

Safety, Care & Support

SEXUAL VIOLENCE: WHAT IT IS,
WHAT SUNY CANTON SAYS ABOUT IT,
AND WHAT YOU CAN DO.





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Resources & Questions

www.canton.edu/titleix/

(This website offers SUNY's complete policies, procedures, and resources for sexual violence responses.)

Introduction

MEMBERS OF THE SUNY CANTON COMMUNITY...

Students, employees and guests—should expect to be free from sexual violence, behavior that is inherently abusive of the humanity that each of us brings to the campus community. Sexual misconduct is against university policy and will not be tolerated at SUNY Canton.

Sexual misconduct includes any sexual act perpetrated against someone's will. Sexual violence includes rape, an attempted non-consensual sex act, abusive sexual contact (i.e. unwanted touching), noncontact sexual abuse (i.e., threatened sexual violence, exhibitionism, verbal sexual harassment), dating violence, domestic violence, and stalking. All types involve victims who do not consent, or who are unable to consent due to incapacitation.

When accused students are found to have violated this policy, serious sanctions will be imposed. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated. The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy.

While there are a number of laws and regulations that mandate how universities handle allegations of sexual misconduct and assault, it is impossible to set forth every scenario that could be a violation of this policy. Ultimately, the University has the discretion to determine whether or not the policy has been violated and impose appropriate sanctions.

Reporting Resources

1. **If you wish to report confidentially**, in which case your identity will not be revealed to University officials (nor will the University be able to act on your report), contact:

On-Campus Confidential Resources

- Counseling Center (315)386-7314, Miller Campus Center 225
- Health Center (315)386-7333, Miller Campus Center 004
- Campus Ministry (315) 386-7018, Miller Campus Center, 206

Off-Campus Confidential Resources

- Renewal House (315)379-9845

Note: Off-Campus safe housing and Family Court Orders of Protection may be facilitated through Renewal House.

- ReachOut 24/7 Crisis Hotline (315)265-2422
- NYS Crime Victims Board (800-247-8035)
- Employee Assistance Program (315)386-7404
- AIDS Community Resources (315)386-4493
- Planned Parenthood of NNY (315) 386-8821
- Canton-Potsdam Hospital (315)265-3300
- Claxton-Hepburn Medical Center (315)393-3600

2. If you wish to report officially, (whether formally seeking an investigation) or informally seeking other resolution or with other questions, contact:

On-Campus Official Resources

- **Amanda Deckert**, Title IX Coordinator/Director of Greek Life, wood121@canton.edu or title9@canton.edu
315-386-7688
Miller Campus Center 134
- **Farren Lobdell**, Deputy Title IX Coordinator/Health Educator/Wellness Coordinator, davisf@canton.edu or title9@canton.edu
315-386-7958
Miller Campus Center 134

You have the right to file a report with local law enforcement, University Police 386-7777, the Canton Police Department (386-4561 or 911) or the New York State Police Sexual Assault Hotline (844) 845-7269. While you are not required to report instances of sexual assault to law enforcement, you are encouraged to do so.

Immediate Safety & Support

Go to a safe place—your own room, a friend’s room, or anywhere you will feel safe. Also, call someone you TRUST. No matter how late it is, you should not be alone.

Seek Medical Care—If you may be injured, and/or if you would like to collect possible evidence of an assault, please seek medical care as soon as possible. Even if you do not feel physical pain, you may have internal injuries that cannot be immediately seen or felt. Men who have been sexually assaulted may be more likely to sustain injuries when assaulted by another man, so you are particularly urged to seek care in these instances. We encourage you to seek medical attention even if you do not want to have evidence collected. Confidential pregnancy testing, emergency contraception, and/or testing for HIV and other sexually transmitted illnesses for both men and women are services available at the Davis Health Center.

Sexual Assault Nurse Examiner (SANE)

We encourage you to have a sexual trauma exam (or “Rape Kit”) done immediately following an experience of sexual trauma because certain kinds of evidence collection, including rape drug testing, are time-sensitive. A sexual trauma exam is conducted by a SANE, who is a professional with special training in working with individuals who may have experiences in sexual trauma. The SANE can care for injuries, test for sexually transmitted infections and/or pregnancy, and collect evidence (if requested.) You do not have to be certain that you were sexually assaulted to request a SANE exam or any other kind of medical or emotional care. A SANE exam is free of charge.

- **Considering a SANE exam.** Even if you are not sure about reporting your experience or pressing charges, it makes sense to preserve the option of reporting later by having evidence collected. Evidence will be held for six months at the New York State Forensics Lab while you decide whether to press charges on campus or with local authorities. If you decide later than 24 hours to report the incident, it will generally not be possible to collect sexual assault exam evidence at that time (although some evidence, such as visible bruising, may still be possible to record).
- **Arranging to meet with a SANE.** If you need to meet with a SANE, please call Renewal House 24/7 at 315-379-9845.
- **Before a medical exam, try to preserve the evidence.** Resist the urge to cleanse yourself before you seek treatment. It may be difficult to keep from washing yourself, but if you do, you may destroy evidence that could be useful should you decide to report the experience. Do not wash, change clothes, eat, drink, smoke, brush your teeth, go to the bathroom, or brush your hair. Bring a change of clothing with you to the exam, since your clothes may be collected as evidence.
- **For many LGBT people,** the critical questions about treatment options are followed immediately by concerns about social stigma. The all important question “Will I be healthy?” is compounded by an additional slew of worries. New questions such as “Should I come out to my doctor?” “Will I be safe if I do?” “Will my chosen family be welcome?” and “Will I be offered the information I need to know to take care of my relationship, my sexuality, my fertility, and my family?” are thrust into the forefront.

With thanks to:

www.cancer-network.org/downloads/lgbt-patient-centered-outcomes.pdf

What to do Within the First 24 hours

All of the options on the previous pages are available to you (although some evidence may be more difficult to collect, depending on what option you choose).

- Talk with someone who can share information and help you figure out what you need. People and organizations that serve as resources can be found on page 5. Choose whatever resources feel most useful to you. Remember that there is no “correct” path for responding or reacting to sexual trauma—whatever works best for you is a good option.

Are there any needs that should be taken care of immediately?

- **Enhancing your sense of safety:** Temporary no contact orders restricting encounters and communications between you and the other individual(s) can be secured through the Title IX Coordinators and/or Deputy Title IX Coordinators. It is also possible to arrange for temporary or permanent room changes, class changes, etc.
- **Academic extensions:** The VP for Student Affairs/Dean of Students can provide Dean’s excuses for academic extensions or missed classes.

Official Complaint with Campus Officials

You have the right to pursue an official complaint under the SUNY Sexual Violence & Response Policy. (www.canton.edu/titleix/response.html) These reports will result in review, and as appropriate, investigation by the University, with action taken as warranted.

To Pursue an official complaint, you may contact:

- Amanda Deckert, Title IX Coordinator and Greek Life Coordinator, wood121@canton.edu, 315-386-7688, Miller Campus Center 134
- Courtney Battista Bish, Deputy Title IX Coordinator and VP for Student Affairs, bish@canton.edu, 315-386-7120, Miller Campus Center 229
- Al Mulkin, Deputy Title IX Coordinator and Chief of University Police, mulkina@canton.edu, 315-386-7777, Wicks Hall

After-Care

It is important to take care of yourself after a sexual assault, or after any event you have experienced as sexually violating.

What should I consider doing that I might not have thought of?

- **Be patient with yourself.** The healing process takes time and includes your physical, emotional and psychological health.
- **Don't neglect your physical health and well-being.** Getting adequate sleep, using exercise for stress relief, and eating well can advance your healing process. If you are having trouble sleeping, talk to a health professional; sleep is essential for self care.
- **Try not to let others make decisions for you.** It is important that you re-establish a sense of control over your choices.
- **Seek support from a counselor,** so that you may express your thoughts and feelings in a neutral setting where you do not feel that you have to protect the listener, worry about how the other person is feeling, or risk judgement.
- **Don't look for simple answers** to explain what happened.
- **Know your rights** and how to get the support you need.
- **Try to do things you enjoy;** give yourself permission to have positive experiences.
- **Some people find it useful to keep a journal,** to write stories or poems, or to express themselves through drawings. Use any outlet that feels helpful to explore your emotions.

Requesting Confidentiality: How SUNY Canton Will Weigh the Request and Respond:

If you disclose an incident to a SUNY Canton 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, nondiscriminatory environment for all members of our community, including you.

We will assist you with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of your reporting choices. While reporting individuals may request accommodations through several college offices, the following office can serve as a primary point of contact to assist with these measures: Dean of Students, Miller Campus Center 229, 315-386-7120. 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 SUNY Canton's failure to act does not adequately mitigate the risk of harm to you or other members of the SUNY Canton community. Honoring your request may limit our ability to meaningfully investigate and pursue conduct action against an accused individual. If we determine that an investigation is required, we will notify you and take immediate action as necessary to protect and assist you.

When you disclose an incident to someone who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality, SUNY Canton 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.

If SUNY Canton determines that it must move forward with an investigation, the reporting individual or victim/survivor will be notified and SUNY Canton will take immediate action as necessary to protect and assist them.

Privacy vs. Confidentiality:

Even SUNY Canton 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 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 potting systematic issues. SUNY Canton will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

Common Responses to Sexual Assault

Although each person is unique and there is no standard or correct response to sexual assault, there are some feelings and reactions that most sexual assault survivors experience. The emotional trauma caused by a sexual assault can be severe and long-lasting. They may occur immediately, or you may have a delayed reaction weeks or months later. Sometimes, the feelings seem to go away for awhile and then come back again. Certain situations, such as seeing the assailant or speaking to an investigator, may intensify the symptoms or cause them to reoccur after a period during which you had been feeling better.

Common natural responses to sexual assault may include:

- **Fear and anxiety:** feeling unsafe, nervous, fear of the situation or the place linked with the assault, compulsive behavior
- **Shock and disbelief:** numb, unemotional, surreal feelings
- **Helplessness, depression:** feeling powerless, overwhelmed, unable to make choices, self-hatred
- **Anger:** fury, desire to retaliate against assailant
- **Shame and embarrassment:** feeling “bad,” feeling that everyone will “know”
- **Self-blame or guilt:** feeling at fault, responsible for the attack
- **Flashbacks:** being preoccupied with the attack, remembering and reliving the assault
- **Isolation:** feeling alone or that no one else can relate to your experience
- **Physical responses:** difficulty sleeping, changes in appetite, headaches, listlessness

Survivors sometimes experience an impulse to protect their alleged assailant, which may influence their decision to report the assault or to seek care for themselves. Survivors who are members of underrepresented identity groups may feel especially conflicted about reporting an assault when a member of their group is the alleged assailant; they may feel anxious about perceived group loyalty or compromising the reputation of that group. These normal responses can be lessened when you seek support from any of the resources listed on page 5.

We are socialized to see sexual assault as a crime against women, not men. Because of this, many men have a hard time understanding that sexual assault is a crime that is motivated by the wish for power and control, and can happen to anyone, any by anyone, regardless of gender identity or sexual orientation.

Although many reactions to sexual assault are shared by survivors of all genders, there may be some additional responses that are different for survivors who identify as male. Men may experience concerns about what being sexually assaulted means to their sexuality or masculinity. There is a myth in our culture that only gay men rape other men, that men cannot be raped by women, or that only gay men are raped. This is not true: sexual assault has no boundaries. It is important to know that strong or weak, outgoing or shy, gay, straight, transgender or bisexual, you have done nothing that has caused or justifies being assaulted. The responsibility lies with the assailant.

With thanks to:

www.lambdalegal.org/sites/default/files/publications/downloads/fs_transgender-affirming-hospital-policies.pdf

Sexual Violence Victim/ Survivor Bill of Rights

The State University of New York and SUNY Canton 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:

All students have the right to:

- Make a report to local law enforcement and/or state police;
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution;
- 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 institution courteous, fair, and respectful health care and counseling services, where available;
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;

- Describe the incident to as few institutional representatives as possible and not be required to unnecessarily repeat a description of the incident;
- Be free from retaliation by the institution, the accused and/or the respondent, and/or their friends, family, and acquaintances within the jurisdiction of the institution;
- Access to at least one level of appeal of a determination;
- Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College.

What is ‘Consent’?

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity, or gender expression.

Sexual Misconduct Violations

What kind of behavior is classified as sexual harassment?

Unwelcome conduct of a sexual nature that is sufficiently severe, persistent, or pervasive that it unreasonable interferes with, denies, or limits someone's ability to participate in or benefit from a program or activity.

- Requests for sexual favors
- Unwelcome advances
- Sexist comments
- Sexual assault

Sexual misconduct can be defined as one or more of the following:

FORCIBLE RAPE: forcing or coercing someone to have vaginal, penile, oral, or anal penetration/sexual intercourse. Rape may involve the use or threat of force, violence, or immediate and unlawful bodily injury. The perpetrator does not need to use a weapon or produce physical harm; the threat of force, expressed or implied, is sufficient to categorize the act as rape. Rape also occurs when the victim is incapable of giving legal consent because the victim is less than 17 years of age, mentally incapacitated, physically helpless, mentally in-competent or asleep.

ACQUAINTANCE RAPE/DATE RAPE: Sexual intercourse undertaken by a friend, date, or acquaintance without consent. Acquaintance rape includes sexual intercourse that occurs through force, as a result of threat(s), physical restraint or physical violence, or without consent.

SEXUAL ABUSE: Forcing or coercing a man or woman to engage in any sexual contact other than intercourse under the circumstances previously mentioned in the description of Forcible Rape or Acquaintance Rape including taking nonconsensual advantage of another person for one's own or another's benefit.

OTHER IMPORTANT DEFINITIONS:

DATING VIOLENCE: Any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

DOMESTIC VIOLENCE: Any violent felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner.

STALKING: Intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage.

RETALIATION: Any action by any person that is perceived as intimidating, hostile, harassing, retribution, or violent that occurred as a result of the making and follow up of a report of a violation of the Code of Conduct. No member of the University shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against a person who files a Title IX complaint, serves as a witness, or assists or participates in a Title IX proceeding in any manner. Participants who experience retaliation should report the incident to University Police or the Dean of Students immediately.

For full detail and definitions please visit our current student handbook online at www.canton.edu

How You Can Help Reduce Your Risk

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With recognition that only those who commit sexual violence are responsible for those actions, these suggestions may help reduce your risk of experiencing a nonconsensual act:

- If you have limits, make them known as early as possible;
- Tell a sexual aggressor “NO” clearly and firmly;
- Try to remove yourself from the physical presence of a sexual aggressor;
- Find someone nearby and ask for help;
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol and/or drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity;
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

What other things should I consider doing?

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you reduce your risk for being accused of sexual misconduct:

Remember: If your partner is incapacitated by drugs, alcohol or sleep, your partner cannot consent and your initiation of sexual contact is not excused. Consent can only be given if both people are clear-headed (not incapacitated by drugs or alcohol), give and receive clear verbal and nonverbal cues, and feel no coercion.

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent; about how far you can go; or about whether they are physical and/or mentally able to consent. If there are any questions or ambiguity, then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, diffuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Drug or alcohol use can render one incapable to give consent in sexual encounters, even if those substances were consumed knowingly.
- Realize that your potential partner could be intimidated by you or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and nonverbal communication and body language.

With grateful appreciation to St. Lawrence University, Trinity University, and the Association of Title IX Administrators for parts of this text.



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