



**Sexual and Interpersonal Violence Policies and Procedures
for Students and Employees of Jefferson Community College
Updated September 2018**

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I. Student Bill of Rights

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

All students have the right to:

- 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 outside pressures 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 practicable and not to 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.

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;
- Anonymously disclose a crime or violation at www.sunyjefferson.edu/incidentreport.
- Confidentially disclose a crime or violation to the Personal Counselor or Nurse in the Health and Wellness Center, Building 17, at 315-786-2376;
- Make a report to the Title IX Coordinators:
 - For students: Jerilyn Fairman located in the Gregor Building, 5-106H at 315-786-6542;
 - For employees: Kerry Young located in the Administration Building at 315-786-2279;

- Campus Safety and Security at 315-786-2222, office located in Deans CLC, 15-140;
- Watertown Police Department at 911;
- NYS dedicated hotline for reporting sexual assaults on college campuses at 1-844-845-7269 and/or Family Court or Civil Court.

II. Definitions

- A. **Accused** – a person accused of a violation who has not formally entered the conduct process.
- B. **Affirmative Consent** – a knowing, voluntary, and mutual decision among all participants to engage in “sexual activity” (as defined below). 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.

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.

Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness, being asleep, being involuntarily restrained, or otherwise unable to consent.

Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. Persons under the age of 17 cannot consent. When consent is withdrawn or cannot be given, sexual activity must stop.

<http://www.sunyjefferson.edu/affirmativeconsent>

- C. **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 JCC. A bystander is not a “reporting individual” (as defined below), even if the bystander brings forth a report.
- D. **Code of Conduct** – Refers to the Jefferson Community College Code of Conduct
- E. **Confidentiality** – may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. § 1092(f) and 20 U.S.C. § 1681(a). Licensed mental health counselors, medical providers (such as the College nurse) and the College Chaplain are examples of JCC employees who may offer confidentiality.

The obligation to keep information in confidence is inherent for certain JCC professionals on campus, such as health care providers, licensed counselors or social workers, licensed psychologists, and pastoral staff acting in that capacity. Many off-campus resources such as rape crisis centers are also confidential, and with the exception of certain child abuse and imminent

threats, individuals working in such organizations have no obligation to report information back to the reporting individual's campus.

It is important to note that all other JCC employees who do not fall within the categories listed above are required to report known incidents of sexual assault or other crimes, so they are NOT confidential resources. They are required to report, at the time they become aware of, concerns expressed to them by an alleged victim, whether direct or third party, to the Affirmative Action Officer or Title IX Coordinator.

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

F. Crime of Violence – murder, manslaughter, rape, fondling, 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 Non-negligent Manslaughter: The willful (non-negligent) 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.
- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. Under New York law, the age of consent is 17 years old. 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.

G. Nonconsensual Sexual Activity – occurs when “sexual activity” (as defined below) is perpetrated

against a person without his or her “affirmative consent” (as defined above).

- H. **Privacy** – may be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with applicable laws, including informing appropriate JCC officials.

Although most JCC employees are not confidential resources, they can still offer “privacy.” This means that an employee may have to share information pursuant to federal or state law or college policy with certain other JCC employees, but they will not share the private information beyond what is required or needed to comply with law and policy, and will otherwise limit re-disclosure as much as possible.

Privacy of the records specific to the investigation is maintained in accordance with New York State law and, with respect to student records, the federal Family Educational Rights and Privacy Act of 1974 (FERPA) statute. Any public release of information to comply with the timely warning provisions of the Jeanne Clery Act (Clery Act) will not release the names of victims or information that could easily lead to a victim’s identification.

- I. **Relationship Violence** – under JCC’s policies, the term “relationship violence” includes dating violence, domestic violence, and relationship 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.

Domestic violence is violent act committed by one person against another, who is either the current or former spouse or intimate partner, who shares a child with the victim, or who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.

Dating violence is a violent act committed by one person against another, who is, or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of the relationship shall be determined based on the victim’s statement, together with consideration of the length of the relationship, the type of the relationship, and the frequency of the relationship.

- Under federal law:
 - 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.
 - 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.

- 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, 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.
- J. **Reporting Individual** – a victim, survivor, complainant, claimant, or witness with victim status. The term reporting individual is limited to those who are directly impacted by the violation as victims. A bystander to a violation, or a third party who reports information about a violation that he or she has learned from a victim, is NOT a reporting individual.
- K. **Respondent/Responding Party** – a person accused of a violation.
- L. **Sexual Activity** – has the same meaning as "sexual act" and "sexual contact" as provided in 18 U.S.C. § 2246(2) and 18 U.S.C. § 2246(3). Therefore, the term "sexual activity" includes the following:
 - contact between the penis and the vulva or the penis and the anus, and for purposes of this definition contact involving the penis occurs upon penetration, however slight;
 - contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
 - 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;

- 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; or
- 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.

Individuals must obtain affirmative consent (as defined above) prior to engaging in any of the activity referenced above.

M. Sexual Assault – Any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Sexual assault may involve individuals who are known to one another or have an intimate and/or sexual relationship, or may involve individuals not known to one another. Sexual assault includes, but is not limited to, sexual activities such as: forced sexual intercourse, forcible sodomy, fondling, oral sexual contact, attempted rape, and/or a sexual act where the individual is incapacitated.

Under federal law, the term “sexual assault” means an offense that meets the definition of rape, fondling, 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). In Appendix A to the Clery Act regulations, these 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.
- Fondling – the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- Incest – sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape – sexual intercourse with a person who is under the statutory age of consent. Under New York law, the age of consent is 17 years old. 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.

N. Sexual Offense – a term which includes any incident of “sexual assault,” “nonconsensual sexual activity,” “relationship violence,” and/or “stalking,” as those terms are defined in this policy.

O. Stalking – “Stalking” shall be defined as engaging in a course of conduct consisting of two or

more acts by which the stalker directly, indirectly, or through third parties follows, monitors, observes, surveils, threatens, or communicates about a person or interferes with his or her property; is directed at a specific person, which causes a reasonable person to fear for his or her safety or the safety of others, or causes that person to suffer substantial emotional damage. 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 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.

III. **Prohibited Acts**

Jefferson Community College (JCC) strictly prohibits all Sexual Offenses. In the event that a Sexual Offense does occur, JCC takes the matter very seriously.

JCC's Sexual and Interpersonal Violence Prevention and Prohibition Policy and Sexual Violence Response Procedures are available to all students and employees. JCC will apply the provisions of this policy regardless of whether the Sexual Offense occurs on campus, off campus, or while a student or employee is participating in a study abroad program. When the Sexual Offense involves students or employees from two or more institutions, JCC will work collaboratively with the other institutions to address the Sexual Offense, provided that the collaboration complies with the Family Educational Rights Privacy Act ("FERPA").

IV. Non-discrimination

Jefferson Community College is committed to fostering a diverse community of outstanding faculty, staff, and students, as well as ensuring equal educational opportunity, employment, and access to services, programs, and activities, without regard to an individual's race, color, national origin, religion, creed, age, disability, sex, gender identity, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction. Employees, students, applicants or other members of the College community (including but not limited to vendors, visitors, and guests) may not be subjected to harassment that is prohibited by law, or treated adversely or retaliated against based upon a protected characteristic.

All employees, students, visitors and vendors share in the responsibility for ensuring a work and educational environment free from prohibited discrimination and harassment. Individuals responsible for, or participating in, campus activities will refrain from, and are encouraged to report, any inappropriate conduct that may give rise to a claim of harassment or discrimination.

The College's policy is in accordance with federal and state laws and regulations prohibiting discrimination and harassment. These laws include the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 as Amended by the Equal Employment Opportunity Act of 1972, and the New York State Human Rights Law. These laws prohibit discrimination and harassment, including sexual harassment and sexual violence.

Inquiries regarding the application of Title IX and other laws, regulations and policies prohibiting discrimination may be directed to the College's Affirmative Action Officer. Inquiries may also be directed to the United States Department of Education's Office for Civil Rights.

V. Reporting and Responding to a Sexual Offense - Procedures

If you believe you are the victim of a Sexual Offense, you should follow the following procedures:

- A. Get yourself to a safe place.** Jefferson Campus Safety and Security, the Watertown 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 a Sexual Offense. 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 and resources, with and without SAFE, include the following:

| Program/Entity | SAFE Facility? | Address | Telephone |
|--------------------------------|-----------------------|--|------------------|
| Samaritan Medical Center (SMC) | Yes | 830 Washington Street Watertown, NY 13601 | 315-785-4000 |
| Victims Assistance Center | Works with SMC | 120 Arcade Street Watertown, NY 13601 | 315-782-1823 |
| Carthage Area Hospital | Yes | 1001 West Street Carthage, NY 13619 | 315-493-1000 |
| River Hospital | Yes | 4 Fuller Street Alexandria Bay, NY 13607 | 315-482-2511 |
| Lewis County General Hospital | Yes | 7785 N State Street Lowville, NY 13367 | 315-376-5200 |

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.

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

| Organization | Address | Telephone |
|--|------------------------------------|------------------|
| Planned Parenthood of NNY | 160 Stone St., Watertown NY | 315-788-8065 |
| Jefferson County Public Health Service | 531 Meade St., Watertown NY | 315-786-3720 |
| ACR Health | 120 Washington St., Watertown NY | 315-785-8222 |
| JCC Health and Wellness Center | Jefferson Community College campus | 315-786-2376 |

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. Jefferson Campus Safety and Security, the Watertown 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, 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 a Sexual Offense occurs, as this evidence may be necessary to prove that the offense took place and/or to obtain a protective order. Be aware that the location of the offense, 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 safe guarded 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. Options for Disclosing Sexual Violence.

The State University of New York and Jefferson Community College 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 section is aimed at helping you understand how confidentiality applies to different resources that may be available to you.

Jefferson Community College encourages, but does not require, victims and survivors to report the incident to one or more of the following resources:

1. First, you may (but are not required to) report a Sexual Offense to local law enforcement (such as the Watertown 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:

- Watertown Police Department
Address: 75 Waterman Drive, Watertown NY 13601
Emergencies: 9-1-1
Non-Emergencies: 315-782-2233
wpd@watertown-ny.gov
- New York State Police
To report a sexual assault on a college campus to the State Police, call the dedicated 24-hour hotline at 1-844-845-7269. In an emergency, call 911.

If you want or need assistance in notifying the local Police Departments or State Police, you should contact Jefferson Campus Safety and Security who will assist you in doing so. JCC’s Campus Safety and Security is located on campus on the first floor of the Deans Collaborative Learning Center, 315-786-2222.

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 Sexual Offense to Jefferson Campus Safety and Security. This may trigger the judicial process of JCC, which may result in the removal of the offender from the campus. It also assists JCC in complying with Federal requirements for reporting offenses occurring on campus. You may (but are not required to) report Sexual Offenses anonymously to Campus Safety and Security, preserving your privacy and only reporting the particulars of the incident. You may report anonymously online at www.sunyjefferson.edu/incidentreport.
3. Third, you may also (but are not required to) report the Sexual Offense to a JCC Title IX Coordinator (identified below).
 - When you first disclose an incident to a representative of JCC, 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 Jefferson Community College 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 on weekdays between the hours of 8am to 4pm as follows:
 - For students:
Jerilyn Fairman located in the Gregor Building, 5-106H at 315-786-6542;
 - For employees:
Kerry Young located in the Administration Building at 315-786-2279;
 - When the Title IX Coordinator is not available, access to a Designee will be available, at the following: Campus Safety and Security, 315-786-2222.
 - A confidential email may also be sent to titleix@sunyjefferson.edu

Be aware that certain JCC 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 JCC’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, JCC will still assist with academic, housing, transportation, employment, and other reasonable and available accommodations.

- Even JCC 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.
 - JCC will make every effort to ensure that you are asked to describe the incident to as few representatives of JCC as possible, and are not required to unnecessarily repeat a description of the incident.
4. Fourth, in addition to, or in lieu of, reporting a Sexual Offense to one or more of the above, you may (but are not required to) make a confidential report to any campus mental health counselor, college chaplain or the college nurse. 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. 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 Jefferson Community College, this includes:
- Personal Counselors in the Health and Wellness Center, Building 17, at 315-786-2376;
 - College Nurse in the Health and Wellness Center, Building 17, at 315-786-2376;
 - 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.
 - Victims Assistance Center of Jefferson County, Inc.
120 Arcade Street
Watertown, NY 13601
315-782-1823 Office
315-782-1855 (24-Hour Hot Line)
<http://www.vacjc.com/>
 - 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 [online](#), or by calling 1-800-247-8035. Options are explained here: <https://ovs.ny.gov/help-crime-victims>.

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.

5. In addition, you may confidentially disclose the Sexual Offense 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. Lastly, if the accused is an employee of JCC, you can report the Sexual Offense to JCC's Human Resources Department. You may request that one of the confidential or private employees assist in reporting to the Human Resource Department.

JCC encourages the victims of Sexual Offenses to report the incidents, in any of the manners described above. However, again, victims are not required to report the offense to, or to seek assistance from JCC, law enforcement, or campus authorities. JCC 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 of a Sexual Offense receives necessary medical testing and treatment;
- provide the opportunity for 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 a counselor specifically trained in the areas of Sexual Offenses.

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

- E. Request to File Student Conduct Charges.** If the accused or respondent is a student, you may request that JCC file student conduct charges against the accused or respondent. All students have the right to request that JCC bring student conduct charges against another student. Requests to file charges should be prepared in writing and directed to the Dean of Students. Written requests may be emailed to the Dean of Students at ktroestertrate@sunyjefferson.edu,

or mailed or delivered in person to the Dean of Students, Jefferson Community College, 1220 Coffeen Street, Watertown NY 13601.

JCC retains the right to determine whether to actually file the charges against the accused or respondent. JCC 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, JCC's Student Code of Conduct, and other JCC policies. Additional details regarding Student Conduct Charges can be found in the Student Code of Conduct, available at: <http://www.sunyjefferson.edu/news-events/publications/college-catalog/student-code-conduct>.

You should be aware that there are significant differences between JCC'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. JCC'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 JCC policy may be suspended, expelled or otherwise restricted from full participation in the JCC community. Additional information regarding these distinctions can be found in the Student Code of Conduct.

F. Seek an Order of Protection /or No Contact Order.

1. Orders of Protection

Victims of Sexual Offenses may have a right to obtain a court order to protect themselves from the perpetrators. JCC 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 Jefferson County is as follows:

- Jefferson County Family Court
Address: 163 Arsenal Street, Watertown, NY 13601
Phone: 315-785-3001
Fax: 315-266-4716

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.

JCC will provide reporting individuals assistance from Campus Safety and Security, Counseling 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:

Wesley Hissong
Director of Campus Safety and Security
315-786-6517

JCC will provide the accused or respondent and the reporting individual a copy of any order of protection or equivalent that JCC receives. JCC will also provide the accused or respondent and the reporting individual an opportunity to meet or speak with a representative of JCC, 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. JCC 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. JCC 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

You can ask JCC to issue a "no contact order" to protect you from the respondent or accused. When a student is accused of a Sexual Offense, JCC will issue a mandatory "no contact order" to protect you from the respondent or accused (unless the reporting party wishes for no action in the case and the College complies with this request). This "no contact order" is a JCC 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) either party's continued intentional contact with the other party (including through a third party) is a violation of JCC's policy and is subject to conduct charges; and (2) if the accused or respondent and a reporting individual observe each other in a public place, it is the responsibility of the accused or respondent to leave the area immediately and without directly contacting the reporting individual. This may include establishing a schedule of attendance for the accused or respondent to access certain locations at JCC, such as academic buildings, libraries, athletics or fitness facilities, and the dining hall.

To make a request to impose a JCC "no contact order," you can contact Campus Safety and Security, Deans CLC Building, at 315-786-2222.

Responsibility to stay away falls upon the person subject to the no contact order (“covered person”), not the protected individual. A covered person may be a respondent or accused or a third party who is the subject of a no contact order. If the covered person and protected person are in the same place accidentally, it is incumbent upon the covered person to remove himself or herself in a reasonable time and manner.

Upon request, both the accused (or respondent) and the reporting individual are entitled to a prompt review, reasonable under the circumstances, of the need for and terms of the no contact order, including potential modification, in which they are allowed to submit evidence in support of their requests. Requests to review a no contact order should be submitted to: Katy Troester-Trate, Dean of Students, at ktroestertrate@sunyjefferson.edu. If a request for review is received from one party, the other party will be notified of the request for review. The Dean of Students will issue a determination in response to the request, and notify both parties of the determination.

G. Initiate Legal Proceedings. You may have the right to initiate legal proceedings. JCC serves as a resource to students in initiating these proceedings. However, JCC 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 or may only help with referral. The resources include the following:

- Legal Aid Society of Mid-New York
215 Washington Street, Suite 202
Watertown, NY 13601
315-955-6700
- Justice Alliance Helpline: 1-877-777-6152

H. Receive Other Intervention Services. JCC recommends that reporting individuals seek the assistance of trained professionals in the aftermath of a Sexual Offense, and will assist reporting individuals to receive this assistance.

JCC 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 Watertown community, which may be able to provide helpful services (such as counseling, victim advocacy), including the following:

| Program/Entity | SAFE Facility? | Location | Contact Information |
|---------------------------|-----------------------|--|----------------------------|
| Victims Assistance Center | Works with SMC | 120 Arcade Street Watertown, NY 13601 | P: 315-782-1823 |

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>.

- I. **Right to Withdraw.** You have the right to withdraw your report and/or to withdraw from involvement in JCC's investigation of the complaint at any time. If you choose to withdraw, however, JCC may still have obligations to investigate and/or take actions under state or federal law. If JCC continues an investigation or takes action after you withdraw, you have the right to participate as much or as little as you wish.

VI. **Policy for Alcohol and/or Drug Use Amnesty for Students**

The health and safety of every student at Jefferson Community College is of utmost importance. Jefferson Community College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) may be hesitant to report violence (including but not limited to domestic violence, dating violence, stalking, or sexual assault), excessive intoxication, or substance abuse incidents due to fear of potential consequences for their own conduct.

Jefferson Community College strongly encourages students to contact campus officials or local law enforcement when they believe a person may be in need of assistance for intoxication, substance abuse or violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault. A bystander acting in good faith or a victim/survivor reporting to Jefferson Community College 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 incident. This policy applies to emergencies both on and off campus.

Provisions for Alcohol and Drug Incidents Only

A student who receives medical assistance for alcohol or drug use under this policy (not domestic violence, dating violence, stalking, or sexual assault) will be referred by the Dean of Students (or their representative) to a mandatory intervention and prevention program. Additionally, a student who calls for medical assistance for another student may be referred to this program at the discretion of the Dean of Students. This is not a Code of Conduct sanction or violation; however, failure to complete the intervention program may result in a violation of the Code of Conduct.

Repeated use of the amnesty provided by the policy is cause for a higher level of concern for the well-being of the student and amnesty in these cases will be individually reviewed in cases of alcohol and substance abuse, not sexual violence.

<http://www.sunyjefferson.edu/amnesty>

VII. **Immediate Consequences Following a Report of a Sexual Offense**

A. **Mandatory No Contact Order**

As discussed above, when the accused or respondent is a student, JCC will issue a mandatory "no contact order" mandating that under the no contact order: (1) either party's continued intentional contact with the other party (including through a third party) is a violation of JCC's policy and is subject to conduct charges; and (2) if the accused or respondent and a reporting individual observe each other in a public place, it is the responsibility of the accused or respondent to leave the area immediately and without directly contacting the reporting individual.

B. Interim Suspension

When the accused or respondent is a student determined to present a continuing threat to the health and safety of the community, the accused or respondent will be subject to an interim suspension pending the outcome of a judicial or conduct process.

Upon request, JCC 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 an interim suspension, including potential modification, in which they are allowed to submit evidence in support of their request. Requests to review an interim suspension should be submitted to: Katy Troester-Trate, Dean of Students, at ktroestertrate@sunyjefferson.edu. If a request for review is received from one party, the other party will be notified of the request for review. The Dean of Students will issue a determination in response to the request, and notify both parties of the determination.

C. Mandatory Interim Measures

When the accused or respondent is not a student, but is a member of JCC's community and presents a continuing threat to the health and safety of the community, JCC will subject the accused or respondent to interim measures in accordance with applicable collective bargaining agreement, employee handbooks, student code of conduct, and rules and policies of JCC.

D. Additional Interim Measures and Accommodations

JCC will offer reasonable and available interim measures and accommodations that effect changes in academic, housing, employment, transportation or other applicable arrangements in order to help ensure safety, prevent retaliation, and avoid an ongoing hostile environment, consistent with JCC's policies and procedures. These interim measures may include, but are not limited to, the following:

- support services (victim advocacy, housing assistance, academic support, counseling, health and mental health services, legal assistance);
- changing work assignments and situations (for employees);
- changing living arrangements, course schedules, assignments, or test schedules (for students);
- no contact orders, campus escorts, transportation assistance, or targeted interventions;
- providing increased monitoring, supervision, or security; and/or
- providing an escort.

JCC is obligated to comply with a student's reasonable request for a living and/or academic situation changes following an alleged Sexual Offense.

JCC will protect the confidentiality of accommodations or protective measures provided to a complainant or reporting party, to the extent that doing so will not impair JCC's ability to provide the accommodations or protective measures. The complainant or reporting party will be informed before JCC shares any personally identifying information that JCC believes is necessary to provide an accommodation or protective measure. If this occurs, the complainant or reporting party will

be told what information will be shared, with whom it will be shared, and why it will be shared. Upon request, JCC will provide both the responding party or respondent and the reporting individual a prompt review, reasonable under the circumstances, of the need for and terms of any such interim measure and accommodation that directly affects him or her, in which he or she is allowed to submit evidence in support of his or her request. In the event that an accommodation or interim measure 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 accommodation and/or measure by JCC and may submit information as to the reasoning for requesting a change. Requests to review interim measures and accommodations should be submitted to: Katy Troester-Trate, Dean of Students, at ktroestertrate@sunyjefferson.edu. If a request for review is received from one party, the other party will be notified of the request for review. The Dean of Students will issue a determination in response to the request, and notify both parties of the determination.

VIII. Investigation and Disciplinary Procedures for Sexual Offense Cases

When JCC becomes aware of a Sexual Offense by or against an employee or student or that has a reasonable connection to JCC, it will take prompt and appropriate action. Upon receipt of a report alleging actual or suspected sexual violence, the Title IX Coordinator will do the following:

1. Review all available information to determine whether or not immediate remedial action can and should be taken.
2. In conjunction with the Campus Safety and Security, determine whether a timely warning should be issued to the entire College community in accordance with Clery Act requirements. Should Jefferson Community College determine that a timely warning is necessary, the College will make an effort to notify the reporting individual prior to the issuance of the notification.
3. Conduct a preliminary inquiry into the report or assign an investigator, most often a Campus Safety and Security member, to do so.
4. After the preliminary inquiry, the Title IX Coordinator will determine whether the allegations in the initial report(s), if true, would constitute prohibited sexual violence in accordance with Jefferson Community College's policy. If so, the Title IX Coordinator will request a full investigation.

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

A. How Jefferson Community College Will Weigh a Request for Confidentiality and Respond:

JCC will honor a request to decline to consent to an investigation, unless JCC 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 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, JCC will still assist with academic, housing, transportation, employment, and other reasonable and available accommodations. Please note that honoring a reporting individual's request that the College refrain from conducting an investigation will limit the College's ability to meaningfully investigate and pursue conduct action against an accused individual.

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

B. Investigations and Investigators

The Title IX Coordinator will designate a trained investigator (internal or occasionally external), who does not have a conflict of interest, to promptly conduct a fair, complete, thorough, and impartial investigation that provides a meaningful opportunity to be heard. For most employee reports, however, the Director of Human Resources will conduct the investigation.

Each of the designated investigators and all Title IX Coordinators receive annual training 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, (7) JCC's policies and procedures, and other issues.

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

In investigating the complaint, the designated trained investigator shall:

1. Meet with the appropriate individuals and review all appropriate records that bear on the case.
2. Provide the reporting party and the responding party with copies of the Sexual Offense Policies & Procedures for Students and Employees.
3. Discuss the allegations in the complaint with the reporting party and responding party at separate meetings, and provide the reporting party and responding party with equal opportunities to identify witnesses and present evidence supporting their respective positions at these meetings.
4. Provide the reporting party and the responding party 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 reporting party or the responding party, however, may be present but may not have a speaking role during such meeting, conference, hearing, or other procedural action.

Prepare the final investigative report with written findings of fact for the Title IX Coordinator and Dean of Students (in a student case). For employee allegations, the Director of Human Resources or designee investigator will present the results of the investigation with recommendations to the College President.

C. Standard of Proof/Evidence

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 violated the Sexual Offense Policies & Procedures for Students and Employees.

D. The Investigation and Hearing

In the case of a possible employee violation, the Director of Human Resources or designee investigator will discuss the investigation recommendations with the College President to determine the course of action. Information regarding internal disciplinary proceedings for employees can be found in the Employee Handbook and/or in any applicable collective bargaining agreement.

In the case of a possible violation of the student code of conduct, the Dean of Students will review the investigative report and determine charges (when appropriate) and appoint a student conduct officer and/or administrative hearing board to hear the case. Pursuant to the Student Code of Conduct, available at <http://www.sunyjefferson.edu/news-events/publications/college-catalog/student-code-conduct>, students will be notified in writing of the charges, date/time of the hearing, possible sanctions, and be given an opportunity to review the evidence in advance.

The following information informs a student conduct hearing.

- Both parties have the right to be assisted by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. The advisor may be, but is not limited to, a fellow student, faculty member, or a lawyer. However, the complainant and the accused are responsible for presenting their own cases and, therefore, advisors are not permitted to speak or to participate directly in any hearing before a hearing body.
- Each party has the opportunity to request a one-time delay of five business days.
- The conduct process will run concurrently with any criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays will not last more than ten days except when law enforcement specifically requests and justifies a longer delay.
- Both parties will have the opportunity to review the incident report and evidence prior to the hearing.
- At the hearing the both parties should have ample opportunity to explain the circumstances surrounding the incident and are encouraged to present pertinent evidence and the testimony of witnesses in person. In addition, both parties are afforded the opportunity to ask questions of the hearing convener and via the convener, to comment on any written statements or other evidence presented, and to respond to questions.
- The prior sexual history with persons other than the other party in the judicial or conduct

process or their own mental health diagnosis and/or treatment will be excluded from admittance in the institution disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.

- In cases of sexual violence, testimony may be provided via alternative arrangements, including telephone/videoconference or testifying with a room partition and each party may make an impact statement at the conclusion of the hearing.
- The hearing decision will be based solely upon matters introduced into evidence before or at the hearing. Improperly acquired evidence will not be admitted.
- A record of the hearing will be made, however the medium (handwritten notes, audio recording, etc.) is at the discretion of the hearing convener). This record will be preserved and maintained for at least five years from the date of the hearing.
- The board or judicial officer will render a decision within seven business days of the hearing's conclusion. Generally, both parties are notified of the outcome simultaneously; in Title IX cases, both parties will be informed of the outcome simultaneously including sanctions and rationale for the decision and sanctions.

E. The Outcome

Once the student hearing is complete, the parties will be informed, in writing, of the outcome within seven (7) 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.

The time necessary to complete an investigation (through the conduct hearing, if necessary) 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.

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 reporting party 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.

F. Appeals

All parties will also be informed of their potential rights to exercise a request for an appeal of the disciplinary determination under the Student Code of Conduct, Employee Handbook, Contract, and/or collective bargaining agreement with JCC. Pursuant to the Student Code of Conduct, all students have a right to an appeal the initial disciplinary determination by a student conduct officer or board to an appeal panel within ten (10) business days of the decision. Unless otherwise required by law, JCC will protect all information obtained about students during the course of the disciplinary process from public release, until the appeals decision is final.

G. Sanctions and Remedial Measures

Discipline for incidents of Sexual Offense may take a variety of forms, depending upon the circumstances of a particular case. The disciplinary sanctions which may be imposed on students who have been found responsible for committing any of the Sexual Offenses 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, expulsion, revocation of degree, withholding degree, and mandatory assessment or counseling. The disciplinary sanctions which may be imposed on employees who have been found responsible for committing any of the Sexual Offenses are the following: verbal warning, written reprimand, mandatory training, no contact order, suspension without pay, suspension with pay, termination, and/or termination with the issuance of a persona non grata letter.

If the investigation reveals that a Sexual Offense did occur, JCC 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 interim measures that may have been provided prior to the conclusion of the investigation. Such measures can be requested by a reporting individual or reporting party, by contacting the Executive Director for Finance & Human Resources (for employees) or the Dean of Students (for students).

IX. Notation on Student Transcripts for Crimes of Violence

If a student is suspended or expelled as a result of being found responsible for a Crime of Violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 34 1092(f)(1)(F)(i)(I)-(VIII), JCC must make a notation on the student's transcript that the student was "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." If a student withdraws from JCC while such conduct charges related to crimes of violence are pending against the student, and declines to complete the disciplinary process, JCC must make a notation on the student's transcript that he or she "withdrew with conduct charges pending."

These transcript notations can be appealed by contacting the College President or designee. 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 JCC. 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.

X. Prohibition of Retaliation

It is a violation of federal and state law and this policy 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. JCC will protect students from retaliation by the college, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within JCC'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 JCC.

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

XI. False Statement

Complaints of sexual misconduct including but not limited to sexual violence, sexual harassment and other forms of gender discrimination cannot always be substantiated. Lack of corroborating evidence should not discourage complainants from seeking relief through the procedures outlined above. However, charges found to have been intentionally dishonest or made maliciously without regard for truth will subject complainants to disciplinary action.

XII. Title IX Compliance Officers

Jefferson has appointed certain individuals as Title IX Compliance Officer. The Title IX Compliance Officers are responsible for assisting in the resolution of reports of Sexual Offenses. In addition, Deputy Title IX Compliance Officers are responsible for being proactive in creating an atmosphere which will inhibit Sexual Offenses. A list of these individuals is set forth below:

Students:

Title IX Coordinator

Jerilyn Fairman

David Gregor, Building 5, Office 106H

Phone: 315-786-6542

fairman@sunyjefferson.edu

Deputy Title IX Compliance Officers

Katy Troester-Trate, Dean of Students
Health and Wellness Center, Building 17
Phone: 315-786-2450
ktroestertrate@sunyjefferson.edu

Victoria Brown, Resident Director
East Hall
Phone: 315-755-0413
vbrown@sunyjefferson.edu

Matthew Gorman, Resident Director
East Hall
Phone: 315-755-0412
mgorman@sunyjefferson.edu

Wesley Hissong, Director of Safety and Security
Deans CLC – first floor, security office
Phone: (315)786-6517
whissong@sunyjefferson.edu

Employees:

Title IX Coordinator

Kerry Young
Lansing Administration Building
Phone: 315-786-2279
kyoung@sunyjefferson.edu

Education and Training for Students and Employees

Jefferson Community College believes that sexual violence prevention training and education cannot be accomplished via a single day or a single method of training. To that end, Jefferson Community College, in accordance with SUNY-wide policy and state and federal law, will continue to educate all employees and new and current students using a variety of best practices aimed at educating the entire college community in a way that decreases sexual violence and maintains a culture where sexual assault and acts of sexual violence are not tolerated.

During the course of their onboarding to Jefferson Community College, which will not be limited to a single day during orientation, all new first-year and transfer students will receive training on the following topics.

- The institution prohibits sexual harassment, including sexual violence, domestic violence, dating violence, stalking, other violence or threats of violence, and will offer resources to any victims/survivors of such violence while taking administrative and conduct action regarding any accused individual within the jurisdiction of the institution.
- Relevant definitions including, but not limited to, the definitions of sexual violence and consent.

- Policies apply equally to all students regardless of sexual orientation, gender identity, or gender expression.
- The role of the Title IX Coordinator, Campus Security, and other relevant offices that address violence prevention and response.
- Awareness of violence, its impact on victims/survivors and their friends and family, and its long-term effects.
- The Students' Bill of Rights and Sexual Violence Response Policy, including:
 - How to report sexual violence and other crimes confidentially, and/or to College officials, campus security, and local law enforcement.
 - How to obtain services and support.
- Bystander intervention and the importance of taking action, when one can safely do so, to prevent violence.
- The protections of the Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases.
- Risk assessment and reduction including, but not limited to, steps that potential victims/survivors and potential assailants and bystanders to violence can take to lower the incidence of sexual violence.
- Consequences and sanctions for individuals who commit these violations.

Further, the College 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. The institution will also provide specific training to members of groups identified as likely to engage in high-risk behavior.

In accordance with New York State Education Law Section 129-b, the College will require that student leaders and officers of registered/recognized student organizations and those seeking recognition complete training on domestic violence, dating violence, sexual assault, or stalking prevention as part of the approval process and require student-athletes to complete training in domestic violence, dating violence, sexual assault, or stalking prior to participating in intercollegiate athletics. Methods of training and educating students may include, but are not limited to:

- Welcome messaging by the President, Vice President or Dean;
- Peer theater and peer educational programs;
- Online training;
- Social media outreach;
- Posters, bulletin boards, and other targeted print and email materials;
- Programming surrounding large recurring campus events;
- Partnering with 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 businesses that attract students to advertise and educate about these policies. Jefferson Community College will engage in a regular assessment of sexual violence education and prevention programming and policies to determine effectiveness.

For employees, the Director of Human Resources is responsible for coordinating programs and training for new and continuing employees. The College offers employee educational programs to promote the awareness of sexual misconduct and sexual violence, rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, which shall include primary prevention and awareness programs for employees. Specifically, these education and informational programs include, but are not be limited to, the following subjects:

1. the definition of domestic violence, dating violence, sexual assault, and stalking in its jurisdiction;
2. a statement that the institution prohibits these offenses;
3. the applicable state laws, ordinances, and regulations regarding sex offenses;
4. the penalties under state law for commission of sex offenses as well as on-campus disciplinary sanctions for the same;
5. the procedures in effect at the College for dealing with sex offenses;
6. the definition of consent in reference to sexual activity;
7. information on risk reduction to recognize warning signs of abusive behavior;
8. strategies intended to stop domestic violence, dating violence, sexual assault, or stalking before it occurs through the changing of social norms and other approaches;
9. safe and positive options for bystander intervention;
10. the availability of counseling and other support services for the victims of sex offenses on campus and off-campus;
11. the nature of and common circumstances relating to sex offenses on campuses; and
12. the methods the College employs to advise and to update the campus about security procedures;
13. the role of the Title IX Coordinator, Campus Security and other offices that address sex offenses.

Public Awareness and Advocacy Events

As part of JCC's public awareness campaign, JCC may from time to time schedule primary prevention, public awareness, and advocacy programs for students and employees, which include the following:

- Title IX training - including training on roles as mandated reporters
- Training on how to appropriately respond to victims of sexual assault
- One Love Foundation Training
- Active Bystander training
- Healthy Relationship trainings
- Take Back the Night

If an individual discloses information through a public awareness event such as candlelight vigils, protests, or other public event, JCC is not obligated to begin an investigation based on such information. However, JCC may use the information provided at such an event to inform its efforts for additional education and prevention efforts.

XIII. 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 required 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.ny.gov/nsor/.

XIV. Memoranda of Understanding

JCC 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).

JCC 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.

XV. Campus Climate Assessments

Commencing during the 2016-2017 school year, JCC conducted a biannual anonymous survey of student and employees to examine (1) the prevalence and incidence of Sexual Offense, (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 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 domestic violence, dating violence, stalking or sexual assault 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 domestic violence, dating violence, stalking, or sexual assault 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.

JCC will take steps to ensure that answers to climate assessments remain anonymous and that no individual is identified. Results are available online at <http://www.sunyjefferson.edu/title-ix> or <http://www.sunyjefferson.edu/title-ix/2016-campus-climate-survey>.

XVII. Annual Institutional Reporting

Reports of certain crimes occurring in certain geographic locations will be included in Jefferson Community College Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the reporting individual or victim/survivor. Jefferson Community College is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the reporting individual or victim/survivor). A reporting individual will never be identified in a timely warning.

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

Effective in July 2016, JCC will annually report the following information about reports of domestic violence, dating violence, stalking and sexual assault 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 Jefferson's judicial or conduct process.
3. The number of cases processed through Jefferson's judicial or conduct process;
4. The number of respondents who were found responsible through Jefferson's judicial or conduct process;
5. The number of respondents who were found not responsible through Jefferson's judicial or conduct process;
6. A description of the final sanctions imposed by Jefferson for each incident for which a respondent was found responsible through Jefferson's judicial or conduct process;
7. The number of cases in Jefferson's judicial or conduct process that were closed prior to a final determination after the respondent withdrew from Jefferson and declined to complete the disciplinary process;
8. The number of cases in Jefferson's judicial or conduct process that were closed because the complaint was withdrawn by the reporting individual prior to a final determination.

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