



The State University
of New York

Office of General Counsel

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To: Council of Chief Student Affairs Officers
Council of Community College Chief Student Affairs Officers
SUNY Student Conduct Association
From: Sandra Casey; Andrea Stagg; Joseph Storch; Janet Thayer; Jim Jarvis; Marris Trachtenberg
Date: December 11, 2014

Re: Guidance on Implementing Sexual Assault Prevention Policies through Councils/Boards

In October, the SUNY Board of Trustees adopted a [resolution](#) relating to the development of uniform sexual assault prevention and response policies. To begin the process, the Chancellor appointed Provost Cartwright to chair a diverse group from across the System and beyond. The group included students, presidents, police and security, faculty, directors of health and counseling centers, Title IX Coordinators, vice presidents of student affairs, orientation leaders, and external community members and advocates. The [Working Group](#) reached a consensus of opinion, and the Chancellor formally adopted the Working Group's proposed [policies](#) on December 1.

Many of the policies and supporting items are effective immediately and do not require governance action at the campus level. However, certain policies (whether entirely or in part) make changes to a campus' Student Code of Conduct (or similarly named document), and pursuant to New York State Education Law, must be adopted at the local level by a College Council (State-operated institutions) or the Board (community colleges).

Attached you will find the finalized policies on sexual violence prevention and response. Items that must be adopted at the local level are highlighted in yellow. Each State-operated and community college must present changes to their Student Code of Conduct to their Council or Board so that they are in place for the beginning of the 2015-2016 academic year. The timeframe for adoption of the highlighted policies by Councils/ Boards should be included in president's report on actions taken to address the policies, which is due by March 31, 2015. As a reminder, SUNY's [guidance on implementing changes required by the Violence Against Women Act](#) includes additional changes to the Code that can be implemented concurrently with the policy changes discussed here.

It is important for Council/Board members to understand the significance and implications of these policies. The vast majority of the language is required by Federal law, namely the [Clery Act](#) (inclusive of the amendments in the 2013 Violence Against Women Act reauthorizations) and Title IX (as further interpreted in the [April 2011](#) and [April 2014](#) Office for Civil Rights guidance documents). Regardless of whether SUNY engaged in this initiative, each institution would have been required to make certain changes to their Code and the Annual Security Report, offer resources and rights to members of the community, including specific rights to victims/survivors and to participants in the conduct process. Other requirements found within SUNY's policies are interpretations of these laws, as requested by the Governor, Chancellor and the Working Group. These policies have been well accepted within and outside the SUNY community, and several prestigious individuals and organizations external to SUNY have called these policies a "national model."

While these policies require approval at the local level under the Education Law, Council/Board members should be reminded that these policies are a package deal and that this policy will be uniform across all State-operated and community colleges. The authority granted to the local Council/Boards under the Education law is subject to the general oversight and rules established by the SUNY Board of Trustees. Since the SUNY trustees adopted a resolution requiring uniform policies across all State-operated and community colleges, these policies should not be altered. However, minor modifications are permissible to reflect an institution's process/terminology. Individual institutions, in consultation with their Council/Board may, add additional information or examples to the policies. These policies must form the core of any relevant content. That is to say these policies form the floor but not the ceiling. Additionally, there is no necessity that these policies are passed alone, without other changes to the Code. While the required changes should be handled by a vote, they may certainly be made along with other changes to the Code.

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For more information on other pertinent changes that must be implemented by summer 2015, please see the Office of General Counsel guidance, [Policy and Programming Changes Pursuant to the Campus SaVE Provisions of the Violence Against Women Act](#)—especially the sections entitled “VAWA’s Impact on Student Conduct Codes/Disciplinary Proceedings” and “New VAWA Required Definitions for Student Conduct Codes.” Other specific issues to consider when updating your Code include:

- Language advising accused and reporting/victim students in conduct proceedings regarding sexual assault, domestic violence, dating violence and stalking, that they may bring an advisor of choice (including an attorney) to any meeting or proceeding. This is not limited to the hearing but includes all meetings.
- While these advisors may attend hearings, VAWA’s Final Rules makes it clear that institutions may limit participation of advisors. Most colleges allow attorneys to write notes to their client or request a recess to advise their clients, but do not allow them to speak (often referred to as the “potted plant” rule).
- Language addressing delays requested by student participants in the conduct process and their attorneys. Students may bring an advisor of choice, but institutions may limit the delay, to keep within the 60 day limit advised by the Office for Civil Rights. Counsel’s Office recommends language providing each party with the opportunity to request a one-time delay of five school/business days. If an attorney asks for a three month adjournment due to their other cases, the institution can say that policy only allows for a one time delay of up to five days and they cannot accommodate such a delay.
- While Federal law and SUNY policy clearly forbid retaliation by the institution against students who report violence, we must also forbid intra-party retaliation. For example, if a reporting victim’s friends slash the tires of the named respondent, or the named respondent’s friends yell threats at the reporting victim, the institution may also subject them to discipline for retaliating against someone participating in the student conduct process.

If you have specific questions, please ask your college’s attorney for help. Specific governance questions may be referred to [General Counsel-in-Charge Sandra Casey](#). For questions about the substance of the SUNY policies, please contact either Associate Counsel [Andrea Stagg](#) or [Joseph Storch](#).

Copy: Jessica Todtman
Office of General Counsel



SUNY Policies on Sexual Violence Prevention and Response December 1, 2014

This document highlights in yellow all elements of the SUNY-wide policies that must be approved locally by a College Council for State-operated colleges or Board of Trustees for community colleges for inclusion in the Student Code of Conduct.

These policies reflect comments from:

- October 27, 2014 SUNY Working Group Full Day Meeting
- November 7, 2014 SUNY Community Webinar Town Hall
- November 10, 2014 SUNY Community Webinar Town Hall
- November 10, 2014 External Advocates Meeting
- November 14, 2014 SUNY Working Group Full Day Meeting
- November 21, 2014 External Advocates Meeting

For more information about the Chancellor's Temporary Working Group on Continual Improvement to Sexual Violence Prevention Policies and its membership, visit: <http://system.suny.edu/sexual-violence-prevention-workgroup/>

For the SUNY Board of Trustees' resolution calling for the establishment of these policies, visit: <http://www.suny.edu/media/suny/content-assets/documents/boardoftrustees/memos/Sexual-Assault-Response-Prevention-REVISED.pdf>

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SUNY Policies on Sexual Violence¹ Prevention and Response

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¹ Sexual violence, as that term is used in this document and prior U.S. Office for Civil Rights guidance, refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (as defined by the affirmative consent policy included herein). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by other students, college employees, or third parties. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

Definition of Affirmative Consent

Affirmative consent is a clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity. Consent is active, not passive. Silence or lack of resistance cannot be interpreted as consent. Seeking and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression. Consent may be initially given but withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop. Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness or being asleep, being involuntarily restrained, if any of the parties are under the age of 17, or if an individual otherwise cannot consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

Policy for Alcohol and/or Drug Use Amnesty in Sexual Violence Cases

The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. [College/University] recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time a sexual violence incident occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. [College/University] strongly encourages students to report incidents of sexual violence to campus officials. A bystander reporting in good faith or a victim/survivor reporting sexual violence to [College/University] officials or law enforcement will not be subject to campus conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the sexual violence.

Campus Climate Assessment Policy

Climate assessments afford institutions the opportunity to better understand their campus and to make informed decisions when it comes to providing a safe educational environment. Beginning in the 2015-2016 academic year, each State University of New York State-operated and community college will conduct a uniform climate survey that analyzes prevalence and attitudes regarding sexual harassment, including sexual violence, and other related crimes.

The survey will address at least the following:

- Student and employee knowledge about:
 - The Title IX Coordinator's role;
 - Campus policies and procedures addressing sexual assault;
 - How and where to report sexual violence as a victim/survivor or witness;
 - The availability of resources on and off campus, such as counseling, health, academic assistance;
 - The prevalence of victimization and perpetration of sexual assault, domestic violence, dating violence, and stalking on and off campus during a set time period (for example, the last two years);
 - Bystander attitudes and behavior; and
 - Whether victims/survivors reported to the College/University and/or police, and reasons why they did or did not report.

Beginning in the spring semester of 2015, the Chancellor or designee will convene a group of scholars and practitioners to review methods of assessing campus climate, specific questions asked in past surveys, relevant data on responses and response rates, issues and problems encountered in survey implementation, and lessons learned from past surveys. The Chancellor or designee will gather this data and seek to develop a standardized survey, with the advice of relevant members of the SUNY community and knowledgeable outside entities, that uses established measurement tools, to be implemented every two years by all SUNY State-operated and community colleges beginning in the 2015-2016 academic year. This policy may be changed by the Chancellor or designee should federal and/or State legislation require a different process or duplicate efforts to assess campus climate via survey.

Sexual Violence Victim/Survivor Bill of Rights

The State University of New York and [College/University] are committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in College/University-wide and campus programs, activities, and employment. All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad:

The right to:

- Have disclosures of sexual violence treated seriously.
- Make a decision about whether or not to disclose a crime or incident and participate in the conduct or criminal justice process free from outside pressures from college officials.
- Be treated with dignity and to receive from college officials courteous, fair, and respectful health care and counseling services.
- Be free from any suggestion that the victim/survivor is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such a crime.
- Describe the incident to as few individuals as practicable and not to be required to unnecessarily repeat a description of the incident.
- Be free from retaliation by the College, the accused, and/or their friends, family and acquaintances.
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or conduct process of the College.

Options in Brief:

Victims/survivors have many options that can be pursued simultaneously, including one or more of the following:

- Receive resources, such as counseling and medical attention;
- Confidentially or anonymously disclose a crime or violation (for detailed information on confidentiality and privacy, visit [LINK TO Options for Confidentially Disclosing Sexual Violence]).
- Make a report to:
 - An employee with the authority to address complaints, including the Title IX Coordinator, a Student Conduct employee, or a Human Resources employee;
 - [University Police/Campus Security];
 - Local law enforcement; and/or
 - Family Court or Civil Court.

Copies of this Bill of Rights shall be distributed annually to students, made available on every college's website, and posted in each campus residence hall, dining hall, and student union or campus center and shall include links or information to access the Sexual Violence Response Policy below and the Options for Confidentially Disclosing Sexual Violence.

Sexual Violence Response Policy

In accordance with the Victim/Survivor Bill of Rights, victims/survivors shall have the right to pursue more than one of the options below at the same time, or to choose not to participate in any of the options below:

I- Reporting:

- To report *confidentially* the incident to one of the following college officials, who by law may maintain confidentiality, and can assist in obtaining services (more information on confidential report is available in the Options for Confidentially Disclosing Sexual Violence Policy [link]):
 - Anonymously via an internet or telephone anonymous reporting system [link];
 - Counseling Office [contact information]; and
 - [other].
- To disclose *confidentially* the incident and obtain services from the New York State, New York City or county hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: <http://www.opdv.ny.gov/help/index.html> (or by calling 1-800-942-6906), and assistance can also be obtained through:
 - SurvJustice: <http://survjustice.org/our-services/civil-rights-complaints/>;
 - Legal Momentum: <https://www.legalmomentum.org/>;
 - NYSCASA: <http://nyscasa.org/responding>;
 - NYSCADV: <http://www.nyscadv.org/>;
 - Pandora's Project: <http://www.pandys.org/lgbtsurvivors.html>;
 - GLBTQ Domestic Violence Project: <http://www.glbtqdv.org/>; and
 - RAINN: <https://www.rainn.org/get-help>.
 - Safe Horizons: <http://www.safehorizon.org/>.(note that these hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Victims/survivors are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases).
- To report the incident to one of the following college officials who can offer *privacy* and can assist in obtaining resources (note that an official who can offer privacy may still be required by law and college policy to inform one or more college officials about the incident, including but not limited to the Title IX Coordinator):
 - Title IX Coordinator;
 - [University Police/Campus Security]; and
 - [Other].
- To file a criminal complaint with [University Police/Campus Security] and/or with local law enforcement:
 - [College/University police or security office, phone number, address]
 - [Local law enforcement office, phone number, address]
- To file a report of sexual assault, domestic violence, dating violence, and/or stalking, and/or talk to the Title IX Coordinator for information and assistance. Reports will be investigated in accordance with [College/University] policy. If a victim/survivor wishes to keep his/her identity private, he or she may call [applicable office] anonymously to discuss the situation and available options ([Link to applicable policy]):
 - [Title IX Coordinator/Office, phone number, address, email address]
- When the accused is an employee, a victim/survivor may also report the incident to the [College/University Office of Employee Relations or Office of Human Resources] or may request that one of the above referenced confidential or private employees assist in reporting to Employee Relations or Human Resources. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When the accused is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the victim/survivor, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy.
 - [Employee Relations or Human Resources Office, phone number, and address]
- You may withdraw your complaint or involvement from the [College/University] process at any time.

II- Resources:

- To obtain effective intervention services.
 - [Counseling center, address, phone number]. [Describe applicable charges or include a statement of no charge].
 - [Student health center, address, phone number]. [Describe applicable charges or include a statement of no charge]. Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is available [provide contact information for one or multiple on or off-campus locations where students can obtain tests for STIs and describe whether such testing is free or at a cost].
 - [Other applicable available on- and off-campus centers and services, and their addresses, phone numbers, and web sites].
 - Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found here: http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf, or by calling 1-800-247-8035. Options are explained here: <http://www.ovs.ny.gov/helpforcrimevictims.html>.

III- Protection and Accommodations:

- When the accused is a student, to have the college issue a “No Contact Order,” meaning that continuing to contact the protected individual is a violation of college policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person.
- To have assistance from [University Police/Campus Security] or other college officials in obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.
- To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a college official who can explain the order and answer questions about it, including information from the Order about the accused’s responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).
- To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.
- To have assistance from [University Police/Campus Security] in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of [University Police/Campus Security] or, if outside of the jurisdiction or [if Campus Security does not have arresting powers] to call on and assist local law enforcement in effecting an arrest for violating such an order.
- When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused subject to interim suspension pending the outcome of a conduct process.
- When the accused is not a member of the college community, to have assistance from [University Police/Campus Security] or other college officials in obtaining a persona non grata letter, subject to legal requirements and college policy.
- To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. While victims/survivors may request accommodations through any of the offices referenced in this policy, the following office can serve as a point to assist with these measures:
 - [Office name and contact information]

IV- Student Conduct Process:

- To file student conduct charges against the accused. Conduct proceedings are governed by the procedures set forth in the [College/University handbook] ([link to handbook]) as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.
- Throughout conduct proceedings, the accused and the victim/survivor will have:
 - The same opportunity to have access to an advisor of their choice. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct;
 - The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
 - The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process and is not conducted by individuals with a conflict of interest.
 - The right to receive written or electronic notice of any meeting or hearing they are required to or are eligible to attend.
 - The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
 - The right to review available evidence in the case file.
 - The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
 - The right to exclude prior sexual history or past mental health history from admittance in college disciplinary stage that determines responsibility. Past sexual violence findings may be admissible in the disciplinary stage that determines sanction.
 - The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
 - The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
 - The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the sanction(s).
 - The right to know the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding and the reason for the actual sanction imposed. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
 - [Student Judicial/Conduct Office, phone number, and address]
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.

Options for Confidentially Disclosing Sexual Violence

The State University of New York and [College/University] want you to get the information and support you need regardless of whether you would like to move forward with a report of sexual violence to campus officials or to police. You may want to talk with someone about something you observed or experienced, even if you are not sure that the behavior constitutes sexual violence. A conversation where questions can be answered is far superior to keeping something to yourself. Confidentiality varies, and this document is aimed at helping you understand how confidentiality applies to different resources that may be available to you.

In this Policy:

- Privileged and Confidential Resources.
- Non-Professional Counselors and Advocates.
- Privacy versus Confidentiality.
- Requesting Confidentiality: How the College/University Will Weigh the Request and Respond.
- Public Awareness/Advocacy Events.
- Anonymous Disclosure.
- Institutional Crime Reporting.

Privileged and Confidential Resources:

Individuals who are *confidential* resources will not report crimes to law enforcement or college officials without your permission, except for extreme circumstances, such as a health and/or safety emergency. At [College/University], this includes:

- [College/University]'s Counseling Services: [names and/or phone numbers, address, web site]
- Individuals serving in a pastoral role under [applicable campus ministries, if any]: [names and/or phone numbers, address, web site]
- [College/University] physicians, licensed medical professionals or supervised interns when they are engaged in a physician/patient relationship: [names and/or phone numbers, address, web site]
- [College/University] confidential victim advocates: [names and/or phone numbers, address, web site].

Off-campus options to disclose sexual violence *confidentially* include (note that these outside options do not provide any information to the campus):

- Off-campus counselors and advocates. Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency's policies on confidentiality may be obtained directly from the agency.
 - [Check <http://nyscasa.org/>. Provide specific names if possible, contact information, and information about office, such as whether it provides compensation to victims/survivors of crimes or helps replace property lost or damaged during the crime].
 - [Local SANE hospitals and programs]
- Off-campus healthcare providers
 - Note that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency compensation. More information may be found here: http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf, or by calling 1-800-247-8035. Options are explained here: <http://www.ovs.ny.gov/helpforcrimevictims.html>.

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

Non-Professional Counselors and Advocates:

Non-professional counselors and advocates can also assist you without sharing information that could identify you. At [College/University], this includes members of [any existing campus advocacy, peer counseling, and other applicable centers – provide contact information including email, phone number, and address]. These individuals

will report the nature, date, time, and general location of an incident to [College/University]'s Title IX Coordinator, but will consult with you to ensure no personally identifying details are shared without your consent. These individuals are not considered confidential resources as discussed above.

Privacy versus Confidentiality:

Even [College/University] offices and employees who cannot guarantee *confidentiality* will maintain your *privacy* to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible under the law for tracking patterns and spotting systemic issues. [College/University] will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

Requesting Confidentiality: How [College/University] Will Weigh the Request and Respond:

If you disclose an incident to a [College/University] employee who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality or do not consent to the institution's request to initiate an investigation, the Title IX Coordinator must weigh your request against our obligation to provide a safe, non-discriminatory environment for all members of our community, including you.

We will assist you with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of your reporting choices. While victims/survivors may request accommodations through several college offices, the following office can serve as a primary point of contact to assist with these measures [Office name and contact information]. We also may take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify you or the situation you disclosed.

We may seek consent from you prior to conducting an investigation. You may decline to consent to an investigation, and that determination will be honored unless the [College/University]'s failure to act may result in harm to you or other members of the [College/University] community. Honoring your request may limit our ability to meaningfully investigate and pursue conduct action against an accused individual. If we determine that an investigation is required, we will notify you and take immediate action as necessary to protect and assist you.

When you disclose an incident to someone who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality, [College/University] will consider many factors to determine whether to proceed despite that request. These factors include, but are not limited to:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation, such as a situation that previously involved sustained stalking,
- the increased risk that the accused will commit additional acts of violence;
- Whether the accused used a weapon or force;
- Whether the victim/survivor is a minor; and
- Whether we possess other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.

Public Awareness/Advocacy Events:

If you disclose a situation through a public awareness event such as "Take Back the Night," candlelight vigils, protests, [applicable student organization or other event or forum], or other public event, the [College/University] is not obligated to begin an investigation. [College/University] may use the information you provide to inform the need for additional education and prevention efforts.

Anonymous Disclosure:

[Outline options and instructions for anonymous support and assistance that are available at your College/University, including a hotline or an online form]. The Hotline is for crisis intervention, resources and referrals and is not a reporting mechanism.

New York State Hotline for Sexual Assault and Domestic Violence: 1-800-942-6906

Institutional Crime Reporting

Reports of certain crimes occurring in certain geographic locations will be included in the [College/University] Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the victim/survivor. [Contact information for Title IX Coordinator, Deputy Coordinators/designees, and other related campus individuals].

[College/University] is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the victim/survivor). A victim/survivor will never be identified in a timely warning.

The Family Educational Rights and Privacy Act allows institutions to share information with parents when (1) there is a health or safety emergency, or (2) when the student is a dependent on either parents' prior year federal income tax return. Generally, [College/University] will not share information about a report of sexual violence with parents without the permission of the victim/survivor.

Student Onboarding and Ongoing Education Guide

The State University of New York and its State-operated and community colleges believe that sexual violence prevention training and education cannot be accomplished via a single day or a single method of training. To that end, SUNY campuses will continue to educate all new and current students using a variety of best practices aimed at educating the entire college community in a way that decreases violence and maintaining a culture where sexual assault and acts of violence are not tolerated.

All new first-year and transfer students will, during the course of their onboarding to a SUNY State-operated or community college, receive training on the following topics, using a method and manner appropriate to the institutional culture of each campus:

- The institution prohibits sexual harassment, including sexual violence, other violence or threats of violence, and will offer resources to any victims/survivors of such violence while taking administrative and conduct action regarding any accused individual within the jurisdiction of the institution.
- Relevant definitions including, but not limited to, the definitions of sexual violence and consent.
- Policies apply equally to all students regardless of sexual orientation, gender identity, or gender expression.
- The role of the Title IX Coordinator, University Police/Campus Security, and other relevant offices that address sexual violence prevention and response.
- Awareness of violence, its impact on victims/survivors and their friends and family, and its long-term impact.
- The Victim/Survivor Bill of Rights and Sexual Violence Response Policy, including:
 - How to report sexual violence and other crimes confidentially, and/or to college officials, campus law enforcement and security, and local law enforcement.
 - How to obtain services and support.
- Bystander Intervention and the importance of taking action, when one can safely do so, to prevent violence.
- The protections of the Policy for Alcohol and/or Drug Use Amnesty in Sexual Violence Cases
- Risk assessment and reduction including, but not limited to, steps that potential victims/survivors *and* potential assailants and bystanders to violence can take to lower the incidence of sexual violence.
- Consequences and sanctions for individuals who commit these crimes.

The onboarding process is not limited to a single day of orientation, but recognizes that students enroll at different times at different SUNY campuses and gives campuses the flexibility to best educate students at a time and manner that can most effectively bring these points to light. SUNY will conduct these trainings for all new students, whether first-year or transfer, undergraduate, graduate, or professional. Each campus shall use multiple methods to educate students about sexual violence prevention. Each SUNY institution will also share information on sexual violence prevention with parents of enrolling students.

Students at SUNY State-operated and community college campuses shall receive general and specialized training in sexual violence prevention. Each institution will conduct a campaign, compliant with the requirements of the Violence Against Women Act, to educate the student population. Further, institutions will, as appropriate, provide or expand specific training to include groups such as international students, students that are also employees of the campus, leaders and officers of registered/recognized student organizations, online and distance education students. Institutions will also provide specific training to members of groups identified as likely to engage in high-risk behavior.

Beginning in the 2015-2016 academic year, SUNY State-operated and community colleges will require that student leaders and officers of registered/recognized student organizations and those seeking recognition complete training on sexual violence prevention as part of the approval process and require student-athletes to complete training prior to participating in intercollegiate athletics.

Methods of training and educating students may include, but are not limited to:

- President's welcome messaging;
- Peer theater and peer educational programs;
- Online training;
- Social media outreach;

- First-year seminars and transitional courses;
- Course syllabi;
- Faculty teach-ins;
- Institution-wide reading programs;
- Posters, bulletin boards, and other targeted print and email materials;
- Programming surrounding large recurring campus events;
- Partnering with neighboring SUNY and non-SUNY colleges to offer training and education;
- Partnering with State and local community organizations that provide outreach, support, crisis intervention, counseling and other resources to victims/survivors of crimes to offer training and education. Partnerships can also be used to educate community organizations about the resources and remedies available on campus for students and employees seeking services; and
- Outreach and partnering with local business those attract students to advertise and educate about these policies.

Each SUNY campus must report back to the Chancellor on or before March 31, 2015 on their plan to comply with this policy. Each institution must engage in an occasional assessment of their programming under this policy to determine effectiveness. The institution may either assess its own programming or conduct a review of other campus programming and published studies to adapt its programming to ensure effectiveness and relevance to students.