



By law, you're a "Responsible Employee" and "Campus Security Authority"

TOP 10 THINGS YOU NEED TO KNOW





What are we going to cover today?

1. Who is a responsible employee?
2. What are responsible employees required to do?
3. Who are the Title IX Coordinator(s) and what are their responsibilities?
4. What happens if a student reports an incident to a responsible employee, but wants to remain confidential?
5. What are the confidential resources?
6. Who is a campus security authority?
7. What are campus security authorities required to do?
8. What types of incidents must be reported?
9. Does it matter where the incident occurred?
10. Who is the Clery Coordinator and what are his/her responsibilities?

Being a responsible employee

TITLE IX, VIOLENCE AGAINST
WOMEN ACT (VAWA) &
ENOUGH IS ENOUGH
REQUIREMENTS





What law makes you a responsible employee?

Responsible Employees have obligations pursuant to Title IX.

- ▶ Title IX prohibits sex discrimination in any education program or activity receiving Federal financial assistance.
- ▶ Sex discrimination includes unequal pay based on gender, discrimination on the basis of pregnancy, unequal distribution of athletic funds, unequal admissions and financial aid practices, and sexual harassment, including sexual violence.
- ▶ The College has a duty to promptly respond to complaints of sexual harassment and sexual violence in a way that limits its effects and prevents its recurrence.
- ▶ Title IX protects students and employees, both male and female, regardless of race, national origin, disability, part-time/full-time status, sexual orientation, gender identity.



Sexual violence

- ▶ Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving *consent*.
- ▶ Sexual violence includes:
 - ▶ Rape
 - ▶ Sexual assault
 - ▶ Sexual battery
 - ▶ Sexual abuse
 - ▶ Sexual coercion





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 a 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.”
- ▶ You cannot consent if you are:
 - ▶ impaired due to drugs or alcohol
 - ▶ not conscious or asleep
 - ▶ involuntarily restrained
 - ▶ coerced, intimidated, forced, or threatened with harm

Interpersonal Violence

- ▶ VAWA and New York State's Enough is Enough cause us to respond to interpersonal violence in a similar fashion to sexual violence.
- ▶ Interpersonal violence includes:
 - ▶ Dating violence
 - ▶ Domestic violence
 - ▶ Stalking





1. Who is a responsible employee?

Responsible employees include any employee:

- ▶ who has the authority to take action to redress sex discrimination, including sexual violence;
- ▶ who has been given the duty of reporting incidents to the Title IX Coordinator(s) or designee; or
- ▶ *whom a student could reasonably believe has this authority or duty*



Individuals a student could reasonably believe has authority or duty to take action to redress sex discrimination:

- ▶ President
- ▶ Vice Presidents
- ▶ Associate Vice Presidents
- ▶ Directors
- ▶ Associate and Assistant Directors
- ▶ Coordinators
- ▶ Other administrators
- ▶ Educational Support Staff
- ▶ Clerical Staff
- ▶ Division Chairs
- ▶ Department Chairs and Department Coordinators
- ▶ Faculty (full and part-time), unless they serve as a *confidential resource*
- ▶ Athletic director, coaches and assistant coaches
- ▶ Maintenance / Facilities Staff
- ▶ Public Safety officers



2. What are responsible employees required to do?

Responsible employees must:

- ▶ report all known relevant details about the alleged sex discrimination, including sexual violence, and interpersonal violence to the Title IX Coordinator(s), including names of anyone involved or present, date, time, and location;
 - ▶ Does not have to have occurred on campus.
- ▶ tell students who disclose an incident of sex discrimination or interpersonal violence about:
 - ▶ the employee's obligation to report to the Title IX Coordinator(s),
 - ▶ confidentiality requests, and
 - ▶ confidential resources available.



3. Who are the Title IX Coordinator(s) and what are their responsibilities?

- ▶ **Title IX Coordinator:**

- ▶ Assures policies comply with Title IX and VAWA mandates
- ▶ Trains investigators
- ▶ Oversees all investigations and complaint resolutions
- ▶ Tracks and addresses patterns and serves as institutional memory
- ▶ Provides or delegates the provision of training to all applicable campus constituencies
- ▶ Supervises and supports campus sexual harassment, sexual violence and interpersonal violence prevention initiatives

- ▶ **Deputy Title IX Coordinators:**

- ▶ Conduct investigations of sex discrimination, including sexual violence, and interpersonal violence



4. What happens if a student reports an incident to a responsible employee, but wants to remain confidential?

- ▶ The Title IX Coordinator must weigh the student's request against the College's obligation to provide a safe, non-discriminatory environment for all members of our community, including the reporting individual or victim/survivor.
- ▶ If the Title IX Coordinator determines that it must move forward with an investigation, the reporting individual or victim/survivor will be notified and the College will take immediate action as necessary to protect and assist them.



Factors considered during a confidentiality request:

The College will consider many factors to determine whether to proceed with an investigation despite that request, including, but 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 reporting individual 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.



5a. What are the on-campus confidential resources?

Individuals who are confidential resources will not report crimes to law enforcement or College officials without the student's permission, except for extreme circumstances, such as a health and/or safety emergency.

► **Counseling Services**

Privileged and Confidential Counselors at the Counseling Center:

- Professor Kathy Carroll, Licensed Mental Health Counselor
- Professor Janice Moore, Licensed Clinical Social Worker
- Professor Inez Rivera-Pena, Licensed Clinical Social Worker

► **Religious Life Offices**

Individuals serving in a pastoral role at the College



5b. What are the off-campus confidential resources?

Community crisis services offices will generally maintain confidentiality unless the student requests disclosure and signs a consent or waiver form.

- ▶ **Center for Safety & Change**
- ▶ **Spirit of Rockland Special Victims Center**
- ▶ **Nyack Hospital**
- ▶ **Good Samaritan Hospital**



BON SECOURS CHARITY HEALTH SYSTEM



Students' Bill of Rights

Identifies:

- Students' rights regarding sexual and interpersonal violence
- Confidential resources
- Individuals/offices that handle reports of sexual or interpersonal violence



STUDENTS' BILL OF RIGHTS

The State University of New York and Rockland 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/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 College;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the College courteous, fair, and respectful health care and counseling services, where available;
- Be free from any suggestion that the 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 College, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the College;
- Access to at least one level of appeal of a determination;
- Be accompanied by an advisor of choice who may assist and advise a 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.

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

- Receive resources, such as counseling and medical attention;
- Confidentially or anonymously disclose a crime or violation (for detailed information on confidentiality and privacy, visit www.sunyrockland.edu/about/title-ix/options-for-confidentially-disclosing-sexual-violence);
- Make a report to:

☛ Title IX Coordinator(s)
845-574-4758, 845-574-4280 or 845-574-4294

☛ RCC Public Safety
845-574-4911 or 4217

☛ Coordinator of Judicial Affairs
845-574-4105

☛ Rockland County Sheriff's Department
845-638-5400

☛ Town of Ramapo Police Department
845-357-5100

☛ "Spirit of Rockland" Special Victims Center
845-357-0651

For more information about the College's policies regarding Sexual Violence Response, visit www.sunyrockland.edu/about/title-ix/sexual-violence-response-policy

RCC Rockland
Community
College
STATE UNIVERSITY OF NEW YORK

01/highlights

Being a campus security authority

CLERY ACT & VAWA
REQUIREMENTS





What law makes you a campus security authority?

Campus Security Authorities have obligations pursuant to the Clery Act.

- ▶ Clery Act requires all colleges receiving Federal financial aid programs to disclose campus crime statistics and security information.
 - ▶ Publish annual report regarding crimes, arrests and referrals, and hate crimes
 - ▶ Make emergency notifications to campus about crimes that pose an ongoing threat
 - ▶ Make available a public crime log
- ▶ Clery Act requires all colleges to collect crime reports from a variety of individuals and organizations that Clery considers to be "campus security authorities" because students may be more inclined to report crimes to someone other than the campus law enforcement.



6. Who is a campus security authority?

Campus security authorities include:

- ▶ Public Safety
- ▶ Non-uniformed security staff responsible for safeguarding College property, monitoring events, and providing student escorts.
- ▶ *“Officials with significant responsibility for students and campus activities.”
“Official” is defined as any person who has the authority and duty to take action and respond to particular issues on behalf of the institution.*
- ▶ People/offices designated under our policy as those to whom crimes can be reported.



College officials with significant responsibility for student and campus activities:

- ▶ Academic Affairs, including academic departments
- ▶ Judicial Affairs
- ▶ Veterans' Affairs
- ▶ Student Involvement
- ▶ Faculty or staff advisors to student organizations or those that serve as formal or unofficial mentors to students
- ▶ Accessibility Services
- ▶ Title IX Coordinator(s)
- ▶ SOAR (Student Orientation, Advising & Registration)
- ▶ Administrators who oversee additional locations
- ▶ Athletic director, coaches and assistant coaches
- ▶ Human Resources
- ▶ Equity & Compliance Officer
- ▶ Enrollment Management offices



Who is NOT a campus security authority?

- ▶ Licensed mental health counselor or a pastoral counselor who is working within the scope of his/her license or religious assignment
- ▶ Faculty members who are not advisors of student groups, i.e. no responsibility for students or campus activities beyond the classroom
- ▶ Clerical Staff
- ▶ Maintenance / Facilities Staff



7. What is a campus security authority required to do?

Campus security authorities must report crime allegations made in good faith to the Clery Coordinator.

- ▶ In “good faith” means there is a reasonable basis for believing that the information is not simply rumor or hearsay.
- ▶ The crime report completed by the campus security authority should include as much information as possible and be filed in a timely manner.
- ▶ If an individual reporting an incident doesn’t want it to go further than the CSA, explain that he/she is required to report the information for statistical purposes, but it can be submitted without identifying the victim.
- ▶ If an individual reporting an incident needs assistance, explain how to get help. Let a victim know that help is available even if he or she does not want an investigation.



8. What type of incidents must be reported?

- ▶ Clery Act Crimes (Section 1)
 - ▶ Murder
 - ▶ Manslaughter
 - ▶ Sex offenses (rape, fondling, incest, and statutory rape)
 - ▶ Robbery
 - ▶ Aggravated assault
 - ▶ Burglary
 - ▶ Motor vehicle theft
 - ▶ Arson
 - ▶ Dating violence
 - ▶ Domestic violence
 - ▶ Stalking
- ▶ Reportable Arrests and referrals (Section 2)
 - ▶ Drug/narcotic violations
 - ▶ Alcohol violations
 - ▶ Weapons violation
- ▶ Hate Crimes (Section 3)
 - ▶ Any of the Section 1 crimes committed because of the perpetrator's bias against the victim on the basis of membership in a protected class
 - ▶ Larceny-theft
 - ▶ Simple Assault
 - ▶ Intimidation
 - ▶ Destruction/damage/vandalism of property





9. Does it matter where the incident occurred?

A crime must be reported if it occurred:

- ▶ On campus (Suffern and Haverstraw)
- ▶ Non-campus building or property (BOCES and new Automotive facility that opens in January 2016))
- ▶ Public property on/or immediately adjacent to campus and easily accessible from campus (streets, sidewalks and public parking lots)





10. Who is the Clery Coordinator and what are his/her responsibilities?

- ▶ Clery Coordinator:
 - ▶ Collects crime reports from campus security authorities.
 - ▶ Canvasses campus security authorities to request crime reports from them
 - ▶ Obtain Clery crime statistics from local law enforcement agencies that have jurisdiction over the College's Clery geography.
 - ▶ Compile and publish annual report.
 - ▶ Consult with the Executive Cabinet regarding any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus and the related release of information to the campus (emergency notifications).

Websites

- ▶ www.sunyrockland.edu/about/title-ix
- ▶ www.sunyrockland.edu/campus-life/public-safety