------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| <u>Troy Campus</u>                                                         | <u>Albany Campus</u>                                                           |
| Kellas Hall, lower level                                                   | Kahl Campus Center, lower level                                                |
| First Street                                                               | 140 New Scotland Avenue                                                        |
| Troy, New York 12180                                                       | Albany, New York 12208                                                         |
| <a href="mailto:troywellnesscenter@RSC.edu">troywellnesscenter@RSC.edu</a> | <a href="mailto:albanywellnesscenter@RSC.edu">albanywellnesscenter@RSC.edu</a> |
| Phone: (518) 244-2261                                                      | Phone: (518) 292-1917                                                          |
| Fax: (518) 244-2262                                                        | Fax: (518) 292-1918                                                            |

RSC has also entered into collaborative partnerships with community-based organizations (including rape-crisis centers, domestic violence shelters, and assistance organizations), to refer students for assistance or make services available to students. These helpful service providers in the Albany and Troy Communities, which may be able to provide helpful services (such as counseling, victim advocacy, and visa/immigration assistance), including the following:

| <b>Program/Entity</b>                                         | <b>Contact Information</b>                                                                                                                                                                                             | <b>Cost</b> |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| New York State Office for the Prevention of Domestic Violence | P: (518) 457-5800<br>W: <a href="https://opdv.ny.gov/">https://opdv.ny.gov/</a>                                                                                                                                        | No cost     |
| New York State Coalition Against Sexual Assault               | P: (518) 482-4222<br>W: <a href="http://nyscasa.org/">http://nyscasa.org/</a>                                                                                                                                          | For a fee   |
| The Albany County Crime Victim and Sexual Violence Center     | P: (518) 447-7716 (24hr hotline)<br>W: <a href="https://www.albanycounty.com/departments/crime-victim-and-sexual-violence-center">https://www.albanycounty.com/departments/crime-victim-and-sexual-violence-center</a> | No cost     |
| St. Peter's Crime Victim Services                             | P: (518) 271-3257 (24hr hotline) or<br>(518) 271-3410 (service intake)<br>W: <a href="https://www.sphp.com/services/crime-victim-">https://www.sphp.com/services/crime-victim-</a>                                     | No cost     |

|                     |                                                                                                 |         |
|---------------------|-------------------------------------------------------------------------------------------------|---------|
|                     | <a href="#">services</a>                                                                        |         |
| Unity House of Troy | P: (518) 274-2607<br>W: <a href="http://www.unityhouseny.org/">http://www.unityhouseny.org/</a> | No cost |
| Equinox             | P: (518) 434-6135<br>W: <a href="http://www.equinoxinc.org/">http://www.equinoxinc.org/</a>     | No cost |

A number of resources are also available through the New York State Office of Victim Services (OVS). OVS can be contacted by phone at 1-800-247-8035. OVS resources can also be accessed at the following website: <https://ovs.ny.gov>.

### **E. Privileged & Confidential Resources for Students**

#### On Campus

##### *Wellness Centers:*

Troy

518-244-2261

[troywellnesscenter@sage.edu](mailto:troywellnesscenter@sage.edu)

Albany

518-292-1917

[albanywellnesscenter@sage.edu](mailto:albanywellnesscenter@sage.edu)

##### *Spiritual Center:*

Darren Gundrum,

Protestant Chaplain & Spiritual Advisor

[gundrd@sage.edu](mailto:gundrd@sage.edu)

#### Off Campus

- Albany County Crime Victim and Sexual Violence Center 24-Hour Sexual

Assault Hotline: 518-447-7716.

- St. Peter's Crime Victim Services 24-Hour Crisis Hotline: 518-271-3257.
- New York State Domestic and Sexual Violence Hotline: 1-800-942-6906.
- Equinox Hotline: 518-432-7865.
- Unity House Hotline: 518-272-2370.
- The National Domestic Violence Hotline: 1-800-799-7233.
- The National Sexual Assault Hotline: 1-800-656-4673.
- Safe Horizon Hotlines: 800-621-4673 (domestic violence), 866-689-4357 (victims of other crimes, 1-212-227-3000 (rape & sexual assault victims).

#### Employees Exempt from Reporting, for Students

##### *Wellness Centers:*

Troy 518-244-2261 [troywellnesscenter@sage.edu](mailto:troywellnesscenter@sage.edu)

Albany 518-292-1917 [albanywellnesscenter@sage.edu](mailto:albanywellnesscenter@sage.edu)

##### *Spiritual Center:*

Darren Gundrum,

Protestant Chaplain & Spiritual Advisor

[gundrd@sage.edu](mailto:gundrd@sage.edu)

## **F. Privileged & Confidential Resources for Employees**

Our employee assistance program is available 24 hours a day, 7 days a week and includes counseling benefits, legal assistance (not related to employment or medical concerns), and other wellness benefits. This confidential service can be reached at [www.HigherEDEAP.com](http://www.HigherEDEAP.com) or 800-252-4555.

Employees can also access confidential support services through our external community agencies (listed above), as well as nationally. The Title IX Coordinator and/or Director of Human Resources/Deputy Title IX Coordinator are available for further information and referrals.

## **X. EDUCATION AND TRAINING FOR STUDENTS AND EMPLOYEES**

It is the Policy of RSC to offer multiple methods of educational programming to all

students and employees each year to prevent Prohibited Conduct. RSC has adopted a comprehensive student onboarding and ongoing education campaign to educate members of RSC's community about the Prohibited Conduct, in compliance with applicable federal and state laws.

As part of this campaign, RSC offers training to all first-year and transfer students, whether first-year or transfer, undergraduate, graduate, or professional, during the course of their onboarding, on the topics that include the following, using a method and manner determined by RSC:

1. RSC prohibits sexual and interpersonal violence and will offer resources to any victims and survivors of such violence while taking administrative and conduct action regarding any accused individual within the jurisdiction of the institution;
2. Relevant definitions including, but not limited to, the definitions of sexual assault, domestic violence, dating violence, stalking, confidentiality, privacy, and consent;
3. Policies apply equally to all students regardless of sexual orientation, gender identity, or gender expression;
4. The role of the Title IX Coordinator, university police or campus security, and other relevant offices that address domestic violence, dating violence, stalking, and sexual assault prevention and response;
5. Awareness of violence, its impact on victims and survivors and their friends and family, and its long-term impact;
6. Bystander intervention and the importance of taking action to prevent violence when one can safely do so;
7. Risk assessment and reduction including, but not limited to, steps that potential victims, perpetrators, and bystanders can take to lower the incidence of violations, which may contain information about the dangers of drug and alcohol use, including underage drinking and binge drinking, involuntary consumption of incapacitating drugs and the danger of mislabeled drugs and alcohol, the importance of communication with trusted friends and family whether on campus or off campus, and the availability of institution officials who can answer general or specific questions about risk reduction; and
8. Consequences and sanctions for individuals who commit these crimes and Code of Accountability violations.

RSC requires student leaders and officers of student organizations recognized by or registered with RSC, as well as those seeking recognition by RSC, to complete training on Prohibited Conduct prevention prior to receiving recognition or registration. RSC will require each student-athlete to complete training on Prohibited Conduct prevention prior to participating in intercollegiate athletic competition.

RSC also offers specific training to international students, students who are also employees, leaders and officers of registered or recognized student organizations, and online and distance education students, and members of any high-risk populations, as determined by RSC.

RSC offers general and specific training on each of the following topics to all students and employees:

1. RSC's Policy prohibiting relationship violence, sexual assault, and stalking;
2. the definitions of "dating violence," "domestic violence," "sexual assault," and "stalking" under federal law, New York law, and RSC's policies;
3. the definition of "consent," in reference to sexual activity, under federal law, New York law, and RSC's policies;
4. a description of RSC's educational programs and campaigns to promote the awareness of relationship violence, sexual assault, and stalking;
5. procedures victims should follow if a crime of relationship violence, sexual assault, or stalking has occurred, including information about:
  - a. the importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;
  - a. how and to whom the alleged offense should be reported;
  - a. options about the involvement of law enforcement and campus authorities, including notification of the victim's option to: (i) notify proper law enforcement authorities, including on-campus and local police; (ii) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and (iii) decline to notify such authorities;
6. the rights of victims and RSC's responsibilities for orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by RSC;
7. information about how RSC will protect the confidentiality of victims and other necessary parties, including how it will:
  - a. complete publicly available recordkeeping without including personally identifying information about the victim; and
  - a. maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of RSC to provide the accommodations or protective measures;
8. RSC's Policy of providing written notification to students and employees about

existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within RSC and in the community; and

9. RSC's Policy of providing written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures;

10. RSC's Policy that, when a student or employee reports to RSC that the student or employee has been a victim of relationship violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options;

11. a description of RSC's disciplinary proceedings regarding alleged incidents of Prohibited Conduct, which:

- a. include a prompt, fair, and impartial process from the initial investigation to the final result;
- a. are conducted by officials who, at a minimum, receive annual training on the issues related to Prohibited Conduct and on how to conduct an investigation and hearing process (if applicable) that protects the safety of victims and promotes accountability;
- a. provide the complainant and respondent with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;
- a. do not limit the choice of advisor or presence for either the complainant or respondent in any meeting or institutional disciplinary proceeding; and
- a. require simultaneous notification, in writing, to both the complainant and respondent, of (i) the result of any institutional disciplinary proceeding that arises from an allegation of Prohibited Conduct; (ii) the institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available; (iii) any change to the result; and (iv) when such results become final.

12. information on how to prevent and identify sexual violence;

13. the potential for re-victimization by responders and its effect on students and employees;

14. the impact of trauma on victims;

15. the role alcohol and drugs can play in sexual violence incidents;

16. appropriate methods for responding to a student or employee who may have experienced sexual violence, including the use of nonjudgmental language;
17. reporting obligations, including what should be included in a report, any consequences for failing to report, and how requests for confidentiality should be treated;
18. protections against retaliation; and
19. other information to prevent violence, promote safety and reduce perpetration.

RSC also offers training on bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of Prohibited Conduct. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Additionally, all employees and students are offered information regarding risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

All employees also receive training related to their duties under Title IX promptly upon hiring or change of position that alters their duties under Title IX or this part, and annually thereafter. This training includes: the College's obligation to address Prohibited Conduct in its education program or activity, the scope of conduct that constitutes sex discrimination under Title IX, including the definition of "sex-based harassment," and all applicable notification and information requirements under the Title IX regulations.

All investigators, decisionmakers, and other persons responsible for implementing the College's Title IX Policy and procedures, and all employees who have the authority to modify or terminate supportive measures, are also trained on the College's obligations under the Title IX regulations; the College's Title IX grievance procedures, how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and the meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance. Facilitators of the informal resolution process are also trained on the rules and practices associated with the College's informal resolution process and how to serve impartially, including by avoiding conflicts of interest and bias. In addition to the training requirements above, the Title IX Coordinator and any designees are trained on their specific responsibilities under Title IX, the College's recordkeeping system, and any other training necessary to coordinate the College's compliance with Title IX.

RSC shares information on sexual and interpersonal violence and Prohibited Conduct prevention with parents of students. Information for parents can be found on RSC's website, at <http://www.sage.edu/titleix/>.

RSC regularly assesses programs and policies established pursuant to federal and state law to determine effectiveness and relevance for students and employees.

Any materials used to train Title IX Coordinators and Title IX Procedure investigators, decision-makers, and informal mediators: (1) do not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment; (2) are maintained by RSC for a period of seven years; and (3) are available to the public upon request.

## **XI. ADDITIONAL COLLEGE OBLIGATIONS**

### **A. Policy Review and Revision**

These policies and procedures will be reviewed and updated regularly by the Title IX Coordinator. The Title IX Coordinator will submit modifications to this Policy in a manner consistent with institutional Policy upon determining that changes to law, regulation or best practices require Policy or procedural alterations not reflected in this Policy and procedure. Procedures in effect at the time of its implementation will apply. The Policy definitions in effect at the time of the conduct will apply even if the Policy is changed subsequently, unless the parties consent to be bound by the current Policy.

This Policy may be revised at any time without notice. All revisions supersede prior Policy and are effective immediately upon posting to the College website.

### **B. Memoranda of Understanding**

RSC has entered into memoranda of understanding with providers to:

1. provide sexual assault forensic examination to students; and
2. provide legal assistance to students (including both accused/respondents and reporting individuals).

RSC has also executed memoranda of understanding in partnership with:

1. a local rape crisis center, to further provide victim advocacy and support services to victims of sexual violence; and
2. local law enforcement authorities, regarding the protocols and procedures for referring allegations of sexual violence, relationship violence, and stalking, sharing information and conducting contemporaneous investigations regarding such allegations.

### **C. Climate Surveys**

RSC conducts a biannual anonymous survey of student and employees to examine (1) the prevalence and incidence of Prohibited Conduct, (2) the perceptions of the campus climate, (3) the general awareness and knowledge of students and employees about

the provisions of the New York Enough is Enough law, and (4) student experience with and knowledge of reporting and college adjudicatory processes. Participation in such a climate survey shall be voluntary but is encouraged.

The climate survey was developed using standard and commonly recognized research methods, and includes questions covering the following topics:

1. the Title IX Coordinator's role;
2. campus policies and procedures addressing sexual assault;
3. how and where to report Prohibited Conduct as a victim, survivor or witness;
4. the availability of resources on and off campus, such as counseling, health and academic assistance;
5. the prevalence of victimization and perpetration of Prohibited Conduct on and off campus during a set time period;
6. bystander attitudes and behavior;
7. whether reporting individuals disclosed to the institution and/or law enforcement, experiences with reporting and institution processes, and reasons why they did or did not report;
8. the general awareness of the difference, if any, between the institution's policies and the penal law; and
9. general awareness of the definition of affirmative consent.

RSC will take steps to ensure that answers to climate assessments remain anonymous and that no individual is identified. RSC will publish an executive summary of the climate assessment survey results on RSC website, provided that no personally identifiable information or information which can reasonably lead a reader to identify an individual is shared.

#### **D. Annual Reporting**

Reports of certain crimes occurring in specific geographic locations are included in RSC's annual security report (ASR), in an anonymized manner that identifies neither the specifics of the crime nor the identity of the reporting individual.

RSC is obligated to issue timely warnings of crimes enumerated in the Clery Act occurring within relevant geography that represent a serious or continuing threat to students and employees, except in those circumstances where issuing such a warning may compromise current law enforcement efforts or when the warning itself could potentially identify the reporting individual. A reporting individual shall not be identified in a timely warning.

FERPA allows RSC to share information with parents when (i) there is a health or safety emergency, or (ii) when the student is a dependent on either parent's prior year federal income tax return. Generally, however, RSC will not share information about a report of Prohibited Conduct with parents without the permission of the reporting individual.

RSC will annually report the following information about reports of Prohibited Conduct to the New York State Education Department:

1. The number of such incidents that were reported to the Title IX Coordinator.
2. The number of reporting individuals who sought RSC's judicial or conduct process.
3. The number of cases processed through RSC's judicial or conduct process.
4. The number of respondents who were found responsible through RSC's judicial or conduct process.
5. The number of respondents who were found not responsible through RSC's judicial or conduct process.
6. A description of the final sanctions imposed by RSC for each incident for which a respondent was found responsible through RSC's judicial or conduct process.
7. The number of cases in RSC's judicial or conduct process that were closed prior to a final determination after the respondent withdrew from RSC and declined to complete the disciplinary process.
8. The number of cases in RSC's judicial or conduct process that were closed because the complaint was withdrawn by the reporting individual prior to a final determination.

#### **E. Records Retention**

In implementing this Policy, records of all reports and resolutions will be kept by the Coordinator in accordance with the applicable RSC records retention schedule. All records will be afforded the confidentiality protections required by law, including but not limited to FERPA.

RSC maintains, for seven years, records of:

1. any Prohibited Conduct investigation, including any responsibility determination, and any required recording or transcript, as well as any sanctions imposed on the respondent, and any remedies provided to the complainant; any appeal and its result;
2. any informal resolution and its results; and

2. all materials used to train investigators, adjudicators, and Title IX coordinators with regard to sexual harassment.

RSC will also create and maintain for a period of seven years a record of any actions, including supportive measures, taken in response to a report or formal complaint of Prohibited Conduct, as well as document the bases for its conclusions and that it has taken measures designed to preserve access to the institution's educational program or activity.

#### **F. Sexual Offender Registry**

The federal Campus Sex Crimes Prevention Act enacted in 2000 went into effect October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders to register in a State to provide notice, as required under state law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. The New York State sex offender registry may be accessed at [www.criminaljustice.state.ny.us/nsor/index.htm](http://www.criminaljustice.state.ny.us/nsor/index.htm).

In addition, the City of Albany maintains a sex offender registry that may be accessed by "Entities of Vulnerable Population." The University Heights Association's Office of Public Safety (which provides Public Safety services for RSC College of Albany) has been declared such an entity and the registry may be accessed through the Director of Public Safety.

## **Appendix A: Title IX Procedure**

### **I. Key Definitions Under Title IX**

#### **1. Sexual Harassment**

For the purposes of this Title IX Procedure, “Title IX Sexual Harassment” includes any conduct on the basis of sex that satisfies one or more of the following:

- An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational RSC’s education program or activity;
- Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent;
- Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
- Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New York’s domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of New York.
- Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the 129-B Procedure (Appendix B), Code of Accountability, and/or Discrimination and Harassment Policy. Note also that for conduct which constitutes sexual assault, dating violence, domestic violence, or stalking but does not constitute Title IX Sexual Harassment (collectively the “129-B Sexual Offenses”), additional requirements may be imposed by the 129-B Procedure (Appendix B).

## 2. Consent

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

Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. Consent cannot be given when 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. Children under 17 years of age cannot legally consent under New York State law to having sex or sexual contact with an adult (i.e., someone who is 17 years of age or older).

Consent cannot be given if any of the following are present: Incapacitation, Force, or Coercion.

- a. Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, or being under the influence of drugs or alcohol. This Policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs. Under this Policy, the College will consider whether a respondent knew or should have known the complainant to be incapacitated, based on an objective, reasonable person standard that assumes the reasonable person is both sober and exercising sound judgment.
- a. Coercion/Force: Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual.
- Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, or force. Ignoring objections of another person is a form of coercion.

- Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

### 3. Education Program or Activity

For the purposes of this Title IX Procedure, RSC's "education program or activity" ONLY includes the following:

- Any on-campus premises; or
- Off-campus, if it occurs in connection with any RSC program or activity in the United States. This includes locations, events, or circumstances where RSC exercises substantial control over both the Respondent and the surrounding context.
- Examples include conduct over email, social media, or other online platforms where RSC exercises such control, as well as any building owned or controlled by a student organization officially recognized by RSC (including, but not limited to, fraternities and sororities).

### 4. Formal Complaint

For the purposes of this Title IX Procedure, "Formal Complaint" means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the Formal Complaint, or signed by the Title IX Coordinator, alleging Title IX Sexual Harassment against a respondent about conduct within RSC's education program or activity and requesting initiation of the procedures consistent with the Title IX Procedure to investigate the allegation of Title IX Sexual Harassment.

### 5. Relevant Evidence and Questions

"Relevant" evidence and questions refer to any questions and evidence that tends to make an allegation of Title IX Sexual Harassment more or less likely to be true.

"Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of the Title IX Procedure:

- Evidence and questions about the complainant's sexual predisposition or prior sexual behavior unless:
- They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
- They concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

- Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege. Legally-recognized privileges include, e.g., attorney-client privilege.
- Any party's medical, psychological, and similar records unless the party has given voluntary, written consent.

## 6. Decisionmaker

An impartial official, hearing officer, or panel, who may or may not be an RSC employee, that is responsible for issuing a written determination on responsibility. The decisionmaker cannot be the same person(s) as the Title IX Coordinator or the investigator(s). The decisionmaker for the appeal must not be the same person as the decisionmaker that reached the determination regarding responsibility under this Title IX Procedure.

## II. **Initiating the Title IX Procedure**

### 1. Filing a Formal Complaint

The timeframe for the Title IX Procedure begins with the filing of a Formal Complaint. The Title IX Procedure will be concluded within a reasonably prompt manner, and no longer than ninety (90) business days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Title IX Procedure if they are currently participating in, or attempting to participate in, the education programs or activities of RSC, including as an employee. For complainants who do not meet this criteria, the College will utilize existing Policy in the 129-B Procedure (Appendix B), [Code of Accountability](#), and/or [Non-Discrimination and Anti-Harassment Policy](#).

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine that a Formal Complaint is necessary. RSC will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Title IX Procedure.

Nothing in the Title IX Procedure or RSC's policies prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

### 2. Informal Resolution

Reports of conduct falling under this Title IX Procedure may be resolved through an

informal resolution process. RSC encourages informal resolution of complaints when the parties wish to resolve a report cooperatively, whether or not the conduct in question rises to the level of Title IX violation. Informal resolution may include inquiry into the facts, but typically does not involve an investigation and will not result in a determination whether Title IX has been violated unless agreed by both parties. Informal resolution is not permitted to resolve allegations that an employee sexually harassed a student. The Title IX Coordinator will make a determination on whether an informal resolution process is appropriate based on the nature of the allegations in the Formal Complaint.

Participation in an informal resolution process is voluntary and the parties must agree in writing to participate. The Parties may elect to enter into RSC's informal resolution process at any time after the filing of the Formal Complaint, by submitting an informed written consent to initiate informal resolution. Any party may end the informal resolution process at any time before reaching a resolution, and the formal resolution process will resume with respect to the Formal Complaint. Generally, any information obtained during the attempted informal resolution process will not be used in a subsequent investigation of the Formal Complaint.

Before the initiation of an informal resolution process, the Title IX Coordinator must provide the parties a written notice that explains:

- The allegations/a copy of the Formal Complaint;
- The requirements of the informal resolution process;
- That, prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate resume RSC's Title IX Procedure;
- The Parties' agreement that a resolution in the informal resolution process precludes the Parties from initiating or resuming RSC's Title IX Procedure with regard to the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
- What information RSC will maintain and whether and how RSC could disclose such information for use in its Title IX Procedure if it is initiated or used.

The Title IX Coordinator will provide the Complainant or Respondent written notice of the other party's interest in resolving a Formal Complaint through the informal resolution process. The Complainant or Respondent will have five (5) business days to respond to the informal resolution request indicating whether they have an interest in participating in the informal resolution process. In the instance when a party does not reply to the notice or a party does not voluntarily agree to participate in the informal resolution process, RSC will begin an investigation into the Formal Complaint by proceeding with the formal resolution process.

Informal resolution processes are managed by trained facilitators and the facilitator may not be the investigator or decisionmaker in the same matter. The facilitator must be free of bias for or against complainants and respondents generally.

Informal resolution may include, but is not limited to:

- administrative resolution,
- restorative justice,
- joint or separate mediation discussions,
- separation of the parties,
- referral to counseling programs,
- targeted education and training programs,
- or any other steps agreed by the parties.

Informal resolution is expected to take no more than 30 days. If the parties agree to informal resolution of the Formal Complaint, the matter will be considered closed. Informal Resolution is grounded in the voluntary participation of the Parties in the process, and for this reason, there is no right of appeal associated with the informal resolution process.

### 3. Multi-Party Situations

RSC may consolidate Formal Complaints alleging Title IX Sexual Harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances.

### 4. Determining Jurisdiction

The Title IX Coordinator or designee will determine if the Title IX Procedure should apply to a Formal Complaint. The Title IX Procedure will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

- The conduct is alleged to have occurred on or after August 14, 2020;
- The conduct is alleged to have occurred in the United States;
- The conduct is alleged to have occurred in RSC's education program or activity; and
- The alleged conduct, if true, would constitute Title IX Sexual Harassment as defined in this Policy.

If all of the elements are met, RSC will investigate the allegations according to the Title IX Procedure.

If the alleged conduct, if true, includes both conduct that would constitute Title IX Sexual Harassment and conduct that would not constitute Title IX Sexual Harassment but may violate one or more RSC Policy, the process outlined at pg. 11 above should be used.

*i. Mandatory Dismissal*

Before dismissing a Formal Complaint, RSC will make reasonable efforts to clarify the allegations with the complainant. If any one of the elements of the definition of Title IX Sexual Harassment are not met, the Title IX Coordinator or designee will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Procedure. Each party may appeal this dismissal using the procedure outlined in “Appeals,” below.

*ii. Discretionary Dismissal*

The Title IX Coordinator or designee may dismiss a Formal Complaint brought under the Title IX Procedure, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The respondent is no longer enrolled or employed by RSC; or,
- If specific circumstances prevent RSC from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any party may appeal a dismissal determination using the process set forth in “Appeals,” below.

*iii. Notice of Dismissal*

Upon reaching a decision that the Formal Complaint will be dismissed, RSC will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their RSC email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

*iv. Notice of Removal*

Upon dismissal of the Formal Complaint for the purposes of Title IX, RSC retains

discretion to utilize the 129-B Procedure (Appendix B), [Code of Accountability](#), and/or [Non-Discrimination and Anti-Harassment Policy](#) to determine if a violation has occurred. If so, RSC will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Procedure and removal of the allegations to the Code of Accountability, 129-B Procedure (Appendix B), and/or Discrimination and Harassment Policy processes.

#### 5. Notice of Allegations

The Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of Title IX Sexual Harassment. Such notice will occur as soon as practicable after RSC receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified by their RSC email accounts if they are a student or employee, and by other reasonable means if they are neither.

RSC will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator or designee may determine that the Formal Complaint must be dismissed on the mandatory grounds identified above, and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of Title IX Sexual Harassment identified in the Formal Complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

##### *i. Contents of Notice*

The Notice of Allegations will include the following:

- Notice of RSC's Title IX Procedure, including any informal resolution process, and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting Title IX Sexual Harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting Title IX Sexual Harassment; and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly

related to the allegations raised in the Formal Complaint, including the evidence upon which RSC does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source.

- A statement that the Code of Accountability § IX(1)(b) prohibits knowingly making false statements or knowingly submitting false information to any College official, faculty member or office, including during the grievance process.

*ii. Ongoing Notice*

If, in the course of an investigation, RSC decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise covered Title IX Sexual Harassment falling within the Title IX Procedure, RSC will notify the parties whose identities are known of the additional allegations by their RSC email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

*iii. Notice of Meetings and Interviews*

RSC will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

**6. Advisor of Choice and Participation of Advisor of Choice**

RSC will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

RSC has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice, who may be any attorney, to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard Policy and practice of RSC.

RSC will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

RSC's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Title IX Procedure, and RSC cannot agree to extensive delays solely to accommodate the schedule of an

Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. RSC will not be obligated to delay a meeting or hearing under this process more than five (5) business days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by RSC.

## **7. Delays**

Each party may request a one-time delay in the Title IX Procedure of up to five (5) business days for good cause (granted or denied in the sole judgment of the Title IX Coordinator, Director of Student Conduct, or designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties. The Title IX Coordinator may also exercise their discretion to grant, deny, or implement a temporary delay or limited extension for good cause.

Possible reasons that constitute good cause may include but are not limited to, the absence of a party or the party's Advisor due to a health-related emergency or family death, concurrent law enforcement activity, the need for language assistance or accommodation of disabilities, or other extenuating circumstances outside of the control of the party.

For example, a request to take a five day pause made an hour before a hearing for which multiple parties and their advisors have traveled to and prepared for shall generally not be granted, while a request for a five day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted.

The Title IX Coordinator or designee shall have sole judgment to grant further pauses in the Title IX Procedure.

## **III. Investigation**

### **1. General Rules of Investigations**

The Title IX Coordinator and/or designee will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute Title IX Sexual Harassment after issuing the Notice of Allegations.

RSC presumes that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The Title IX Coordinator and/or designee will perform an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence. Credibility determinations may not be based on a person's status as a complainant, respondent, or witness.

RSC and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account

of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from RSC and does not indicate responsibility.

RSC cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. RSC will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

## 2. Inspection and Review of Evidence

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

- Evidence that is relevant, even if that evidence does not end up being relied upon by RSC in making a determination regarding responsibility; and
- inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins.

RSC will send the evidence made available for each party and each party's advisor, if any, to inspect and review through an electronic format or a hard copy. RSC is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have ten (10) business days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report.

RSC will provide copies of the parties' written responses to the investigator to all parties and their advisors, if any.

RSC may provide the parties five (5) business days after the initial inspection and review of evidence, and before the investigator completes their Investigative Report, to provide additional evidence in response to their inspection and review of the evidence, and then provide the parties five (5) business days to inspect, review, and respond to the party's

additional evidence through a written response to the investigator. Those written responses may be disclosed to the parties.

RSC will provide the parties up to ten (10) business days to provide a response, after which the investigator will not be required to accept a late submission. Investigator has thirty (30) business days to generate a report or, alternatively, may provide the parties with written notice extending the investigation for thirty (30) days and explaining the reason for the extension.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX Procedure.

The parties and their advisors agree not to photograph or otherwise copy the evidence.

### 3. Inclusion of Evidence Not Directly Related to the Allegations

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will be included in the appendices to the investigative report.

## **IV. Investigative Report**

The Title IX Coordinator and/or designee will create an Investigative Report that fairly summarizes relevant evidence, will and provide that Report to the parties at least ten (10) business days prior the hearing in an electronic format or a hard copy for each party's review and written response.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

## **V. Hearing**

### 1. General Rules of Hearings

RSC will not issue a disciplinary sanction arising from an allegation of Title IX Sexual Harassment without holding a live hearing, unless otherwise resolved through an informal resolution process.

The live hearing may be conducted with all parties physically present in the same geographic location, or, at RSC's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through video remote conferencing. Video remote conferencing will consist of using a visual screen with an online meeting platform so that a face-to-face meeting can be accomplished without having to move to a single location together. This technology will enable participants simultaneously to see and hear each other. At its discretion, RSC may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings will be recorded through audio recording. That recording will be made available to the parties for inspection and review.

Prior to obtaining access to any evidence, the parties and their advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Procedure. Once signed, this Agreement may not be withdrawn.

## 2. Continuances or Granting Extensions

RSC may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, RSC will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

## 3. Participants in the live hearing

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

### a. Complainant and Respondent (The Parties)

- The parties cannot waive the right to a live hearing under the formal resolution process.
- RSC may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any relevant evidence.
- RSC will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party's participation.
- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross-examination or other questions.

### b. The Decision-maker

- The hearing body will consist of a panel of three (3) decision-makers.

- No member of the hearing body will also have served as the Title IX Coordinator, Title IX investigator, or advisor to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
- No member of the hearing body will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case. See Appendix C, Bias/Conflict of Interest, for details on bias.
- The hearing body will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a decision-maker's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

c. Advisor of choice

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
- In addition to selecting an advisor to conduct cross-examination, the parties may select an advisor who may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party.
- The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, RSC will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The advisor is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf.
- If neither a party nor their advisor appear at the hearing, RSC will provide an advisor to appear on behalf of the non-appearing party.

Advisors shall be subject to RSC's Rules of Decorum, and may be removed upon

violation of those Rules. The Rules of Decorum are contained in **Appendix D**.

d. Witnesses

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation.
- If a witness (other than a party) does not submit to cross-examination, as described below, the decision-maker cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing.

4. Hearing Procedures

For all live hearings conducted under this Title IX Procedure, the procedure will be as follows:

- The Decision-maker will open and establish rules and expectations for the hearing;
- The Parties will each be given the opportunity to provide opening statements;
- The Decision-maker will ask questions of the Parties and Witnesses;
- Parties will be given the opportunity for live cross-examination after the Decision-maker conducts its initial round of questioning;
- During the Parties' cross-examination, the decision-maker will have the authority to pause cross-examination at any time for the purposes of asking decision-maker's own follow up questions; and any time necessary in order to enforce the established rules of decorum.
- Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Decision-maker. A Party's waiver of cross-examination does not eliminate the ability of the Decision-maker to use statements made by the Party.
- Throughout the proceedings, the Rules of Decorum, found in Appendix D, must be followed at all times.

5. Live Cross-Examination Procedure

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live cross-examination, the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, the decision-maker will determine if the question is relevant, as set forth in the Relevance Policy, attached as **Appendix E**. Cross-examination questions that are duplicative of those already asked, including by the decision-maker, may be deemed irrelevant if they have been asked and answered.

## 6. Review of Recording

The recording of the hearing will be available for review by the parties within five (5) business days, unless there are any extenuating circumstances. The recording of the hearing will not be provided to parties or advisors of choice.

## **VI. Determination Regarding Responsibility**

### 1. Standard of Proof

RSC uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of Formal Complaints covered under this Title IX Procedure. This means that the investigation and hearing determine whether it is more likely than not that a violation occurred. The same standard of evidence applies for all Formal Complaints of Title IX Sexual Harassment.

### 2. General Considerations for Evaluating Testimony and Evidence

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-maker.

Decision-makers shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

Decision makers will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally

be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

RSC allows parties to call “expert witnesses” for direct and cross-examination. RSC does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.

RSC allows parties to call character witnesses to testify. RSC does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

RSC will admit and allow testimony regarding polygraph tests (“lie detector tests”) and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

Where a party or witness’ conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Decision-maker may draw an adverse inference as to that party or witness’ credibility.

### 3. Components of the Determination Regarding Responsibility

The written Determination Regarding Responsibility will be issued simultaneously to all parties through their RSC email account, or other reasonable means as necessary. The Determination will include:

- Identification of the allegations potentially constituting Title IX Sexual Harassment;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding which section of the Code of Accountability, if any, the respondent has or has not violated.

- For each allegation:
- A statement of, and rationale for, a determination regarding responsibility;
- A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and
- A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
- The recipient's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").

#### 4. Disciplinary Penalties and Other Remedies

Discipline for Title IX Sexual Harassment may take a variety of forms, depending upon the circumstances of a particular case.

- Students: The disciplinary sanctions which may be imposed on students who have been found responsible for committing Title IX Sexual Harassment are the following: warning, disciplinary probation, loss of privileges, fines, restitution, sanctions, parental/guardian notification, residence hall suspension, residence hall expulsion, short-term college suspension, long-term college suspension, administrative suspension, expulsion, revocation of degree, withholding degree, prohibition of professional practice, and mandatory assessment/counseling.
- For crimes of violence, including sexual violence, RSC must make a notation on the transcript of the responsible party in accordance with the Mandatory Transcript Notations provision in the RSC Student Code of Accountability, available online here: <https://www.sage.edu/student-life/office/code-of-accountability/>
- Employees: The disciplinary sanctions which may be imposed on employees who have been found responsible for Title IX Sexual Harassment are the following: verbal warning, written reprimand, mandatory training session, no contact order, suspension without pay, termination, and/or termination with the issuance of a *persona non grata* letter.

RSC will also take appropriate remedial measures necessary to end such conduct, prevent any such future conduct, and correct any personnel or academic decisions made which are related to the prohibited conduct. Remedies may include, but are not limited to, continuing or commencing any of the above-listed "interim measures." These remedies are separate from, and in addition to, any supportive measures that may have been provided prior to the conclusion of the investigation.

#### 5. Timeline of Determination Regarding Responsibility

If there are no extenuating circumstances, the determination regarding responsibility will be issued by RSC within ten (10) business days of the completion of the hearing.

#### 6. Finality

The determination regarding responsibility becomes final either on the date that RSC provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in “Appeals” below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

### VII. Appeals

Each party may appeal (1) the dismissal of a Formal Complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal with the Vice President for Student Life (for students), the Director of Human Resources (for non-faculty employees), or the Provost (for faculty employees) within two (2) business days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- Procedural irregularity that affected the outcome of the matter (i.e. a failure to follow RSC’s own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.

The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, RSC will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals may be no longer than five (5) pages (including attachments). RSC can grant page increases at its discretion. Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12 point font, and single-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

If the Vice President for Student Life/Director of Human Resources/Provost finds that the appeal is not timely or substantively eligible according to the grounds for appeal, the original finding and sanction will stand and the decision is final. If the Vice President for Student Life/Director of Human Resources/Provost finds that the appeal is appropriate, the documentation from the investigation is forwarded to the Appellate Board (for students) or the Peer Review Panel (for employees) for consideration.

Appeals will be decided by a three (3) panel member Appellate Board/Peer Review Panel, which will be made up of faculty and administration, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decision maker in the same matter.

The outcome of the appeal will be provided in writing simultaneously to both parties and will include the rationale for the decision.

### **VIII. Retaliation**

RSC will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of Title IX Sexual Harassment under this Title IX Procedure, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Procedure.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Procedure.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for Code of Accountability violations that do not involve sex discrimination or Title IX Sexual Harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of Title IX Sexual Harassment.

Complaints alleging retaliation may be filed under the prompt and equitable grievance procedure for resolving complaints of sex discrimination adopted by RSC.

## **Appendix B: 129-B Procedure**

### **I. Key Definitions Under New York 129-B**

1. Accused- a person accused of a violation who has not yet entered RSC's judicial or conduct process.
2. 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 does not in and of itself, demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.

Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. Consent cannot be given when 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. Children under 17 years of age cannot legally consent under New York State law to having sex or sexual contact with an adult (i.e., someone who is 17 years of age or older).

Consent cannot be given if any of the following are present: Incapacitation, Force, or Coercion.

- a. Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, or being under the influence of drugs or alcohol. This Policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs. Under this Policy, the College will consider whether a respondent knew or should have known the complainant to be incapacitated, based on an objective, reasonable person standard that assumes the reasonable person is both sober and exercising sound judgment.
- a. Coercion/Force: Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual.
- Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use

of pressure, manipulation, substances, or force. Ignoring objections of another person is a form of coercion.

- Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.
- 3. Bystander- 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 RSC. A bystander is not a “reporting individual” (as defined below), even if the bystander brings forth a report.
- 3. Complaint - A complaint means an oral or written request to the Title IX Coordinator that objectively can be understood as a request for the College to investigate and make a determination about alleged sexual harassment under this Policy. A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail (email), by using the contact information listed on the Title IX/Equal Opportunity website, or as described in this Policy. Individuals who would like more information about filing a complaint are invited to contact the Title IX Coordinator for additional information.
- 3. Crime of Violence- murder, manslaughter, rape, criminal sexual contact, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, and arson, as defined below.
- Criminal Homicide - Manslaughter by Negligence: The killing of another person through gross negligence.
- Criminal Homicide - Murder and Nonnegligent Manslaughter: The willful (nonnegligent) killing of one human being by another.
- 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.
- Criminal Sexual Contact: The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or, the forced touching by the victim of the actor’s clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is incapable of giving consent because of their age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
- 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. See New York State Penal Law Article 130.
  - 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 by 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. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.
  - Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
  - Motor Vehicle Theft: The theft or attempted theft of a motor vehicle.
  - 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.
6. Decision-maker Trained professional designated by the College to decide responsibility, sanction, or appeals. A Decisionmaker may be one person or a panel of multiple people as determined by the College. When there is no hearing, the investigator may be appointed as the Decisionmaker.
  7. Finding - A written conclusion by a preponderance of the evidence, issued by an Investigator, that the conduct did or did not occur as alleged.
  8. Non-Consensual Sexual Activity- occurs when sexual activity is perpetrated against a victim without his/her/their affirmative consent.
  8. Relationship Violence- under this 129-B Procedure, the term “relationship violence” includes relationship violence, domestic violence, and dating violence as defined under federal and/or state law.

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.

A. Under federal law:

- ii. domestic violence is defined as felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or New York family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under New York domestic or family violence laws.
- ii. dating violence is defined as 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 is determined based on the reporting party's statement and with consideration of the length of the relationship, the type of 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.

- B. Under New York law, domestic violence is generally defined as a pattern of coercive tactics, which can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim. There is no specific crime of "domestic violence" under New York State law. Domestic violence is handled through the criminal courts and the Family Court as a "family offense." A family offense is defined as certain acts/crimes delineated in the Penal Law (such as harassment, menacing, assault, and stalking) committed by a family member (individuals who are married, related by blood, or who have a child in common). Victims who meet this definition may go to criminal court to seek an order of protection and have the abuser prosecuted, or they may go to Family Court for an order of protection, services, and assistance with custody and child support. Individuals victimized by an intimate partner who does not meet the definition of family member, such as a boyfriend or same-sex partner, can only go to criminal court for legal assistance. In addition, mandatory arrest, which applies when an abuser violates an order of protection or commits certain other offenses, is only applicable when a case involves individuals who meet the family definition. According to the NYS Office for the Prevention of Domestic Violence, however, many police departments in New York State use an expanded definition of family when making mandatory arrest determinations. This provides greater protection to victims who fall outside of the family definition, although these victims still do not have access to Family Court.

10. Sexual Activity - Sexual activity shall have the same meaning as “sexual act” and “sexual contact.” The term “sexual act” means: A. contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; B. contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; C. the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or D. the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person. The term “sexual contact” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.”

11. Sexual Assault- under the 129-B Procedure, the term “sexual assault” includes a sexual assault as defined under federal and/or state law.

Under federal law, the term “sexual assault” means an offense that meets the definition of rape, criminal sexual contact, incest, or statutory rape as used in the FBI’s UCR program and as set forth in Appendix A to the Clery Act regulations (34 CFR § 668.46). Accordingly, the terms are defined as follows:

- 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.
- Criminal Sexual Contact – The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or, the forced touching by the victim of the actor’s clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is incapable of giving consent because of their age or incapacity due to temporary or permanent mental or physical impairment or intoxication, for the purpose of sexual degradation, sexual gratification, or sexual humiliation
- 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. See New York State Penal Law Article 130.

Under New York law, “sexual assault” includes any and all “sexual offenses” defined in

New York State Penal Code Article 130. These sexual offenses include sexual misconduct, rape, sexual abuse, forcible touching, and aggravated sexual contact, and involve conduct that would generally fall within the above-listed definitions. However, these offenses also cover certain actions, such as sexual assault with an object, which may not be included within the above-listed definitions. Students and employees are encouraged to review the full definitions and elements of these offenses, which can be found in New York State Penal Law §§ 130.00 to 130.96.

12. Sexual Offense- a term used by RSC in this 129-B Procedure, which includes any incident of “sexual assault,” “nonconsensual sexual activity,” “relationship violence,” and/or “stalking,” as those terms are defined in this 129-B Procedure.

13. Stalking- under the 129-B Procedure, the term “stalking” includes stalking as defined under federal and/or state law.

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

Under the Clery Act regulations, stalking means 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. For the purposes 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, device, 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; and
- “substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional

treatment or counseling.

Under New York law, a person engages in stalking when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct:

- is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or
- causes material harm to the mental or emotional health of such person, where such conduct consists of following (including unauthorized tracking of someone's movements or location through a GPS or other device), telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or
- is likely to cause such a person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

More detailed definitions can be found in New York State Penal Law §§ 120.45 to 120.60.

## **II. Applicability of this Procedure**

This 129-B Procedure applies under the following circumstances:

- An individual files a Formal Title IX Complaint with RSC alleging a Sexual Offense, as defined in this 129-B Procedure, but the Formal Title IX Complaint is dismissed because the alleged conduct:
  - does not involve a complainant who is currently participating in, or attempting to participate in, the education programs or activities of RSC;
  - is alleged to have occurred before August 14, 2020;
  - is alleged to have occurred outside the United States;
  - is alleged to have occurred outside of RSC's education program or activity, as defined in the Title IX Procedure; or
  - if true, would not constitute Title IX Sexual Harassment as defined in the Title IX Procedure (Appendix A).
- RSC becomes aware of a Sexual Offense by or against an employee or student

or that has a reasonable connection to RSC, and the Title IX Coordinator informs the complainant of their right to file a Formal Complaint, but the complainant chooses not to file a Formal Complaint, and the Title IX Coordinator determines it is not necessary to file a Formal Complaint.

### **III. Initial Assessment**

The Title IX Coordinator will make an initial assessment regarding the validity of any information received about the incident. This initial determination will be made within five (5) business days of RSC becoming aware of the suspected Sexual Offense.

### **IV. Informal or Alternative Resolutions**

1. Reports of conduct falling under this 129-B Procedure may be resolved through an informal resolution process if the parties involved consent to informal resolution and the Title IX Coordinator or designee determine that informal resolution is appropriate. RSC encourages informal resolution of complaints when the parties wish to resolve a report cooperatively, whether or not the conduct in question rises to the level of a Policy violation. Informal resolution may include inquiry into the facts, but typically does not involve an investigation and will not result in a determination whether the Policy has been violated unless agreed by both parties. Informal resolution is not permitted to resolve allegations involving Crimes of Violence, or to resolve allegations that an employee sexually harassed a student.
2. Participation in the Informal Resolution process is voluntary, and all parties involved must agree in writing to participate. Before initiation of the informal resolution process, the Title IX Coordinator or designee will provide the parties with a written notice explaining the allegations, the opportunity to present evidence, and the requirements of the informal resolution process. Any party may end the Informal Resolution process at any time before reaching a resolution, and the formal resolution process will resume with respect to any allegation of a Sexual Offense.
3. Alternative resolution pathways include but are not limited to: administrative resolution, restorative justice, joint or separate mediation discussions, separation of the parties, referral to counseling programs, targeted education and training programs, or any other steps agreed to by the parties.
4. The Title IX Coordinator or designee will provide all parties with written notice of another party's interest in pursuing the Alternative or Informal Resolution process. The parties each have five (5) business days to respond to the informal resolution request. In the instance when a party does not reply to the notice or a party does not voluntarily agree to participate in the informal resolution process, the College will instead pursue formal adjudication of the conduct charge.
5. Informal or alternative resolution is grounded in voluntary participation of all parties and there is no right of appeal associated with informal or alternative

resolution.

## **V. Consent to Investigate**

If RSC determines that an investigation is required, it must seek consent from reporting individuals prior to conducting an investigation. If a reporting individual does not consent to RSC's request to initiate an investigation, the Title IX Coordinator will weigh the request against RSC's obligation to provide a safe, nondiscriminatory environment for all members of its community.

RSC will honor a request to decline to consent to an investigation, unless RSC determines in good faith that failure to investigate does not adequately mitigate a potential risk of harm to the reporting individual or other members of the community, based on the Title IX Coordinator's consideration of factors that include, but are not limited to, the following:

1. Whether the accused has a history of violent behavior or is a repeat offender;
2. Whether the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior;
3. The increased risk that the accused will commit additional acts of violence;
4. Whether the accused used a weapon or force;
5. Whether the reporting individual is a minor; and
6. Whether the institution possesses other means to obtain evidence such as security footage, and
7. Whether available information reveals a pattern of perpetration at a given location or by a particular group.

If the Title IX Coordinator determines that the request to decline to consent to an investigation can be honored, RSC will still assist with academic, housing, transportation, employment, and other reasonable and available accommodations.

If the Title IX Coordinator determines that a request to decline to consent to an investigation cannot be honored, and an investigation is necessary, RSC must notify the reporting individuals and take immediate action as necessary to protect and assist them.

## **VI. Initiation of the Investigation**

When an investigation is commenced, and the accused is a student, the student must be informed, as promptly as possible, of (1) the specific rule, rules, laws, and/or Code of Accountability provisions alleged to have been violated; (2) the date, time, location

and factual allegations concerning the violation; (3) in what manner the specific rule, rules or laws are alleged to have been violated, and (4) the sanction or sanctions that may be imposed on the respondent based upon the outcome of any judicial or conduct process.

Within ten (10) business days of determining that an investigation is necessary, the Title IX Coordinator, or other trained investigator who does not have a conflict of interest, will promptly initiate a fair, complete, thorough, and impartial investigation that provides a meaningful opportunity to be heard. Like the Title IX Coordinator, any other designated investigator must be annually trained on: (1) issues related to sexual assault, relationship violence, and stalking, (2) how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability, (3) how to conduct investigations of sexual violence, (4) the effects of trauma, (5) impartiality, (6) 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 (7) RSC’s policies and procedures, and other issues.

If the Title IX Coordinator is implicated in the report, the President will be responsible for designating another trained investigator to conduct the investigation. If it would be inappropriate for the Title IX Coordinator or President to designate another trained investigator to conduct the investigation, then the Chair of the Board of Trustees will make this designation.

## **VII. The Investigation**

The standard of evidence used to evaluate a report of a Sexual Offense by or against an employee or student is a “preponderance of the evidence.” Under this standard, a determination must be made on the basis of whether it is more likely than not that the accused student or employee committed a Sexual Offense.

In investigating the complaint, the Title IX Coordinator or other trained investigator shall:

1. Meet with the appropriate individuals and review all appropriate records that bear on the case.
2. Provide the accuser and the accused with copies of the 129-B Procedure.
3. Discuss the allegations in the complaint with the accuser and accused at separate meetings, and provide the accuser and accused with equal opportunities to identify witnesses and present evidence supporting their respective positions at these meetings.
4. Provide the accuser and the accused with the same opportunities for a support person or advisor of their choice throughout the process, including any meeting, conference, hearing or other procedural action. An attorney for either the accuser or the accused, however, may be present but may not have a speaking role during such meeting, conference, hearing, or other procedural action.

5. Where the reporting individual or accused are students, provide the students with:
  - a. reasonable advance written or electronic notice of any meeting they are required to or are eligible to attend,
  - a. an opportunity to submit evidence during an investigation concerning a report of a Sexual Offense, and
  - a. the opportunity to exclude (1) their own prior sexual history with persons other than the other party in the conduct process and (2) their own mental health diagnosis and/or treatment from the Title IX Coordinator or other investigator's consideration when determining responsibility. (However, the Title IX Coordinator or other investigator may consider past findings of a Sexual Offense when determining the sanction to be imposed).
2. Attempt, where appropriate, to resolve the complaint by exploring and suggesting possible solutions to the problem with all involved parties, provided, however, that the complainant or accuser will not be required to participate in mediation with the accused.
3. (If the preceding step does not resolve the problem), make and transmit a preponderance of the evidence determination in the matter of the allegation of the Sexual Offense to the accused, accuser, and the Title IX Coordinator.

The time necessary to complete an investigation will vary depending upon the facts of a particular case. In most cases, investigations will be completed within 60 days of receipt of a report.

#### **VIII. Notice of the Outcome of the Investigation**

The Title IX Coordinator or other trained investigator who conducted the investigation shall prepare written findings of fact and recommendations, with respect to whether it is more likely than not that the Sexual Offense occurred, appropriate disciplinary actions, if any, and/or other appropriate remedial measures.

Once the investigation is complete, the parties will be informed, in writing, of the outcome within two (2) business days of the issuance of the determination. When the victim or accused is a student, this written notice will include the result of the investigation, any recommended sanctions, the rationale for the result and any recommended sanctions, the findings of fact, and a notification if conduct charges will be pursued and/or continued. Delivery of this outcome will not be delayed to either party, and should occur as nearly simultaneously as possible, without unnecessarily bringing those in conflict into close proximity to each other. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

#### **IX. Discipline**

If the Title IX Coordinator or other trained investigator concludes that the accused student or employee did not commit a Sexual Offense, RSC will not pursue discipline against the student or employee. The parties will be informed of their potential rights to exercise a request for an appeal of the determination, if applicable. Pursuant to the Student Code of Accountability, available at <http://www.sage.edu/studentlife/code-of-conduct/>, if the Title IX Coordinator or other trained investigator determines that a student did not commit a Sexual Offense, the reporting individual has the right to appeal the Title IX Coordinator's finding of no violation to an Appellate Board within two (2) business days of the decision.

If the Title IX Coordinator or other trained investigator concludes that it is more likely than not that the accused student or employee committed a Sexual Offense, RSC will take the matter very seriously, and will pursue (or continue to pursue) internal disciplinary proceedings against the accused or respondent. The Title IX Coordinator will refer the matter to the Director of Human Resources (for employees other than faculty), the Provost (for faculty), or the Vice President of Student Life (for students) to determine whether to pursue disciplinary charges, within five (5) business days of the investigator's determination. The disciplinary proceedings will then be commenced within 15 business days of the decision to pursue disciplinary charges.

- Further information regarding internal disciplinary proceedings for students can be found in the Student Code of Accountability. Student disciplinary sanctions for a Sexual Offense violation may include but are not limited to: warning, disciplinary probation, loss of privileges, fines, restitution, sanctions, parental/guardian notification, residence hall suspension, residence hall expulsion, short-term college suspension, long-term college suspension, administrative suspension, expulsion, revocation of degree, withholding degree, prohibition of professional practice, and mandatory assessment/counseling.
- Further information regarding internal disciplinary proceedings for employees other than faculty can be found in the Employee Handbook and/or in any applicable collective bargaining agreement with RSC. The HR Director shall determine appropriate disciplinary sanctions for employees, subject to the terms of the Employee Handbook and any applicable collective bargaining agreement. Employee disciplinary sanctions for a Sexual Offense violation may include but are not limited to: verbal warning, written reprimand, mandatory training session, no contact order, suspension without pay, termination, and/or termination with the issuance of a *persona non grata* letter.
- Further information regarding internal disciplinary proceedings for faculty members can be found in the Faculty Handbook. The Provost shall determine appropriate disciplinary sanctions for all faculty, subject to the terms of the Faculty Manual. Faculty disciplinary sanctions for a Sexual Offense may include but are not limited to: verbal warning, written reprimand, suspension without pay, and termination.

Internal disciplinary proceedings where a student or employee is accused of a Sexual

Offense are fair and impartial, include timely notice of meetings and timely and equal access to information and evidence that will be used, and are conducted by unbiased decision makers who have no conflict of interest. The proceedings are completed within a reasonably prompt, designated timeframe. However, the timeframe may be extended for good cause upon written notice to the accuser and accused. The proceedings provide students with the opportunity to present evidence and testimony at a hearing.

Following any internal disciplinary proceeding for cases of Sexual Offense, the victim and accused will be provided with simultaneous written notice of the result of the proceeding, including any sanctions imposed, and the rationale for the result and sanctions. When the victim or accused in an internal disciplinary proceeding for a Sexual Offense is a student, the student will also receive written notice of the findings of fact. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

If the investigation reveals that a Sexual Offense did occur, RSC will take also take appropriate remedial measures necessary to end such conduct, prevent any such future conduct, and correct any personnel or academic decisions made which are related to the prohibited conduct. Remedies may include, but are not limited to, continuing or commencing any of the above-listed “interim measures.” These remedies are separate from, and in addition to, any interim measures that may have been provided prior to the conclusion of the investigation. Such measures can be requested by a reporting individual or accuser, by contacting the Director of Human Resources (for employees) or the Vice President of Student Life (for students).

A Plain Language Explanation of Distinctions Between the New York State Penal Law College Disciplinary Processes is attached hereto, at **Appendix F**.

## **X. Appeals**

All parties will also be informed of their potential rights to exercise a request for an appeal. Any party who disagrees with the outcome of RSC’s investigation under this 129-B Procedure may file an appeal with the Vice President for Student Life (for students), the Director of Human Resources (for non-faculty employees), or the Provost (for faculty employees), within two (2) days of the date of the decision from the Title IX Coordinator/EEO Official or designee.

An appeal will only be accepted if it meets one of the following grounds:

- A procedural error occurred that significantly impacted the outcome of the hearing
- New evidence, unavailable during the original hearing or investigation, could substantially impact the original finding or sanction (a summary of this new evidence and its potential impact must be included); or
- The sanctions imposed are substantially disproportionate to the severity of the

violation.

All appeals and responses will be forwarded to the Appeal Board for initial review to determine if the appeal meets one or more of the following grounds for appeal and is timely. If the Appeal Board finds that the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final. If the Appeal Board finds that the appeal is appropriate, the documentation from the investigation is forwarded to the Appeal Board for consideration. The party requesting appeal must show error as the original finding and sanction are presumed to have been decided reasonably and appropriately.

The Appeal Board will render a decision on whether the outcome of investigation is reasonable within ten (10) business days of the receipt of the appeal. Provided, however, that the appeal process may be extended for good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Unless otherwise required by law, RSC will protect all information obtained about students during the course of the disciplinary process from public release, until the Appeals Board makes a final determination.

## **XI. Legal Proceedings**

Engaging in a Sexual Offense may also lead to civil and/or criminal action under the New York State Penal Law. Any employee who engages in a Sexual Offense is acting outside the scope of his or her employment and may be personally liable for such actions and their consequences. In the event legal proceedings are commenced against such an employee, RSC may decline to provide legal, financial, or other assistance.

In any proceeding brought against RSC which seeks to vacate or modify a finding that a student engaged in Sexual Offense, RSC (1) will treat the name and identifying biographical information of any student as presumptively confidential, (2) will not include this information in the pleadings and other papers in such proceeding absent a waiver or cause shown as determined by the court; and (3) will identify student witnesses only as numbered witnesses.

## **XII. Notation on Student Transcript for Crimes of Violence**

If a student is suspended or expelled as a result of being found responsible for a Crime of Violence, RSC must make a notation on the student's transcript that the student was "suspended after a finding of responsibility for a Code of Accountability violation" or "expelled after a finding of responsibility for a Code of Accountability violation." If a student withdraws from RSC while such conduct charges related to crimes of violence are pending against the student, and declines to complete the disciplinary process, RSC must make a notation on the student's transcript that they "withdrew with conduct charges pending."

These transcript notations can be appealed by contacting the Provost. Transcript notations for violence-related suspensions shall not be removed prior to one year after conclusion of the suspension. Transcript notations for violence-related expulsions shall never be removed from a student's transcript. A notation for an expulsion may not be removed via an appeal to RSC. If a finding of responsibility is vacated for any reason, however, the transcript notation must be removed. Further, if a court of competent jurisdiction vacates a finding of responsibility for a violation of college Policy, the transcript notation memorializing that finding will also be vacated.

### **XIII. Prohibition on Retaliation**

It is a violation of federal and state law and the 129-B Procedure for any employee or student to retaliate against any student or employee for exercising any rights or responsibilities under the Violence Against Women Act, the Clery Act, and/or Title IX. This includes retaliating against a student or employee who reports a Sexual Offense in good faith, or furnishes information or participates in any manner in an investigation of such a report. Retaliation includes any conduct directed at someone because he or she engaged in such protected activity, which might deter a reasonable student or employee from making or supporting such a report.

Retaliation is unlawful and will not be tolerated. RSC will protect students from retaliation by RSC, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within RSC's jurisdiction. Any individual found to have engaged in retaliation will be subject to disciplinary action, up to and including, termination of employment and/or dismissal from RSC.

Any employee or student who feels as though someone has subjected them to retaliation as a result of a report or participation into the investigation of a report should contact the Title IX Coordinator (identified below) or other senior officer immediately.

## Appendix C: Bias/Conflict of Interest

### Is it Bias/ a Conflict of Interest (*per se* and on its own):

| Employment Status                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| If the Title IX official is an employee of the recipient?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | No | "[R]ecipients can comply with the final regulations by using the recipient's own employees" Title IX 85 Fed. Reg. 30,026, 30,252 (May 19, 2020) (to be codified at 34 C.F.R. pt. 106).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| If the Title IX official is "affiliated" with the recipient?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | No | "The Department declines to require recipients to use outside, unaffiliated Title IX personnel because the Department does not conclude that such prescription is necessary to effectuate the purposes of the final regulations" <i>Id.</i> at 30,252.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| If the Title IX Official has a supervisory relationship with other Title IX personnel?                                                                                                                                                                                                                                                                                                                                                                                                                                                               | No | <p>"[T]he Department declines to define certain employment relationships or administrative hierarchy arrangements as <i>per se</i> prohibited conflicts of interest" <i>Id.</i> at 30,252.</p> <p>"[T]he final regulations do not prescribe any particular administrative 'chain of reporting' restrictions or declare any such administrative arrangements to be <i>per se</i> conflicts of interest prohibited under § 106.45(b)(1)(iii)." <i>Id.</i> at 30,252 n.1035.</p> <p>"[T]he Department will hold a recipient accountable for the end result of using Title IX personnel free from conflicts of interest and bias, regardless of the employment or supervisory relationships among various Title IX personnel" <i>Id.</i> at 30,252.</p> |
| <p>Please note: Although the Department wishes only to prescribe those measures necessary for compliance, they do recognize that recipients may adopt additional "best practices" to avoid violating the regulations. <i>See id.</i> at 30,252.</p> <p>The Department specifically names two such practices:</p> <ul style="list-style-type: none"> <li>ensuring that investigators have institutional independence</li> <li>deciding that Title IX Coordinators should have no role in the hiring or firing of investigators. <i>Id.</i></li> </ul> |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Professional Experiences or Affiliations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| A history of working in the field of sexual violence                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | No | <p>"[T]he very training required by § 106.45(b)(1)(iii) is intended to provide Title IX personnel with the tools needed to serve impartially and without bias such that the prior professional experience of a person whom a recipient would like to have in a Title IX role need not disqualify the person from obtaining the requisite training to serve impartially in a Title IX role." <i>Id.</i> at 30,252.</p> <p>•</p>                                                                                                                                                                                                                                                                                                                      |
| Prior work as a victim advocate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | No |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Prior work as a defense attorney                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | No |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| Other Characteristics                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Student of the recipient                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | No                                       | "The Department notes that the final regulations do not preclude a recipient from allowing student leaders to serve in Title IX roles so long as the recipient can meet all requirements in § 106.45 and these final regulations, and leaves it to a recipient's judgment to decide under what circumstances, if any, a recipient wants to involve student leaders in Title IX roles." <i>Id.</i> at 30,253.                                                                         |
| Gender                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | No                                       | The Department cautions recipients not to apply generalizations when evaluating particular Title IX personnel for bias, warning that this may result in an unreasonable determination. <i>Id.</i> at 30,252.                                                                                                                                                                                                                                                                         |
| Sexual assault survivor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | No                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Self-professed feminist                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | No                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Supporting women's or men's rights                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | No                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Having had personal, negative experiences with men or women                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | No                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Determining whether bias exists is a fact-specific endeavor. <i>See id.</i> at 30,252. The Department encourages recipients to apply a common-sense and "objective" reasonable person standard when evaluating personnel. <i>Id.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Grievance Process Participation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Signing a formal complaint as the Title IX Coordinator                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | No                                       | "Even where the Title IX Coordinator is also the investigator, the Title IX Coordinator must be trained to serve impartially, and the Title IX Coordinator does not lose impartiality solely due to signing a formal complaint on the recipient's behalf." <i>Id.</i> at 30, 135.                                                                                                                                                                                                    |
| Participating in an emergency removal decision                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | No, unless it biases the employee        | "Section 106.44(c) does not preclude a recipient from using Title IX personnel trained under § 106.45(b)(1)(iii) to make the emergency removal decision or conduct a post-removal challenge proceeding, but if involvement with the emergency removal process results in bias or conflict of interest for or against the complainant or respondent, § 106.45(b)(1)(iii) would preclude such personnel from serving in those roles during a grievance process." <i>Id.</i> at 30,235. |
| Serving as a party advisor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Exempt from requirement not to have bias | "The final regulations impose no prohibition of conflict of interest or bias for such advisors, nor any training requirement for such advisors, in order to leave recipients as much flexibility as possible to comply with the requirement to provide those advisors." <i>Id.</i> at 30,254 n.1041.                                                                                                                                                                                 |
| Title IX coordinator serving as...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| ...investigator                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | No                                       | "The final regulations would not remove the expertise of Title IX Coordinators from the grievance process. Section 106.45(b)(7)(i) does not prevent the Title IX Coordinator from serving as the investigator; rather, this provision only prohibits the decision-maker from being the same person as either the Title IX Coordinator or the investigator." <i>Id.</i> at 30,370.                                                                                                    |
| ...informal resolution facilitator                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | No, but not recommended                  | "These final regulations do not require a recipient to provide an informal resolution process pursuant to § 106.45(b)(9) and do not preclude the Title IX Coordinator from serving as the person designated by a recipient to facilitate an informal resolution process." <i>Id.</i> at 30,558.                                                                                                                                                                                      |
| ...decision-maker                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Yes                                      | "Separating the functions of a Title IX Coordinator from those of the decision-maker is no reflection on the ability of Title IX Coordinators to serve impartially and with expertise. Rather, requiring different individuals to serve in those roles acknowledges that the different phases of a report and formal complaint of sexual harassment serve distinct purposes." <i>Id.</i> at 30,370.                                                                                  |
| ...appeal decision-maker                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Yes                                      | "§ 106.45(b)(8)(iii) makes it clear that the appeal decision-maker cannot be the same person as the decision-maker below, or as the Title IX Coordinator or investigator in the case. This ensures that the recipient's appeal decision reviews the underlying case independently." <i>Id.</i> at 30,399.                                                                                                                                                                            |
| Title IX Investigator serving as...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| ...Title IX coordinator                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | No                                       | See above. The Title IX coordinator may also serve as investigator. <i>Id.</i> at 30,370.                                                                                                                                                                                                                                                                                                                                                                                            |
| ...decision-maker                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Yes                                      | "Separating the roles of investigation from adjudication therefore protects both parties by making a fact-based determination regarding responsibility based on objective evaluation of relevant evidence more likely." <i>Id.</i> at 30,370.                                                                                                                                                                                                                                        |
| ...appeal decision-maker                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Yes                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Hearing decision-maker serving as...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| ...Title IX coordinator                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Yes                                      | See above. The Title IX coordinator may <b>not</b> serve as hearing decision-maker. <i>Id.</i> at 30,370.                                                                                                                                                                                                                                                                                                                                                                            |
| ...investigator                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Yes                                      | "[F]ormally separating the investigative and adjudicative roles in the Title IX grievance process is important to reduce the risk and perception of bias, increase the reliability of fact-finding, and promote sound bases for responsibility determinations" <i>Id.</i> at 30,368.                                                                                                                                                                                                 |
| ...appeal decision-maker                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Yes                                      | "[I]t is important for the decision-maker reviewing appeals to be a different person than the person who made the initial decision, in part, because the decision-maker on appeal is asked to review the determination reached by the original decision-maker (including based on any claim of bias or conflict of interest on the part of the decision-maker)." <i>Id.</i> at 30,563.                                                                                               |
| Hearing officer (should one be used) serving as...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| ...decision-maker                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | No                                       | "With respect to the roles of a hearing officer and decision-maker, the final regulations leave recipients discretion to decide whether to have a hearing officer (presumably to oversee or conduct a hearing) separate and apart from a decision-maker, and the final regulations do not prevent the same individual serving in both roles." <i>Id.</i> at 30,372.                                                                                                                  |
| ...appeal decision-maker                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Yes                                      | "[T]he appeal decision-maker must be a different person than the Title IX Coordinator or any investigators or decision-makers that reached the initial determination of responsibility, will help to ensure that recipients' appeal processes are adequately independent and effective in curing possible unfairness or error." <i>Id.</i> at 30,399.                                                                                                                                |
| The Department asserts there is danger in Title IX personnel who serve in multiple roles being improperly influenced by information gleaned from one position when serving in another. <i>See id.</i> at 30,369, 30,370. Setting limitations on which roles may be doubled (primarily separating the investigative and adjudicative functions of a grievance process) protects against the possibility of these improper influences. <i>Id.</i> The Department believes that creating this separation will help to ensure that determinations are based only on the relevant evidence and therefore increase the overall reliability of those determinations. <i>Id.</i> |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Grievance Process Outcomes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| The number of particular outcomes either determining responsibility or non-responsibility                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | No                                       | "the mere fact that a certain number of outcomes result in determinations of responsibility, or non-responsibility, does not necessarily indicate or imply bias on the part of Title IX personnel" <i>Id.</i> at 30,252.                                                                                                                                                                                                                                                             |
| The Department cautions against presuming bias based on the outcomes of prior grievance procedures. <i>Id.</i> at 30,252. Because the regulations require each case be determined on its merits, the number of particular outcomes determining responsibility or non-responsibility, alone, do not indicate bias. <i>Id.</i>                                                                                                                                                                                                                                                                                                                                             |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

## **Appendix D: Model Decorum Policy for Title IX Grievance Process Hearings**

### **Purpose of the Rules of Decorum**

Title IX hearings are not civil or criminal proceedings, and are not designed to mimic formal trial proceedings. They are primarily educational in nature, and the U.S. Department of Education, writing about Title IX in the Final Rule “purposefully designed these final regulations to allow recipients to retain flexibility to adopt rules of decorum that prohibit any party advisor or decision-maker from questioning witnesses in an abusive, intimidating, or disrespectful manner.” 85 Fed. Reg. 30026, 30319 (May 19, 2020). The Department has determined that institutions “are in a better position than the Department to craft rules of decorum best suited to their educational environment” and build a hearing process that will reassure the parties that the institution “is not throwing a party to the proverbial wolves.” Id.

To achieve this purpose, institutions may provide for reasonable rules of order and decorum, which may be enforced through the removal of an advisor who refuses to comply with the rules. Id., at 30320. As the Department explains, the removal process “incentivizes a party to work with an advisor of choice in a manner that complies with a recipient’s rules that govern the conduct of a hearing, and incentivizes colleges and universities to appoint advisors who also will comply with such rules, so that hearings are conducted with respect for all participants.” Id.

At base, these Rules of Decorum require that all parties, advisors of choice, and institutional staff treat others who are engaged in the process with respect.

The rules and standards apply equally to all Parties and their Advisors regardless of sex, gender, or other protected class, and regardless of whether they are in the role of Complainant or Respondent.

### **Rules of Decorum**

The following Rules of Decorum are to be observed in the hearing and applied equally to all parties (meaning the complainant and respondent) and advisors:

- Questions must be conveyed in a neutral tone.
- Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally misname or mis-gender that person in communication or questioning.
- No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers.
- While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.

- The advisor may not yell, scream, badger, or physically “lean in” to a party or witness’s personal space. Advisors may not approach the other party or witnesses without obtaining permission from the decision-maker.
- The advisor may not use profanity or make irrelevant ad hominem attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
- The advisor may not ask repetitive questions. This includes questions that have already been asked by the decision-maker, the advisor in cross-examination, or [if this is the institutional process] the party or advisor in direct testimony. When the decision-maker determines a question has been “asked and answered” or is otherwise not relevant, the advisor must move on.
- Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

### **Warning and Removal Process**

The decision-maker shall have sole discretion to determine if the Rules of Decorum have been violated. The decision-maker will notify the offending person of any violation of the Rules.

Upon a second or further violation of the Rules, the decision-maker shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process.

Where the decision-maker removes a party’s advisor, the party may select a different advisor of their choice, or accept an advisor provided by the institution for the limited purpose of cross-examination at the hearing. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated should an advisor be removed. A party cannot serve as their own advisor in this circumstance.

The decision-maker shall document any decision to remove an advisor in the written determination regarding responsibility.

### **Violations of this Policy**

For flagrant, multiple, or continual violations of this Rule, in one or more proceedings, advisors may be prohibited from participating in future proceedings at the institution in the advisor role on a temporary or permanent basis.

Evidence of violation(s) of this agreement will be gathered by the Title IX Coordinator, Director of Student Conduct, or a designee of either and presented to the Vice President for Student Affairs for cases involving students/Director of Human Resources for cases

involving employees/Other Appropriate Staff Member.

The Advisor accused may provide an explanation or alternative evidence in writing for consideration by the Vice President for Student Affairs for cases involving students/Director of Human Resources for cases involving employees/Other Appropriate Staff Member. Such evidence or explanation is due within fifteen (15) business days of receipt of a notice of a charge of re-disclosure or improper access to records. There shall be no right to a live hearing, oral testimony, or cross-examination.

The Vice President for Student Affairs for cases involving students/Director of Human Resources for cases involving employees/Other Appropriate Staff Member shall consider the evidence under a preponderance of the evidence standard and issue a finding in writing and, if the finding is Responsible, shall include a Sanction. The finding shall be issued in writing to all Parties and Advisors (if there is a current case pending) within thirty (30) business days unless extended for good cause.

There is no appeal of this finding. Sanctions shall be higher for intentional re-disclosure of records than for negligent re-discourse. In the event that an Advisor is barred permanently or for a term from serving in the role as Advisor in the future, they may request a review of that bar from the Vice President for Student Affairs for cases involving students/Director of Human Resources for cases involving employees/Other Appropriate Staff Member no earlier than three-hundred and sixty-five (365) days after the date of the findings letter.

### **Relevant Questions Asked in Violation of the Rules of Decorum**

Where an advisor asks a relevant question in a manner that violates the Rules, such as yelling, screaming, badgering, or leaning-in to the witness or party's personal space, the question may not be deemed irrelevant by the decision-maker simply because of the manner it was delivered. Under that circumstance, the decision-maker will notify the advisor of the violation of the Rules, and, if the question is relevant, will allow the question to be re-asked in a respectful, non-abusive manner by the advisor (or a replacement advisor, should the advisor be removed for violation of the Rules).

## **Appendix E: Guide for Determining Relevance**

### **What is the purpose of this Guide?**

On May 19, 2020, the U.S. Department of Education issued Final Rules governing the Title IX grievance process, effective August 14, 2020. The Final Rule requires that all colleges and universities hold a live hearing before making any determination regarding responsibility for covered reports of Title IX Sexual Harassment, including sexual violence. This hearing must provide for live cross-examination by the parties' advisors.

Any question posed by the advisors must be evaluated for "relevance" in real time by the hearing officer. According to Final Rule §106.45(b)(6)(i):

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

### **What is a relevant question?**

The Department of Education encourages institutions to apply the "plain and ordinary meaning" of relevance in their determinations. 85 Fed. Reg. 30026, 30304 (May 19, 2020). Basically, a relevant question will ask whether the facts material to the allegations under investigation are more or less likely to be true. *Id.* at 30294. A question not directly related to the allegations will generally be irrelevant.

Officials should use common sense in this understanding. Things may be interesting or surprising but not be relevant.

Relevance decisions should be made on a question-by-question basis, looking narrowly at whether the question seeks information that will aid the decision-maker in making the underlying determination. The relevance decision should not be based on who asked the question, their possible (or clearly stated) motives, who the question is directed to, or the tone or style used to ask about the fact. Relevance decisions should not be based in whole or in part upon the sex or gender of the party for whom it is asked or to whom it is asked, nor based upon their status as complainant or respondent, past status as complainant or respondent, any organizations of which they are a member, or any other protected class covered by federal or state law (e.g. race, sexual orientation, disability).

If a question is relevant but offered in an abusive or argumentative manner, the decision-maker has the discretion to ask the advisor to rephrase the question in an appropriate manner, consistent with the institution's decorum policy for hearings.

### **What if the question is "prejudicial" and concerns sensitive or embarrassing issues?**

Much of the content within these hearings may be considered sensitive and/or embarrassing by parties or advisors. However, relevant questions need to be

considered even if a party or advisor believes the danger of unfair prejudice substantially outweighs their probative value. Only irrelevant questions (detailed below), including about the complainant's prior sexual history, may be excluded.

### **What is an irrelevant question?**

#### **1. Question about Complainant's Prior Sexual Behavior or Sexual Predisposition**

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless:

- such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
- if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

#### **2. Question regarding Privileged Information**

Questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege are irrelevant. In New York, individuals with legal privilege may include attorneys, medical providers (physician, dentist, podiatrist, chiropractor, nurse), psychologists, clergy, rape crisis counselors, and social workers. New York's laws of privilege are listed within CPLR Article 45.

#### **3. Questions about Undisclosed Medical Records**

Questions that call for information about any party's medical, psychological, and similar records are irrelevant unless the party has given voluntary, written consent.

#### **4. Duplicative Questions**

Questions that repeat, in sum or substance, questions already asked by the decision-maker prior to cross-examination, or by a party's advisor during cross-examination (and if part of your process, during direct examination), may be ruled duplicative, and therefore irrelevant.

### **How should the decision-maker reach a relevance determination?**

If the decision-maker is a single individual, the decision-maker will be solely responsible for determining the relevance of the question before it is asked.

If the decision-maker is a panel, the panel's Chair will make all determinations of relevance.

### **What should the relevance determination consist of?**

The Department of Education explains that the Final Rule “does not require a decision-maker to give a lengthy or complicated explanation” in support of a relevance determination. Rather, “it is sufficient, for example, for a decisionmaker to explain that a question is irrelevant because the question calls for prior sexual behavior information without meeting one of the two exceptions, or because the question asks about a detail that is not probative of any material fact concerning the allegations.”

As such, the decision-maker need only provide a brief explanation of the determination, which will ordinarily consist of one of the following statements depending on the situation.

1. Generally probative questions

- The question is relevant because it asks whether a fact material to the allegations is more or less likely to be true.
- The question is irrelevant because it asks about a detail that does not touch on whether a material fact concerning the allegations is more or less likely to be true.

2. Question about Complainant’s Prior Sexual Behavior or Sexual Predisposition

- The question is relevant because although it calls for prior sexual behavior information about the complainant, it meets one of the two exceptions to the rape shield protections defined in 34 C.F.R. § 106.45(b)(6)(i), and it tends to prove that a material fact at issue is more or less likely to be true [denote which exception].
- Exception one: The question is asked to prove that someone other than the respondent committed the conduct alleged by the complainant.
- Exception two: The question concerns specific incidents of the complainant’s prior sexual behavior with respect to the respondent and is asked to prove consent
- The question is irrelevant because it calls for prior sexual behavior information about the complainant without meeting one of the two exceptions to the rape shield protections defined in 34 C.F.R. § 106.45(b)(6)(i).

3. —Question regarding Privileged Information

- The question is irrelevant because it calls for information shielded by a legally-recognized privilege [identify the privilege].
- The question is relevant because, although it calls for information shielded by a legally-recognized privilege [identify the privilege], that privilege has been waived in writing, and the question tends to prove that a material fact at issue is more or less likely to be true.

4. Questions about Undisclosed Medical Records

- The question is irrelevant because it calls for information regarding a party's medical, psychological, or similar record without that party's voluntary, written consent.
- This question is relevant because although it calls for a party's medical, psychological, or similar records, that party has given their voluntary, written consent to including this material, and it tends to prove that a material fact at issue is more or less likely to be true. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

5. Duplicative Questions

- The question is irrelevant because it is duplicative of a question that was asked and answered.

The decision-maker may relay a longer explanation if necessary under the circumstances.

The relevance determination will be conveyed orally, except as needed to accommodate a disclosed disability of a hearing participant, and all relevance determinations will be preserved in the record of the proceeding.

**May the parties and/or their advisors ask the decision-maker to reconsider their relevance decision?**

Any party or their advisor may request that the decision-maker reconsider their relevance determination.

The decision-maker may deny or grant the request to reconsider. This determination is final, but may be subject to appeal under the Title IX Grievance Process.

## Appendix F: A Plain Language Explanation of Distinctions Between the New York State Penal Law and the College Disciplinary Processes

|                                                                              | <b>Criminal Justice System</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>College/University Disciplinary System</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Goals</b>                                                                 | Public safety, deterrence, and punishment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Education; safety; safe and supportive campus environment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Governing Law</b>                                                         | New York State Penal Code; New York State Rules of Criminal Procedure (or another state's rules if the crime took place there), Federal Criminal Law, and Rules of Evidence.                                                                                                                                                                                                                                                                                                                                                                            | Title IX; The Clery Act as amended by the Violence Against Women Act; NYS Education Law sections 129-A and 129-B. More specific rules govern particular colleges and universities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>How to report and whether there must be action once a report is made.</b> | Crimes involving sexual violence may be reported to campus police (if the campus has police officers), the local police agency, or to the New York State Police. Certain crimes may also be reported to federal law enforcement agents. Once a report is made, the decision whether to investigate is made by the police/law enforcement agency, often in consultation with a District Attorney or other prosecuting agency. An investigation may be conducted without the consent or participation of a reporting individual. The ultimate decision of | Victims may disclose sexual violence to various college employees who are designated confidential resources or to others who will try to ensure privacy to the extent consistent with the institution's obligation to provide a safe educational environment. Disclosures made to a confidential resource will not trigger an investigation. When a report is made to the Title IX Coordinator (TIXC) or another Non-Confidential resource, the TIXC will determine whether an investigation is necessary by weighing a request for confidentiality by the reporting individual against the continuing safety of that person and the safety and best interests of the campus community. |

|                             |                                                                                                                                                                       |                                                                                                                                                                                                                                                         |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             | whether to initiate a criminal prosecution is initially made by a prosecutor. In cases involving felony charges, the final charging decision is made by a Grand Jury. |                                                                                                                                                                                                                                                         |
| <b>Who investigates?</b>    | Police or other law enforcement officials.                                                                                                                            | Investigators employed or retained by the college or university; these individuals may work for different departments within the institution, including, but not limited to, the police/public safety department, student affairs and academic affairs. |
| <b>Procedures</b>           | See Governing Law. Procedures established by police departments, prosecutors' offices, etc.                                                                           | College/University policies and Bylaws, which generally incorporate requirements of Governing Law. Collective bargaining agreements may impact some procedures.                                                                                         |
| <b>Standard of Evidence</b> | Crimes must be proven "Beyond a Reasonable Doubt"                                                                                                                     | A violation of disciplinary rules must be found by a "Preponderance of the Evidence" (more likely than not)                                                                                                                                             |
| <b>Confidentiality</b>      | Law enforcement agencies offer some confidential assistance, but a criminal charge and trial must be public.                                                          | Colleges and universities offer confidential resources, but a disciplinary proceeding requires that relevant information be shared with those involved.                                                                                                 |
| <b>Privacy</b>              | Criminal trials must be public.                                                                                                                                       | Disciplinary proceedings are kept as private as possible, but information must be shared with certain individuals within the college, the parties, and pursuant to law.                                                                                 |

|                                       |                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Who are the parties?</b>           | The prosecution and defendant. The victim/survivor is <u>not</u> a party, but often the critical witness for the prosecution.                                                                                                                                     | Varies by school—some consider the institution and the respondent to be parties, and confer on the reporting individual certain rights to participate, as the law provides. Otherwise, reporting individual and accused/respondent.                                                                                                                                |
| <b>Participation in the process</b>   | In limited circumstances, a criminal prosecution can proceed without the participation or cooperation of the reporting individual, but without a reporting individual's participation, it is generally more difficult to prove a crime beyond a reasonable doubt. | Reporting students cannot be required to participate in the college process. However, a college will be limited in its ability to respond if a reporting individual does not participate.                                                                                                                                                                          |
| <b>Who initiates the proceedings?</b> | A prosecutor, acting on behalf of the state (or the United States in federal cases).                                                                                                                                                                              | The college or university initiates proceedings. While rules vary from school to school, they most provide an active role for the reporting individual.                                                                                                                                                                                                            |
| <b>Testimony</b>                      | In a court, testimony is generally public. Other parties are, through counsel, entitled to cross-examine witnesses.                                                                                                                                               | The rules are established by individual colleges and universities, but some institutions provide for alternative approaches that permit students to testify without having other parties in the room and/or to ask cross-examination questions only through the disciplinary panel, investigator, or representative of the reporting individual and/or respondent. |
| <b>Role of</b>                        | Both the state and the                                                                                                                                                                                                                                            | Varies by school. Many permit                                                                                                                                                                                                                                                                                                                                      |

|                                  |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>attorneys</b>                 | defendant are represented by counsel; counsel may question witnesses.                                                                                                                                                                                                      | the parties to be advised by attorneys but some limit the attorney's' roles to quietly speaking with their clients or passing notes.                                                                                                                                                                                                                       |
| <b>Mental and Health History</b> | In New York, a reporting individual's prior sexual and mental health history is generally, but not always, inadmissible in a criminal case. There are limited circumstances under which directly relevant evidence of that kind may be admitted.                           | Generally not admissible, but subject to quite limited exceptions. Education Law 129-b permits parties to exclude information about their prior sexual history with persons other than the other party and also to exclude evidence of their own mental health history in the fact finding phase of the disciplinary process.                              |
| <b>Possible Results</b>          | <p>If a prosecution takes place, the defendant may</p> <ul style="list-style-type: none"> <li>• plead guilty or "no contest"</li> <li>• have the case dismissed by the judge (on legal grounds)</li> <li>• be found "guilty" or "not guilty" by a judge or jury</li> </ul> | <p>In cases that do not involve sexual assault, some schools permit mediation or similar procedures if parties agree.</p> <p>If there is a formal proceeding, the respondent may be found "responsible" or "not responsible" for violations of the institution's rules. Respondents may also accept responsibility before a finding by an adjudicator.</p> |
| <b>Sanctions</b>                 | An individual found guilty may be fined, imprisoned, or both. In some courts, alternative sanctions are sometimes used.                                                                                                                                                    | An individual found responsible for violating college Policy may be given a range of sanctions (depending on the severity of the conduct and other factors, such as prior judicial history), ranging from a warning to suspension or expulsion from the institution.                                                                                       |

# 2026 Campus Safety and Security Survey

Institution: (195128001)

User ID: 88G1081

## Screening Questions

Please answer these questions carefully. The answers you provide will determine which screens you will be asked to complete for this data collection.

### 1. Does your institution provide On-Campus Student Housing Facilities?

- ☐ No.
- ☒ Yes. (If Yes is selected, you must enter the number of student housing facilities below and enter Fire Statistics for each facility.)

Number of On-campus Student  
Housing Facilities:

7



Last Year

8

### 2. Does your institution have any noncampus buildings or properties?

- ☒ Yes
- ☐ No

### 3. Have you combined statistics that you received from the local or state police with your institution statistics for this report? If you answer No to this question, you will be asked to provide the data you received from the local and state police separately.

- ☒ Yes. Local and/or state law enforcement agencies provided us with statistics that we are combining with statistics collected by our campus security authorities.
- ☐ No. We are not combining the statistics because we cannot determine whether the statistics we obtained from local and/or state law enforcement agencies are for on-campus incidents or public property incidents.
- ☐ Not available. We cannot determine if the statistics we obtained from local and/or state law enforcement agencies are for our Clery geography.
- ☐ Not available. We made a good-faith effort to obtain statistics from local and/or state law enforcement agencies, but the agencies did not comply with our request.

## Criminal Offenses - On campus

For each of the following criminal offenses, enter the number reported to have occurred On Campus.

| Criminal offense                                                             | Total occurrences On campus    |                                |                                |
|------------------------------------------------------------------------------|--------------------------------|--------------------------------|--------------------------------|
|                                                                              | 2023                           | 2024                           | 2025                           |
| a. <u>Murder/Non-negligent manslaughter</u>                                  | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| b. <u>Manslaughter by Negligence</u>                                         | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| c. <u>Rape</u>                                                               | <input type="text" value="0"/> | <input type="text" value="1"/> | <input type="text" value="0"/> |
| d. <u>Fondling</u>                                                           | <input type="text" value="3"/> | <input type="text" value="1"/> | <input type="text" value="0"/> |
| e. <u>Incest</u>                                                             | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| f. <u>Statutory rape</u>                                                     | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| g. <u>Robbery</u>                                                            | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| h. <u>Aggravated assault</u>                                                 | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| i. <u>Burglary</u>                                                           | <input type="text" value="0"/> | <input type="text" value="1"/> | <input type="text" value="1"/> |
| j. <u>Motor vehicle theft</u><br>(Do not include theft from a motor vehicle) | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| k. <u>Arson</u>                                                              | <input type="text" value="1"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |

**Caveat:**  
If you have changed prior years' data, you must add a caveat explaining the change. Use the following format: "For (YEAR), Line (X) was changed from (A) to (B) because (REASON)."

## Criminal Offenses - On-campus Student Housing Facilities

Of those criminal offenses reported to have occurred On Campus, enter the number that occurred in On-campus Student Housing Facilities.

| Criminal offense                                                             | Total occurrences in On-Campus Student Housing Facilities |                                |                                |
|------------------------------------------------------------------------------|-----------------------------------------------------------|--------------------------------|--------------------------------|
|                                                                              | 2023                                                      | 2024                           | 2025                           |
| a. <u>Murder/Non-negligent manslaughter</u>                                  | <input type="text" value="0"/>                            | <input type="text" value="0"/> | <input type="text" value="0"/> |
| b. <u>Manslaughter by Negligence</u>                                         | <input type="text" value="0"/>                            | <input type="text" value="0"/> | <input type="text" value="0"/> |
| c. <u>Rape</u>                                                               | <input type="text" value="0"/>                            | <input type="text" value="1"/> | <input type="text" value="0"/> |
| d. <u>Fondling</u>                                                           | <input type="text" value="2"/>                            | <input type="text" value="1"/> | <input type="text" value="0"/> |
| e. <u>Incest</u>                                                             | <input type="text" value="0"/>                            | <input type="text" value="0"/> | <input type="text" value="0"/> |
| f. <u>Statutory rape</u>                                                     | <input type="text" value="0"/>                            | <input type="text" value="0"/> | <input type="text" value="0"/> |
| g. <u>Robbery</u>                                                            | <input type="text" value="0"/>                            | <input type="text" value="0"/> | <input type="text" value="0"/> |
| h. <u>Aggravated assault</u>                                                 | <input type="text" value="0"/>                            | <input type="text" value="0"/> | <input type="text" value="0"/> |
| i. <u>Burglary</u>                                                           | <input type="text" value="0"/>                            | <input type="text" value="0"/> | <input type="text" value="0"/> |
| j. <u>Motor vehicle theft</u><br>(Do not include theft from a motor vehicle) | <input type="text" value="0"/>                            | <input type="text" value="0"/> | <input type="text" value="0"/> |

k. Arson

1

0

0

**Caveat:**

If you have changed prior years' data, you must add a caveat explaining the change. Use the following format: "For (YEAR), Line (X) was changed from (A) to (B) because (REASON)."

**Criminal Offenses - Noncampus**

For each of the following criminal offenses, enter the number reported to have occurred in or on Noncampus buildings or property.

| Criminal offense                            | Total occurrences in<br>or on Noncampus buildings or property |      |      |
|---------------------------------------------|---------------------------------------------------------------|------|------|
|                                             | 2023                                                          | 2024 | 2025 |
| a. <u>Murder/Non-negligent manslaughter</u> | 0                                                             | 0    | 0    |
| b. <u>Manslaughter by Negligence</u>        | 0                                                             | 0    | 0    |
| c. <u>Rape</u>                              | 0                                                             | 0    | 0    |
| d. <u>Fondling</u>                          | 1                                                             | 0    | 0    |
| e. <u>Incest</u>                            | 0                                                             | 0    | 0    |
| f. <u>Statutory rape</u>                    | 0                                                             | 0    | 0    |
| g. <u>Robbery</u>                           | 0                                                             | 0    | 0    |

|                                                                              |                                |                                |                                |
|------------------------------------------------------------------------------|--------------------------------|--------------------------------|--------------------------------|
| h. <u>Aggravated assault</u>                                                 | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| i. <u>Burglary</u>                                                           | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| j. <u>Motor vehicle theft</u><br>(Do not include theft from a motor vehicle) | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| k. <u>Arson</u>                                                              | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |

**Caveat:**  
If you have changed prior years' data, you must add a caveat explaining the change. Use the following format: "For (YEAR), Line (X) was changed from (A) to (B) because (REASON)."

Criminal Offenses - Public Property

For each of the following criminal offenses, enter the number reported to have occurred on Public Property.

| Criminal offense                            | Total occurrences on Public Property |                                |                                |
|---------------------------------------------|--------------------------------------|--------------------------------|--------------------------------|
|                                             | 2023                                 | 2024                           | 2025                           |
| a. <u>Murder/Non-negligent manslaughter</u> | <input type="text" value="0"/>       | <input type="text" value="0"/> | <input type="text" value="0"/> |
| b. <u>Manslaughter by Negligence</u>        | <input type="text" value="0"/>       | <input type="text" value="0"/> | <input type="text" value="0"/> |
| c. <u>Rape</u>                              | <input type="text" value="1"/>       | <input type="text" value="0"/> | <input type="text" value="1"/> |
| d. <u>Fondling</u>                          | <input type="text" value="0"/>       | <input type="text" value="0"/> | <input type="text" value="0"/> |

|                                                                              |                                |                                |                                |
|------------------------------------------------------------------------------|--------------------------------|--------------------------------|--------------------------------|
| e. <u>Incest</u>                                                             | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| f. <u>Statutory rape</u>                                                     | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| g. <u>Robbery</u>                                                            | <input type="text" value="1"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| h. <u>Aggravated assault</u>                                                 | <input type="text" value="3"/> | <input type="text" value="2"/> | <input type="text" value="1"/> |
| i. <u>Burglary</u>                                                           | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| j. <u>Motor vehicle theft</u><br>(Do not include theft from a motor vehicle) | <input type="text" value="0"/> | <input type="text" value="2"/> | <input type="text" value="1"/> |
| k. <u>Arson</u>                                                              | <input type="text" value="0"/> | <input type="text" value="1"/> | <input type="text" value="0"/> |

**Caveat:**  
 If you have changed prior years' data, you must add a caveat explaining the change. Use the following format: "For (YEAR), Line (X) was changed from (A) to (B) because (REASON)."

## Hate Crimes - On campus

For the criminal offenses listed below, first enter the total number of Hate Crimes that were reported to have occurred On campus. Then break down each total by category of bias (e.g., race, religion).

YEAR 2025

| Criminal offense | Total | Occurrences of Hate crimes (Category of Bias for crimes) |          |                    |        |                 |            |           |                 |
|------------------|-------|----------------------------------------------------------|----------|--------------------|--------|-----------------|------------|-----------|-----------------|
|                  |       | Race                                                     | Religion | Sexual orientation | Gender | Gender Identity | Disability | Ethnicity | National Origin |

|                                                                              |                                |                                |                                |                                |                                |                                |                                |                                |
|------------------------------------------------------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| a. <u>Murder/ Non-negligent manslaughter</u>                                 | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| c. <u>Rape</u>                                                               | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| d. <u>Fondling</u>                                                           | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| e. <u>Incest</u>                                                             | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| f. <u>Statutory rape</u>                                                     | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| g. <u>Robbery</u>                                                            | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| h. <u>Aggravated assault</u>                                                 | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| i. <u>Burglary</u>                                                           | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| j. <u>Motor vehicle theft</u><br>(Do not include theft from a motor vehicle) | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| k. <u>Arson</u>                                                              | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| l. <u>Simple assault</u>                                                     | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| m. <u>Larceny-theft</u>                                                      | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| n. <u>Intimidation</u>                                                       | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| o. <u>Destruction/damage/ vandalism of property</u>                          | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |

YEAR 2024

[illegible]

0 0 0 0 0 0 0 0 0

[illegible]



[illegible]

Murder/ Non-negligent  
manslaughter

|                                                                              |                                |                                |                                |                                |                                |                                |                                |                                |
|------------------------------------------------------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| c. <u>Rape</u>                                                               | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| d. <u>Fondling</u>                                                           | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| e. <u>Incest</u>                                                             | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| f. <u>Statutory rape</u>                                                     | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| g. <u>Robbery</u>                                                            | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| h. <u>Aggravated assault</u>                                                 | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| i. <u>Burglary</u>                                                           | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| j. <u>Motor vehicle theft</u><br>(Do not include theft from a motor vehicle) | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| k. <u>Arson</u>                                                              | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| l. <u>Simple assault</u>                                                     | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| m. <u>Larceny-theft</u>                                                      | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| n. <u>Intimidation</u>                                                       | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| o. <u>Destruction/damage/<br/>vandalism of property</u>                      | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |

YEAR 2023

| Criminal offense | Total | Occurrences of Hate crimes (Category of Bias for crimes) |
|------------------|-------|----------------------------------------------------------|
|------------------|-------|----------------------------------------------------------|

[illegible]

If you have changed prior years' data, you must add a caveat explaining the change. Use the following format: "For (YEAR), Line (X) was changed from (A) to (B) because (REASON)."

\_\_\_\_\_

For the criminal offenses listed below, first enter the total number of Hate Crimes that were reported to have occurred in or on Noncampus buildings or property. Then break down each total by category of bias (e.g., race, religion).

[illegible]





|                                                         |                                |                                |                                |                                |                                |                                |                                |                                |
|---------------------------------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| d. <u>Fondling</u>                                      | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| e. <u>Incest</u>                                        | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| f. <u>Statutory rape</u>                                | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| g. <u>Robbery</u>                                       | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| h. <u>Aggravated assault</u>                            | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| i. <u>Burglary</u>                                      | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| j. <u>Motor vehicle theft</u>                           | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| k. <u>Arson</u>                                         | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| l. <u>Simple assault</u>                                | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| m. <u>Larceny-theft</u>                                 | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| n. <u>Intimidation</u>                                  | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| o. <u>Destruction/damage/<br/>vandalism of property</u> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |

**Caveat:**

If you have changed prior years' data, you must add a caveat explaining the change. Use the following format: "For (YEAR), Line (X) was changed from (A) to (B) because (REASON)."

## Hate Crimes - Public Property

For the criminal offenses listed below, first enter the total number of Hate Crimes that were reported to have occurred on Public Property. Then break down each total by category of bias (e.g., race, religion).

YEAR 2025

[illegible]



0 0 0 0 0 0 0 0 0

0 0 0 0 0 0 0 0 0

0 0 0 0 0 0 0 0 0

0 0 0 0 0 0 0 0 0

0 0 0 0 0 0 0 0 0

0 0 0 0 0 0 0 0 0

YEAR 2023

### Occurrences of Hate crimes (Category of Bias for crimes)

0 0 0 0 0 0 0 0 0

0 0 0 0 0 0 0 0 0

0 0 0 0 0 0 0 0 0

0 0 0 0 0 0 0 0 0

0 0 0 0 0 0 0 0 0

0 0 0 0 0 0 0 0 0

|                                                         |                                |                                |                                |                                |                                |                                |                                |                                |
|---------------------------------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| h. <u>Aggravated assault</u>                            | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| i. <u>Burglary</u>                                      | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| j. <u>Motor vehicle theft</u>                           | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| k. <u>Arson</u>                                         | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| l. <u>Simple assault</u>                                | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| m. <u>Larceny-theft</u>                                 | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| n. <u>Intimidation</u>                                  | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| o. <u>Destruction/damage/<br/>vandalism of property</u> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |

**Caveat:**  
If you have changed prior years' data, you must add a caveat explaining the change. Use the following format: "For (YEAR), Line (X) was changed from (A) to (B) because (REASON)."

VAWA Offenses - On Campus

For each of the following crimes, enter the number reported to have occurred On Campus.

| Crime | Total occurrences On Campus |      |      |
|-------|-----------------------------|------|------|
|       | 2023                        | 2024 | 2025 |

|                             |   |   |   |
|-----------------------------|---|---|---|
| a. <u>Domestic violence</u> | 1 | 0 | 0 |
| b. <u>Dating violence</u>   | 2 | 2 | 3 |
| c. <u>Stalking</u>          | 1 | 0 | 2 |

**Caveat:**  
 If you have changed prior years' data, you must add a caveat explaining the change. Use the following format: "For (YEAR), Line (X) was changed from (A) to (B) because (REASON)."

## VAWA Offenses - On-campus Student Housing Facilities

For each of the following crimes, enter the number reported to have occurred in On-campus Student Housing Facilities.

| Crime                       | Total occurrences in On-campus Student Housing Facilities |      |      |
|-----------------------------|-----------------------------------------------------------|------|------|
|                             | 2023                                                      | 2024 | 2025 |
| a. <u>Domestic violence</u> | 0                                                         | 0    | 0    |
| b. <u>Dating violence</u>   | 2                                                         | 2    | 2    |
| c. <u>Stalking</u>          | 0                                                         | 0    | 2    |

**Caveat:**  
 If you have changed prior years' data, you must add a caveat explaining the change. Use the following format: "For (YEAR), Line (X) was changed from (A) to (B) because (REASON)."

VAWA Offenses - Noncampus

For each of the following crimes, enter the number reported to have occurred in or on Noncampus buildings or property.

| Crime                       | Total occurrences in or on Noncampus buildings or property |              |              |
|-----------------------------|------------------------------------------------------------|--------------|--------------|
|                             | 2023                                                       | 2024         | 2025         |
| a. <u>Domestic violence</u> | <div>0</div>                                               | <div>0</div> | <div>0</div> |
| b. <u>Dating violence</u>   | <div>0</div>                                               | <div>0</div> | <div>0</div> |
| c. <u>Stalking</u>          | <div>1</div>                                               | <div>0</div> | <div>0</div> |

**Caveat:**  
If you have changed prior years' data, you must add a caveat explaining the change. Use the following format: "For (YEAR), Line (X) was changed from (A) to (B) because (REASON)."

VAWA Offenses - Public Property

For each of the following crimes, enter the number reported to have occurred on Public Property.

| Crime | Total occurrences on Public Property |
|-------|--------------------------------------|
|-------|--------------------------------------|

|                             | 2023                           | 2024                           | 2025                           |
|-----------------------------|--------------------------------|--------------------------------|--------------------------------|
| a. <u>Domestic violence</u> | <input type="text" value="1"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| b. <u>Dating violence</u>   | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="1"/> |
| c. <u>Stalking</u>          | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |

**Caveat:**  
 If you have changed prior years' data, you must add a caveat explaining the change. Use the following format: "For (YEAR), Line (X) was changed from (A) to (B) because (REASON)."

## Arrests - On campus

Enter the number of Arrests for each of the following crimes that occurred On Campus.

| Crime                                         | Number of Arrests              |                                |                                |
|-----------------------------------------------|--------------------------------|--------------------------------|--------------------------------|
|                                               | 2023                           | 2024                           | 2025                           |
| a. <u>Weapons: carrying, possessing, etc.</u> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| b. <u>Drug abuse violations</u>               | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| c. <u>Liquor law violations</u>               | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |

**Please Note:** Do NOT include drunkenness or driving under the influence in liquor law violations.

**Caveat:**

If you have changed prior years' data, you must add a caveat explaining the change. Use the following format: "For (YEAR), Line (X) was changed from (A) to (B) because (REASON)."

Arrests - On-campus Student Housing Facilities

Of those Arrests for crimes that occurred On Campus, enter the number of crimes that occurred in On-campus Student Housing Facilities for each of the following categories.

| Crime                                         | Number of Arrests |              |              |
|-----------------------------------------------|-------------------|--------------|--------------|
|                                               | 2023              | 2024         | 2025         |
| a. <u>Weapons: carrying, possessing, etc.</u> | <div>0</div>      | <div>0</div> | <div>0</div> |
| b. <u>Drug abuse violations</u>               | <div>0</div>      | <div>0</div> | <div>0</div> |
| c. <u>Liquor law violations</u>               | <div>0</div>      | <div>0</div> | <div>0</div> |

**Please Note:** Do NOT include drunkenness or driving under the influence in liquor law violations.

**Caveat:**

If you have changed prior years' data, you must add a caveat explaining the change. Use the following format: "For (YEAR), Line (X) was changed from (A) to (B) because (REASON)."

# Arrests - Noncampus

Enter the number of Arrests for each of the following crimes that occurred in or on Noncampus buildings or property.

| Crime                                         | Number of Arrests              |                                |                                |
|-----------------------------------------------|--------------------------------|--------------------------------|--------------------------------|
|                                               | 2023                           | 2024                           | 2025                           |
| a. <u>Weapons: carrying, possessing, etc.</u> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| b. <u>Drug abuse violations</u>               | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| c. <u>Liquor law violations</u>               | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |

**Please Note:** Do NOT include drunkenness or driving under the influence in liquor law violations.

**Caveat:**

If you have changed prior years' data, you must add a caveat explaining the change. Use the following format: "For (YEAR), Line (X) was changed from (A) to (B) because (REASON)."

# Arrests - Public Property

Enter the number of Arrests for each of the following crimes that occurred on Public Property.

| Crime                                         | Number of Arrests              |                                |                                |
|-----------------------------------------------|--------------------------------|--------------------------------|--------------------------------|
|                                               | 2023                           | 2024                           | 2025                           |
| a. <u>Weapons: carrying, possessing, etc.</u> | <input type="text" value="0"/> | <input type="text" value="1"/> | <input type="text" value="3"/> |

|                                 |                                |                                |                                |
|---------------------------------|--------------------------------|--------------------------------|--------------------------------|
| b. <u>Drug abuse violations</u> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |
| c. <u>Liquor law violations</u> | <input type="text" value="0"/> | <input type="text" value="0"/> | <input type="text" value="0"/> |

**Please Note:** Do NOT include drunkenness or driving under the influence in liquor law violations.

**Caveat:**  
If you have changed prior years' data, you must add a caveat explaining the change. Use the following format: "For (YEAR), Line (X) was changed from (A) to (B) because (REASON)."

Disciplinary Actions - On Campus

Enter the number of persons referred for disciplinary action for crimes that occurred On Campus for each of the following categories.

Do not include disciplinary actions that were strictly for school policy violations.

If the disciplinary action is the result of an arrest, please do not count it here; count the violation as 1 arrest.

| Crime                                         | Number of persons referred for Disciplinary Action |                                 |                                |
|-----------------------------------------------|----------------------------------------------------|---------------------------------|--------------------------------|
|                                               | 2023                                               | 2024                            | 2025                           |
| a. <u>Weapons: carrying, possessing, etc.</u> | <input type="text" value="0"/>                     | <input type="text" value="0"/>  | <input type="text" value="0"/> |
| b. <u>Drug abuse violations</u>               | <input type="text" value="1"/>                     | <input type="text" value="10"/> | <input type="text" value="5"/> |
| c. <u>Liquor law violations</u>               | <input type="text" value="15"/>                    | <input type="text" value="3"/>  | <input type="text" value="1"/> |

**Please Note:** Do NOT include drunkenness or driving under the influence in liquor law violations.

**Caveat:**

If you have changed prior years' data, you must add a caveat explaining the change. Use the following format: "For (YEAR), Line (X) was changed from (A) to (B) because (REASON)."

Disciplinary Actions - On-campus Student Housing Facilities

Enter the number of persons referred for disciplinary action for crimes that occurred in On-campus Student Housing Facilities for each of the following categories.  
**Do not include disciplinary actions that were strictly for school policy violations.**  
**If the disciplinary action is the result of an arrest, please do not count it here; count the violation as 1 arrest.**

| Crime                                         | Number of persons referred for Disciplinary Action |               |              |
|-----------------------------------------------|----------------------------------------------------|---------------|--------------|
|                                               | 2023                                               | 2024          | 2025         |
| a. <u>Weapons: carrying, possessing, etc.</u> | <div>0</div>                                       | <div>0</div>  | <div>0</div> |
| b. <u>Drug abuse violations</u>               | <div>1</div>                                       | <div>10</div> | <div>5</div> |
| c. <u>Liquor law violations</u>               | <div>15</div>                                      | <div>3</div>  | <div>1</div> |

**Please Note:** Do NOT include drunkenness or driving under the influence in liquor law violations.

**Caveat:**

If you have changed prior years' data, you must add a caveat explaining the change. Use the following format: "For (YEAR), Line (X) was changed from (A) to (B) because (REASON)."

## Disciplinary Actions - Noncampus

Enter the number of persons referred for disciplinary action for crimes that occurred in or on Noncampus buildings or property for each of the following categories.

Do not include disciplinary actions that were strictly for school policy violations.  
If the disciplinary action is the result of an arrest, please do not count it here; count the violation as 1 arrest.

| Crime                                         | Number of persons referred for Disciplinary Action |              |              |
|-----------------------------------------------|----------------------------------------------------|--------------|--------------|
|                                               | 2023                                               | 2024         | 2025         |
| a. <u>Weapons: carrying, possessing, etc.</u> | <div>0</div>                                       | <div>0</div> | <div>0</div> |
| b. <u>Drug abuse violations</u>               | <div>0</div>                                       | <div>0</div> | <div>0</div> |
| c. <u>Liquor law violations</u>               | <div>0</div>                                       | <div>0</div> | <div>0</div> |

**Please Note:** Do NOT include drunkenness or driving under the influence in liquor law violations.

**Caveat:**  
If you have changed prior years' data, you must add a caveat explaining the change. Use the following format: "For (YEAR), Line (X) was changed from (A) to (B) because (REASON)."

## Disciplinary Actions - Public Property

Enter the number of persons referred for disciplinary action for crimes that occurred on Public Property for each of the following categories.

**Do not include disciplinary actions that were strictly for school policy violations.**

**If the disciplinary action is the result of an arrest, please do not count it here; count the violation as 1 arrest.**

| Crime                                         | Number of persons referred for Disciplinary Action |                                |                                |
|-----------------------------------------------|----------------------------------------------------|--------------------------------|--------------------------------|
|                                               | 2023                                               | 2024                           | 2025                           |
| a. <u>Weapons: carrying, possessing, etc.</u> | <input type="text" value="0"/>                     | <input type="text" value="0"/> | <input type="text" value="0"/> |
| b. <u>Drug abuse violations</u>               | <input type="text" value="0"/>                     | <input type="text" value="0"/> | <input type="text" value="0"/> |
| c. <u>Liquor law violations</u>               | <input type="text" value="0"/>                     | <input type="text" value="0"/> | <input type="text" value="0"/> |

**Please Note:** Do NOT include drunkenness or driving under the influence in liquor law violations.

**Caveat:**  
If you have changed prior years' data, you must add a caveat explaining the change. Use the following format: "For (YEAR), Line (X) was changed from (A) to (B) because (REASON)."

## Unfounded Crimes

Of those crimes that occurred On Campus, in On-campus Student Housing Facilities, on or in Noncampus property or buildings, and on Public Property, enter the number of crimes that were unfounded.

**The total number of unfounded crimes should include all criminal offenses, hate crimes, domestic violence, dating violence, or stalking incidents that have been unfounded. Arrests and disciplinary actions cannot be unfounded.**

|  | Number |      |      |
|--|--------|------|------|
|  | 2023   | 2024 | 2025 |

a. Total unfounded crimes

0

0

0

**Please Note:** If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is "unfounded." Only sworn or commissioned law enforcement personnel may unfound a crime.

Count unfounded crimes in the year in which they were originally reported.

**Caveat:**  
If you have changed prior years' data, you must add a caveat explaining the change. Use the following format: "For (YEAR), Line (X) was changed from (A) to (B) because (REASON)."

# 2026 Campus Safety and Security Survey

Institution: (195128001)

User ID: 88G1081

## Fires - Summary

[illegible]

|       |   |   |   |   |   |   |   |   |   |
|-------|---|---|---|---|---|---|---|---|---|
| Total | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|-------|---|---|---|---|---|---|---|---|---|