



POLICY ON SEXUAL MISCONDUCT

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I. Policy Statement

Every member of The Pacific College of Health and Science, New York (PCHS-NY) community, including students, employees and visitors, deserves the opportunity to live, learn and work free from sexual harassment, gender-based harassment and sexual violence. Accordingly, PCHS-NY is committed to:

1. Defining conduct that constitutes prohibited sexual harassment, gender-based harassment and sexual violence;
2. Providing clear guidelines for students, employees and visitors on how to report incidents of sexual harassment, gender-based harassment and sexual violence and a commitment that any complaints will be handled respectfully;
3. Promptly responding to and investigating allegations of sexual harassment, gender-based harassment and sexual violence, pursuing disciplinary action when appropriate, referring the incident to local law enforcement when appropriate, and taking action to investigate and address any allegations of retaliation;
4. Providing ongoing assistance and support to students and employees who make allegations of sexual harassment, gender-based harassment and sexual violence;
5. Providing awareness and prevention information on sexual harassment, gender-based harassment and sexual violence, including widely disseminating this policy, as well as a “students’ bill of rights” and implementing training and educational programs on sexual harassment, gender-based harassment and sexual violence to college constituencies; and
6. Gathering and analyzing information and data that will be reviewed in order to improve safety, reporting, responsiveness and the resolution of incidents.

This is the sole policy at PCHS-NY addressing sexual harassment, gender-based harassment and sexual violence.

In addition, campus crime statistics, including statistics relating to sexual violence, which PCHS is required to report under the Jeanne Clery Act, are available on the college website and from the student advisors.



II. Prohibited Conduct

A. Sexual Harassment, Gender-Based Harassment and Sexual Violence

This policy prohibits sexual harassment, gender-based harassment and sexual violence (together “sexual misconduct”) against any PCHS-NY student, employee or visitor.

Sexual harassment includes unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic and electronic communications or physical conduct that is sufficiently serious to adversely affect an individual’s participation in employment, education or other PCHS-NY activities.

Gender-based harassment is unwelcome conduct of a nonsexual nature based on an individual’s actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is sufficiently serious to adversely affect an individual’s participation in employment, education or other PCHS-NY activities.

Sexual violence is an umbrella term that includes: (1) sexual activity without affirmative consent, such as sexual assault, rape/attempted rape, and forcible touching/fondling; (2) dating, domestic and intimate partner violence; (3) stalking/cyberstalking (“stalking”) as defined in this policy.

The complete definitions of these terms, as well as other key terms used in this policy, are set forth in section XI below.

B. Retaliation

This policy prohibits retaliation against any person who reports sexual harassment, gender-based harassment or sexual violence, assists someone making such a report, or participates in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence complaint.

C. Certain Intimate Relationships

This policy also strongly discourages certain intimate relationships when they occur between a faculty member or employee and any student for whom he or she has a professional responsibility as set forth in section X below.

III. Title IX Coordinator

PCHS has an employee who has been designated as the Title IX Coordinator. This employee is responsible for compliance with Title IX of the Education Amendments of 1972, which prohibits sex discrimination, including sexual harassment, gender-based harassment and sexual violence, in education programs. The Title IX Coordinator has overall responsibility for implementing this policy, including overseeing the investigation of



complaints and carrying out the other functions of that position set forth in this policy. The Title IX Coordinator may designate the Campus Director or other appropriate staff to assist in investigating a complaint and/or enforcing this policy. The Title IX Coordinator shall receive annual training on sexual harassment, gender-based harassment and sexual violence as required by law.

Dr. Ashley Kowal, Vice President of Student Services is the Title IX Coordinator for PCHS
akowal@pacificcollege.edu
929-373-3223

IV. Assistance in Cases of Sexual Violence and Who to Report To

A. Reporting to Law Enforcement

Students or employees who experience any form of sexual violence have the right to notify campus security, local law enforcement, and/or state police. Students or employees who experience any form of sexual violence and wish to notify local law enforcement may report the incident by calling 911, contacting the Police Department Special Victims Division or their local police precinct, or contacting WellConnect, which is available 24 hours a day, 7 days a week.

B. Reporting to the College

Reporting individuals have the right to make a report to campus security, local law enforcement, and/or state police or choose not to report; to report the incident to PCHS-NY; to be protected by PCHS-NY from retaliation for reporting an incident; and to receive assistance and resources from PCHS-NY.

PCHS-NY encourages individuals who have experienced sexual harassment, gender-based harassment or sexual violence (referred to in this policy as “complainants” or “reporting individuals”) to report the incident(s) to campus authorities, even if they have reported the incident to outside law enforcement authorities, and regardless of whether the incident took place on- or off-campus. Such reporting will enable complainants to get the support they need and provide the college with the information it needs to take appropriate action. However, students should be aware that there are employees whom they can speak with on a strictly confidential basis before determining whether to make a report to college authorities. See section VI below.

i. Students

Students who experience sexual harassment, gender-based harassment or sexual violence should bring their complaint to the Title IX Coordinator. When the Title IX Coordinator receives a complaint of sexual misconduct from a student, she/he will work with the Campus Director to identify a trained staff member to assist the complainant with support services.

ii. Employees



Employees who experience sexual harassment, gender-based harassment or sexual violence should bring their complaint to the Campus Director or VP of Human Resources. When the Title IX Coordinator receives a complaint of sexual misconduct from an employee, she/he will work with the VP of Human Resources to assist the complainant with support services.

iii. Visitors

Visitors who experience sexual harassment, gender-based harassment or sexual violence should bring their complaint to the Campus Director or VP of Human Resources.

Once the Title IX Coordinator, Campus Director or the VP of Human Resources has been contacted, she/he will address the matter in accordance with this policy, including taking appropriate interim and supportive measures. The Title IX Coordinator and/or VP of Human Resources will maintain a complainant's privacy to the greatest extent possible, and all information in connection with the complaint, including the identities of the complainant and the respondent, will be shared only with those who have a legitimate need for the information.

C. Obtaining Immediate Medical Attention and Emotional Support

PCHS-NY is committed to assisting anyone who experiences sexual violence and wishes to seek comprehensive medical attention as soon as possible to treat injuries, obtain preventative treatment for sexually transmitted diseases, and preserve evidence, among other things. For rapes in particular, immediate treatment and the preservation of evidence of the incident are important for many reasons, including personal health and facilitating a criminal investigation. In addition, individuals who have experienced or witnessed sexual violence are encouraged to seek emotional support as soon as possible.

PCHS-NY maintains a list of emergency contacts and resources, including rape crisis centers, on its dedicated Title IX web page. This list includes a designation of which local hospitals are designated as SAFE (Sexual Assault Forensic Examiner) hospitals, which are specially equipped to handle sexual assaults and trained to gather evidence from such assaults.

V. Rights of Students and Reporting Individuals

Every student has the right to the following:

- i. Request that student conduct charges be filed against the accused in proceedings governed by this policy.
- ii. A process in all student judicial or conduct cases, where a student is accused of sexual assault, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate PCHS-NY's code of conduct, that includes, at a minimum: (i)



notice to a respondent describing the date, time, location and factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions; (ii) an opportunity to offer evidence during an investigation, and to present evidence and testimony at a hearing, where appropriate, and have access to a full and fair record of any such hearing, which shall be preserved and maintained for at least five years from such a hearing and may include a transcript, recording or other appropriate record; and (iii) access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest. In order to effectuate an appeal, a respondent and reporting individual in such cases shall receive written notice of the findings of fact, the decision and the sanction, if any, as well as the rationale for the decision and sanction. In such cases, any rights provided to a reporting individual will be similarly provided to a respondent and any rights provided to a respondent will be similarly provided to a reporting individual.

- iii. Access to a sexual assault forensic examination through a local health care facility.

Reporting individuals have the right to the following:

- i. Notify campus security, local law enforcement, and/or state police.
- ii. Emergency access to a Title IX Coordinator or other appropriate designee trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual to provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney. The Title IX Coordinator is able offer the reporting individual privacy, but not confidentiality. For confidential reporters, see section VI below.
- iii. Access to information about resources, including intervention, mental health counseling, and medical services, which shall include information on whether such resources are available at no cost or for a fee. As well as information on sexually transmitted infections, sexual assault forensic examinations, and resources available through the New York state office of victim services.
- iv. Disclose confidentially the incident and obtain services from the state or local government.
- v. Disclose the incident to institution representatives who can offer privacy or confidentiality (see section VI below), as appropriate, and can assist in obtaining resources for reporting individuals.
- vi. File a report of sexual assault, domestic violence, dating violence, and/or stalking and



the right to consult the Title IX Coordinator and other appropriate institution representatives for information and assistance. Reports will be investigated in accordance with this policy and a reporting individual's identity will remain private at all times if said reporting individual wishes to maintain privacy.

- vii. Disclose, if the accused is an employee of the institution, the incident to the institution's human resources authority or the right to request that a confidential or private employee assist in reporting to the appropriate human resources authority.
- viii. Receive assistance from appropriate institution representatives in initiating legal proceedings in family court or civil court.
- ix. Withdraw a complaint or involvement from the institution process at any time.

A. Amnesty for Drug and Alcohol Use

The health and safety of every student at PCHS-NY is of utmost importance. PCHS-NY recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to PCHS-NY officials or law enforcement will not be subject to PCHS-NY code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

VI. Reporting/Confidentiality Obligations of College Employees

PCHS-NY will seek consent from reporting individuals prior to conducting an investigation. Declining to consent to an investigation shall be honored unless PCHS-NY 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. Honoring such a request may limit PCHS-NY's ability to meaningfully investigate and pursue conduct action against an accused individual. Factors used to determine whether to honor such a request include, but are not limited to:

- i. Whether the accused has a history of violent behavior or is a repeat offender;
- ii. Whether the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior;
- iii. The increased risk that the accused will commit additional acts of violence;
- iv. Whether the accused used a weapon or force;
- v. Whether the reporting individual is a minor; and



- vi. Whether PCHS-NY 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.

A decision to maintain confidentiality does not mean that confidentiality can be absolutely guaranteed in all circumstances, but only that all efforts will be undertaken to keep information confidential consistent with law. Notwithstanding the decision of the Title IX Coordinator regarding the scope of any investigation, the college will provide the complainant with ongoing assistance and support, including, where appropriate, the interim and supportive measures set forth in section VII of this policy.

If the Title IX Coordinator determines that she/he will maintain confidentiality as requested by the complainant, the college will take all reasonable steps to investigate the incident consistent with the request for confidentiality. However, a college's ability to meaningfully investigate the incident and pursue disciplinary action may be limited by such a request.

In any event, the college is required to abide by any laws mandating disclosure, such as the Jeanne Clery Act and Campus Safety Act. However, notification under the Jeanne Clery Act is done without divulging the complainant's identity, and notification of sexual violence under the Campus Safety Act is not required and will not be done if the complainant requests confidentiality.

Information regarding institutional crime reporting including, but not limited to: reports pursuant to the Clery Act, 20 U.S.C. 1092(f), will be reported in an anonymized manner that identifies neither the specifics of the crime nor the identity of the reporting individual. PCHS-NY is obligated to issue timely warnings of crimes enumerated in the Clery Act occurring within relevant geography that represent a serious or continuing threat to students and employees, except in those circumstances where issuing such a warning may compromise current law enforcement efforts or when the warning itself could potentially identify the reporting individual. A reporting individual shall not be identified in a timely warning.

The Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, allows institutions to share information with parents when there is a health or safety emergency or when the student is a dependent on either parent's prior year federal income tax return. Generally, PCHS-NY shall not share information about a report of domestic violence, dating violence, stalking, or sexual assault with parents without the permission of the reporting individual. An individual who speaks to a PCHS-NY employee about sexual harassment, gender-based harassment or sexual violence should be aware that employees fall into three categories:

- i. "confidential" employees, who have an obligation to maintain a complainant's confidentiality regarding the incident(s);
- ii. "responsible" employees, who are required to report the incident(s) to the Title IX



Coordinator; and

- iii. all other employees, who are strongly encouraged but not required to report the incident(s).

Even PCHS-NY offices and employees who cannot guarantee confidentiality will maintain a reporter's privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

If a reporting individual discloses an incident to an institution employee who is responsible for responding to or reporting domestic violence, dating violence, stalking, or sexual assault but wishes to maintain confidentiality or does not consent to the institution's request to initiate an investigation, the Title IX Coordinator will weigh the request against PCHS-NY's obligation to provide a safe, non-discriminatory environment for all members of its community. PCHS-NY shall assist with academic, employment, and other reasonable and available accommodations regardless of reporting choice.

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

If an individual wishes to anonymously disclose information, they will be provided contact information for confidential hotlines provided by New York state agencies and not-for-profit entities by the Title IX Coordinator.

A. Confidential Employees

Students at PCHS-NY who wish to speak to someone who will keep all of the communications strictly confidential should speak to the following:

Campus Director

The above individual will not report any information about an incident to the college's Title IX Coordinator or other college employees without the student's permission. The only exception is in the case where there is an imminent threat to the complainant or any other person.

A student who speaks solely to a "confidential" employee is advised that, if the student wants to maintain confidentiality, the college may be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. However, these professionals will assist the student in receiving other necessary support. A student who first requests confidentiality may later decide to file a complaint with the college or report the incident to local law enforcement and thus have the incident investigated.



For employees who wish to speak to someone confidentially, they can contact the VP of Human Resources. Confidential community counseling resources are also available through WellConnect.

B. “Responsible” Employees

“Responsible” employees have a duty to report incidents of sexual harassment, gender-based harassment or sexual violence, including all relevant details, to the Title IX Coordinator. Such employees are not permitted under any circumstances to maintain a complainant’s confidentiality, except that the Title IX Coordinator may honor a request for confidentiality under the circumstances described in this section above. However, these employees will maintain a complainant’s privacy to the greatest extent possible, and information reported to them will be shared only with the Title IX Coordinator, the “responsible” employee’s supervisor, and other people responsible for handling the college’s response to the report.

Before a complainant reveals any information to a responsible employee, the employee shall advise the complainant of the employee’s reporting obligations—and if the complainant wants to maintain confidentiality, direct the complainant to confidential resources.

PCHS-NY has designated the following individuals as “responsible” employees:

- Title IX Coordinator and her/his staff
- College President
- Vice Presidents
- Deans
- Department Chairpersons
- Student Advisors
- Human Resources staff (all)
- Faculty or staff advisors to student groups
- Employees who are Managers (all), not including the Campus Director

C. All Other Employees

Employees other than those identified in subsections “A” and “B” above are permitted but not required to report any possible sexual harassment, gender-based harassment or sexual violence; however, they are strongly encouraged by PCHS-NY to make such a report.

It is important to emphasize that faculty members other than those specifically identified in subsection “B” above have not been designated as “responsible” employees and do not have an obligation to report the matter to the Title IX Coordinator, although they are strongly encouraged to do so.

D. Action by Bystanders and Other Community Members

While those employees designated as “responsible” employees are required reporters as



set forth in this section above, PCHS-NY encourages all other community members, including faculty, students and visitors, to take reasonable and prudent actions to prevent or stop an act of sexual harassment, gender-based harassment or sexual violence that they may witness. Although these actions will depend on the circumstances, they include direct intervention, calling law enforcement, or seeking assistance from a person in authority.

In addition, PCHS-NY encourages all community members to report an incident of sexual harassment, gender-based harassment or sexual violence that they observe or become aware of to the Title IX Coordinator and/or Campus Director and, in the case of employees, Human Resources. Community members who take action in accordance with this paragraph will be supported by the college, and anyone who retaliates against them will be subject to disciplinary charges.

E. Reporting Suspected Child Abuse

Certain members of the PCHS-NY community who interact with, supervise, chaperone, or otherwise oversee minors in programs or activities at PCHS-NY or sponsored by PCHS-NY are required to report immediately to the New York State Maltreatment Hotline if they have reasonable cause to suspect abuse or maltreatment of individuals under the age of 18. If anyone other than mandated reporters has reasonable cause to believe that a minor is being or has been abused or maltreated on campus, she/he should notify either the Title IX Coordinator or Campus Director. If any PCHS-NY community member witnesses child abuse while it is happening, she/he should immediately call 911.

VII. Interim and Supportive Measures

The college will take immediate steps to protect the complainant, respondent, and other affected parties, as well as the college community at large, following an allegation of sexual harassment, gender-based harassment or sexual violence.

PCHS-NY shall ensure that individuals are provided the following protections and accommodations:

- i. When the accused or respondent is a student, to have PCHS-NY issue a "no contact order". Continued intentional contact with the individual would be a violation of PCHS-NY policy and subject to additional conduct charges. If the accused or respondent and a reporting individual observe each other in a public place, it shall be the responsibility of the accused or respondent to leave the area immediately and without directly contacting the reporting individual. Both the accused or respondent and the reporting individual shall, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of a no contact order, including potential modification, and shall be allowed to submit evidence in support of his or her request;
- ii. To be assisted by officials in obtaining an order of protection or, if outside of New



York state, an equivalent protective or restraining order;

- iii. To receive a copy of the order of protection or equivalent when received by PCHS-NY and have an opportunity to meet or speak with a PCHS-NY representative, 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;
- iv. To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension;
- v. To receive assistance to call on and assist local law enforcement in effecting an arrest for violating such an order, provided that nothing in this policy shall limit current law enforcement jurisdiction and procedures;
- vi. When the accused or respondent is a student determined to present a continuing threat to the health and safety of the community, to subject the accused or respondent to interim suspension pending the outcome of a judicial or conduct process consistent with this policy. Both the accused or respondent and the reporting individual shall, upon request and consistent with this policy, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, and shall be allowed to submit evidence in support of his or her request;
- vii. When the accused is not a student but is a member of the institution's community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and rules and policies of PCHS-NY;
- viii. To obtain reasonable and available interim measures and accommodations that effect a change in academic, employment, or other applicable arrangements in order to help ensure safety, prevent retaliation and avoid an ongoing hostile environment, consistent with PCHS-NY's policies and procedures. Both the accused or respondent and the reporting individual shall, upon request and consistent with this policy, be afforded 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, and shall be allowed to submit evidence in support of his or her request.

A. Types of Interim and Supportive Measures

Interim and supportive measures may include, among other things:

- i. Making necessary changes to academic programs, including a change in class schedule, making appropriate accommodations to permit the complainant to take an incomplete or drop a course or courses without penalty, or other alternative means where appropriate, providing an academic tutor, or extending deadlines for assignments;



- ii. Changing an employee's work assignment or schedule;
- iii. Prohibiting contact between the complainant and the respondent ("no contact" orders);
- iv. Referral to counseling services and an off-campus agency;
- v. Providing assistance in obtaining medical and other services, including access to rape crisis centers;
- vi. Providing assistance with filing a criminal complaint and seeking an order of protection;
- vii. Enforcing an order of protection;

In exceptional circumstances, seeking an emergency suspension of a student or an employee under applicable PCHS-NY rules.

VIII. Investigating Complaints

PCHS-NY will seek consent from reporting individuals prior to conducting an investigation. Declining to consent to an investigation shall be honored unless PCHS-NY 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. Honoring such a request may limit PCHS-NY's ability to meaningfully investigate and pursue conduct action against an accused individual. Factors used to determine whether to honor such a request are outlined in section VI above.

A. The Investigation

The college Title IX Coordinator is responsible for conducting the investigation in a prompt, thorough, and impartial manner. The college Title IX Coordinator shall inform all parties that an investigation is being commenced and shall provide the respondent with a written summary of the allegations of the complaint. The Title IX Coordinator shall coordinate investigative efforts and may designate other individuals to conduct all or part of the investigation.

The Title IX Coordinator will take any immediate action, as necessary, to protect and assist reporting individuals. The college Title IX Coordinator shall take prompt steps reasonably calculated to end any sexual harassment, gender-based harassment or sexual violence, including: (i) taking interim measures; (ii) preventing retaliation; (iii) providing the complainant and the respondent with periodic status updates of the investigation and notice of outcome of the investigation; (iv) informing the complainant of her/his right to file a criminal complaint; (v) coordinating with law enforcement agencies, as appropriate; (vi) maintaining all documents of the investigation; and (vii) drafting a report of findings, which is to be submitted to the Campus Director and college



President.

Throughout proceedings involving such an accusation of sexual assault, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate the institution's code of conduct, every student has the right to the following:

- i. For the respondent, accused, and reporting individual to 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.
- ii. To a prompt response to any complaint and to have the complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until a finding of responsibility is made pursuant to the provisions of this policy, and other issues including, but not limited to domestic violence, dating violence, stalking or sexual assault.
- iii. To an investigation and process that is fair, impartial and provides a meaningful opportunity to be heard, and that is not conducted by individuals with a conflict of interest.
- iv. To have PCHS-NY's judicial or conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten days except when law enforcement specifically requests and justifies a longer delay. If there is a delay in completing the investigation, the Title IX Coordinator shall notify the complainant and the respondent in writing.
- v. To review and present available evidence in the case file, or otherwise in the possession of PCHS-NY, and relevant to the conduct case, consistent with PCHS-NY policies and procedures.
- vi. To exclude their own 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 from admittance in the 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.
- vii. To receive written or electronic notice, provided in advance of any meeting they are required to or are eligible to attend, of the specific rule, rules or laws alleged to have been violated and in what manner, and the sanction or sanctions that may be imposed on the respondent based upon the outcome of the judicial or conduct process, at which time the designated hearing or investigatory officer or panel shall provide a



written statement detailing the factual findings supporting the determination and the rationale for the sanction imposed.

- viii. To make a statement during the investigation which will be included in the report to the decision maker for appropriate sanctions.
- ix. To simultaneous (among the parties) written or electronic notification of the outcome of a judicial or conduct process, including the sanction or sanctions.
- x. To be informed of the sanction or sanctions that may be imposed on the respondent based upon the outcome of the judicial or conduct process and the rationale for the actual sanction imposed.
- xi. To choose whether to disclose or discuss the outcome of a conduct or judicial process.
- xii. To have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals grievance committee makes a final determination unless otherwise required by law.

B. Conflicts

If any administrator designated by this policy to participate in the investigation or resolution of a complaint (including but not limited to the Title IX Coordinator) is the respondent, the Campus Director will appoint another college administrator to perform such person's duties under this policy. If the Campus Director is the respondent, the investigation will be handled by the college Title IX Coordinator or her/his designee.

C. Report of Findings

Following the completion of the investigation, the Title IX Coordinator shall report her/his findings to the Campus Director in writing. Following such report, the Campus Director shall review the complaint investigation report and authorize such action as she/he deems necessary to address the issues raised by the findings. A copy of the report shall be maintained in the files of the Title IX Coordinator.

D. Disciplinary Action

Following an investigation, the Campus Director and/or college President may recommend that disciplinary action be commenced against the respondent student or employee.

i. Discipline Against Students

In cases where a student is charged with a violation of this policy, including retaliation, the matter shall be taken in accordance with PCHS policies, which contains the student disciplinary policies at PCHS. Under the student disciplinary process, complainants have the same right as respondents to receive notice of the charges, to attend and participate fully in a disciplinary process, to receive notice of the



decision, and to appeal. Penalties for students range from a warning to suspension or expulsion from the college.

ii. Discipline Against Employees

In cases where an employee is charged with a violation of this policy, including retaliation, the matter shall be referred for disciplinary action in accordance with the applicable PCHS policies. Penalties for employees include reprimand, suspension or termination of employment following applicable disciplinary procedures.

iii. Action Against Visitors

In cases where the person accused of sexual harassment, gender-based harassment or sexual violence is neither a PCHS student nor a PCHS employee, the college's ability to take action against the accused is extremely limited. However, the college shall take all appropriate actions within its control, such as restricting the visitor's access to campus. In addition, the matter shall be referred to local law enforcement for legal action where appropriate.

E. No Disciplinary Action

In cases where a determination is made not to bring disciplinary action, the Title IX Coordinator shall inform the complainant and the respondent of that decision contemporaneously, in writing, and shall offer counseling or other support services to both the complainant and the respondent.

F. Sanctions and Transcript Notations

If the school discovers an incident of harassment or discrimination, it has an obligation to stop it and make sure that it does not happen again. Sanctions may include appropriate disciplinary and/or remedial action, warning, censure, suspension, or dismissal from employment or from the program.

For crimes 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.1092(f)(1)(F)(i)(I)-(VIII), PCHS-NY shall make a notation on the transcript of students found responsible after a conduct process that they were "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." For the respondent who withdraws from Pacific College while such conduct charges are pending, and declines to complete the disciplinary process, Pacific College shall make a notation on the transcript of such students that they "withdrew with conduct charges pending." Student appeals seeking removal of a transcript notation for a suspension are referred to the college's grievance policy. Such notation shall not be removed prior to one year after conclusion of the suspension, while notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

G. Appeals



Any party that wishes to appeal the decision and/or sanctions determined after the investigation shall follow the grievance policy as outlined in the college Catalog.

H. Malicious Allegations

Members of the PCHS community who make false and malicious complaints of sexual harassment, gender-based harassment or sexual violence, as opposed to complaints which, even if erroneous, are made in good faith, may be subject to disciplinary action.

I. Reporting Retaliation

An individual may file a complaint with the Title IX Coordinator if she/he has been retaliated against for reporting sexual harassment, gender-based harassment or sexual violence, assisting someone making such a report, or participating in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence complaint. All retaliation complaints will be investigated in accordance with the investigation procedures set forth in section VIII of this policy, and individuals who are found to have engaged in retaliation will be subject to disciplinary action.

J. Relationship of PCHS's Investigation to the Action of Outside Law Enforcement

In cases where the complainant files a complaint with outside law enforcement authorities as well as with the college, the college shall determine what actions to take based on its own investigation. The college may coordinate with outside law enforcement authorities in order to avoid interfering with their activities and, where possible, to obtain information regarding their investigation. Neither a law enforcement determination whether to prosecute a respondent, nor the outcome of any criminal prosecution, is dispositive of whether the respondent has committed a violation of this policy.

In any proceeding brought against PCHS-NY which seeks to vacate or modify a finding that a student was responsible for violating PCHS-NY's rules regarding a violation covered by this policy, the name and identifying biographical information of any student shall be presumptively confidential and shall not be included in the pleadings and other papers from such proceeding absent a waiver or cause shown as determined by the court. Such witnesses shall be identified only as numbered witnesses. If such a name or identifying biographical information appears in a pleading or paper filed in such a proceeding, the court, absent such a waiver or cause shown, shall direct the clerk of the court to redact such name and identifying biographical information and so advise the parties.

K. Filing External Complaints

Complainants have the right at any time to file complaints with the Office for Civil Rights ("OCR") of the U.S. Department of Education, alleging violations of Title IX, and to file complaints with other appropriate agencies alleging violations of other federal, state or local laws. Contact information for OCR and other relevant agencies is set forth on the PCHS Title IX web page.



IX. College Obligations Under This Policy

In addition to addressing possible violations of this policy, PCHS-NY has the following obligations.

A. General Provisions

All institutional services and protections afforded to reporting individuals under this policy shall be available to all students and applicable to conduct that has a reasonable connection to PCHS-NY. When such conduct involves students or employees from two or more institutions, PCHS-NY may work collaboratively to address the conduct provided that such collaboration complies with the Family Educational Rights and Privacy Act codified at 20 U.S.C. 1232g; 34 C.F.R. Part 99.

The protections in this policy apply 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.

The provisions of this policy shall apply regardless of whether the violation occurs on campus or off campus.

Nothing in this policy shall be construed to limit in any way the provisions of the penal law that apply to the criminal action analogous to the student conduct code violations referenced herein. Action pursued through the criminal justice process shall be governed by the penal law and the criminal procedure law.

Nothing in this policy shall be construed to create a new private right of action for any person.

B. Dissemination of Policies, Procedures and Notices

The college Title IX Coordinator, in coordination with Human Resources Department and other departments, is responsible for the wide dissemination of the following at PCHS-NY: (i) this policy; (ii) PCHS's Notice of Non-Discrimination; (iii) the Title IX Coordinator's name, phone number, office location, and email address; and (iv) contact information for WellConnect. Such dissemination shall include posting the documents and information on the college website. In addition, the Students' Bill of Rights, which is appended to and made a part of this policy, will be distributed to any individual reporting an incident of sexual misconduct at the time the report is made. It will also be distributed annually to all students and made available on the college's website.

C. Training and Educational Programming

The college Title IX Coordinator, in coordination with other applicable administrators,



including human resources, is responsible for ensuring that the college provides training to college employees on their obligations under this policy; provides education on this policy and on sexual misconduct (including domestic violence, dating violence, stalking and sexual assault) to new and continuing students; and promotes awareness and prevention of sexual harassment, gender-based harassment and sexual violence among all students and employees. The institution may take proactive steps, such as training or awareness efforts, to combat domestic violence, dating violence, stalking or sexual assault in a general way that does not identify those who disclose or the information disclosed. Specific required trainings include the following:

i. Training For Responsible and Confidential Employees

The college shall provide training to all employees who are required to report incidents of sexual harassment, gender-based harassment or sexual violence under this policy, as well as those employees who have been designated as confidential employees.

ii. Student Onboarding and Ongoing Education

PCHS-NY will provide student onboarding and ongoing education to educate students about sexual misconduct, including domestic violence, dating violence, stalking, and sexual assault. During the student onboarding process, all new first-year and transfer students shall receive training on this policy and topics relating to sexual misconduct. In addition, PCHS-NY shall offer and administer appropriate educational programming to student leaders as well as any student groups which the college determines could benefit from education in the area of sexual harassment, gender-based harassment and sexual violence.

D. Campus Climate Assessments

PCHS-NY shall conduct, no less than every other year, a climate assessment to ascertain its students' general awareness and knowledge of the college's policy and procedures regarding sexual misconduct, including but not limited to student experiences with and knowledge of reporting, investigation and disciplinary processes, using standard and commonly recognized research methods. The assessment instrument shall include all topics required to be included under applicable law, including Section 129-B of the New York State Education Law. PCHS-NY will take steps to ensure that answers to such assessments remain anonymous and that no individual is identified. The college shall publish the results of the surveys on its Title IX web page. The published results shall not contain any information which would enable a reader to identify any individual who responded to the climate assessment.

In addition, PCHS-NY is required to annually report information about reports of domestic violence, dating violence, stalking, and sexual assault as required under Section 129-B of the New York State Education Law. The New York State Department of Education shall not release the information, as provided for in this section, if it would compromise the confidentiality of reporting individuals or any other party in the best judgment of the department.



X. Rules Regarding Intimate Relationships

A. Relationships between Faculty or Employees and Students

There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions, and parties in such a relationship assume those risks, even if affirmative consent exists. At a college, the role of the teacher is multifaceted including serving as intellectual guide, mentor, role model and advisor. However, in the educational context, such positions can include (but are not limited to) teacher and student, teaching assistant and student, staff member and student, and supervisor and employee.

Because of the potential for conflict of interest, exploitation, favoritism and bias, such relationships may undermine the real or perceived integrity of the supervision and evaluation provided. Further, these relationships are often less consensual than the individual whose position confers power or authority believes. In addition, circumstances may change, and the conduct that was previously welcome may become unwelcome.

Such relationships may also have unintended, adverse effects on the climate of an academic program or work group, thereby impairing the learning or working environment for others-both within or outside of the duration of the relationship. Relationships in which one party is in a position to evaluate the work or influence the career of the other may provide grounds for complaint by third parties when that relationship gives undue access or advantage, restricts opportunities or simply creates a perception of these problems.

For all of these reasons, romantic or sexual relationships- whether regarded as consensual or otherwise--between individuals in inherently unequal positions should in general be avoided while an instructional or professional relationship exists. Additionally, the college discourages students, staff and faculty from having a therapeutic relationship anywhere other than in a professional, medical office setting.

Because of the relative youth of undergraduates and their particular vulnerability in such relationships, sexual or romantic relationships between teachers and undergraduate students are even more strongly discouraged.

Individuals in inherently unequal positions must disclose to the administration if a dating or sexual relationship does develop within seven to ten days of any sexual or romantic involvement. Doing so will not only help the administration protect the student(s) but the faculty/staff member(s) as well. Consensual relationships will be reported to the supervisor, Campus Director and Vice President of Human Resources, preserving as much confidentiality as possible.

Where such a relationship develops, individuals in the position of greater authority or power must recuse themselves to ensure that they do not exercise any supervisory or



evaluative function over the other person in the relationship. In the case of a faculty member, the administration will make arrangements to adjust the faculty's teaching schedule. This may result in a reduction in the faculty's teaching responsibilities for an indefinite period until such time as the student graduates or is no longer attending.

Failure of faculty/staff members to report consensual relationships to the administration in a timely fashion and recuse themselves from the position of authority obligates the supervisor, Campus Director and Vice President of Human Resources to conduct a prompt and thorough investigation. Where it is concluded that there was failure to report the relationship to the administration and/or a position of authority and a consensual relationship exists, the position of authority will be terminated, and the faculty or staff member will be subject to disciplinary action, up to and including dismissal.

If there is any doubt whether a relationship falls within this policy, individuals should disclose the facts and seek guidance from the administration rather than fail to disclose. Questions may be addressed to the appropriate supervisor, Campus Director, or Vice President of Human Resources.

B. Relationships between Supervisors and Employees

Many of the concerns about intimate relationships between faculty members or employees and students also apply to relationships between supervisors and employees they supervise. Those relationships therefore are strongly discouraged. Individuals in inherently unequal positions must disclose to the administration if a dating or sexual relationship does develop within seven to ten days of any sexual or romantic involvement. Consensual relationships will be reported to the supervisor, Campus Director and Vice President of Human Resources, preserving as much confidentiality as possible.

XI. Definitions of Terms in this Policy

A. Accused means a person accused of a violation who has not yet entered the institution's judicial or conduct process.

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

Consent may be initially given but withdrawn at any time. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.



In order to give consent, one must be of legal age (17 years or older). Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by lack of consciousness or being asleep, being involuntarily restrained, or if the individual otherwise cannot 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.

When consent is withdrawn or can longer be given, sexual activity must stop.

- C. **Bystander** means 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 the institution.
- D. **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 and pastoral counselors are examples of persons who may offer confidentiality.

Even PCHS-NY offices and employees who cannot guarantee confidentiality will maintain a reporter's privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

- E. **Complainant** refers to the individual who alleges that she/he has been the subject of sexual harassment, gender-based harassment or sexual violence, and can be a PCHS student, employee (including all full-time and part-time faculty and staff), or visitor. Under this policy, the alleged incident(s) may have been brought to the college's attention by someone other than the complainant.
- F. **Complaint** is an allegation of sexual harassment, gender-based harassment or sexual violence made under this policy.
- G. **Dating, Domestic and Intimate Partner Violence** is a pattern of coercive behavior that can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an intimate partner. Such violence may occur in all kinds of intimate relationships, including married couples, people who are dating, couples who live together, people with children in common, same-sex partners, and people who were formerly in a relationship with the person abusing them.
- H. **Discrimination** is not easy to define precisely all instances that may be discriminatory, they include: slurs, epithets, threats, derogatory comments, visual depictions, unwelcome jokes, and teasing. Harassment on the basis of any other protected characteristic is also



strictly prohibited. Harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward individuals because of their veteran status, race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, physical or mental disability, marital status, citizenship, medical condition including genetic characteristics, pregnancy status, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive work or school environment, b) has the purpose or effect of unreasonably interfering with an individual's work or study performance, or c) otherwise adversely affects an individual's employment or education opportunities.

- I. **Forcible Touching/Fondling** is intentionally touching the sexual or other intimate parts of another person without the latter's consent for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire.
- J. **Gender-Based Harassment** is unwelcome conduct of a nonsexual nature based on an individual's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is sufficiently serious to adversely affect an individual's participation in employment, education or other PCHS activities. The effect will be evaluated based on the perspective of a reasonable person in the position of the complainant. An example of gender-based harassment would be persistent mocking or disparagement of a person based on a perceived lack of stereotypical masculinity or femininity.
- K. **Hostile environment harassment** occurs when unwelcome conduct, particularly of a sexual nature, is so severe, persistent, or pervasive that it affects a student's or an employee's ability to participate in or benefit from an educational program or activity or work, or creates an intimidating, threatening or abusive educational or working environment. Hostile environments can be created by one or multiple persons and can have one or more intended and unintended targets.
- L. **Managers** are employees who have the authority to either (a) make tangible employment decisions with regard to other employees, including the authority to hire, fire, promote, compensate or assign significantly different responsibilities; or (b) make recommendations on tangible employment decisions that are given particular weight. Managers include vice presidents, deans, directors, or other persons with managerial responsibility, including, for purposes of this policy, department chairpersons and executive officers.
- M. **Offended observer** is a person who is not the direct target of the offensive conduct, rather is a witness to the harassing behavior and to whom the conduct is offensive. For example, a student may make offensive comments about sexual orientation to a fellow student while in a group of peers. The targeted student is the intended victim of the bullying student, but any of the peers who heard the comments are potentially the unintended victims of the behavior. Both targeted individuals and offended observers can initiate the anti-discrimination/harassment process. Offended observers are generally



people who are able to speak for the targeted individual when that person is unable to speak for themselves.

- N. **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 this and other applicable laws, including informing appropriate institution officials.
- O. **Quid pro quo harassment** occurs when a school employee causes a student or colleague to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program, activity, or as a condition of employment. It can also occur when an employee causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct. For example, when a teacher threatens to fail a student unless the student agrees to date the teacher, it is quid pro quo harassment. It does not matter whether the student refuses to submit to the teacher's demands and suffers the threatened harm, or does what the teacher wants and thus avoids the harm. In both cases, this act of harassment by the school employee is unlawful.
- P. **Rape and Attempted Rape** is the penetration or attempted penetration, no matter how slight, of any body part by a sex organ of another person, without the consent of that person.
- Q. **Reporting individual** shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term to reference an individual who brings forth a report of a violation.
- R. **Respondent** refers to a person accused of a violation who has entered the institution's judicial or conduct process.
- S. **Retaliation** is adverse treatment of an individual as a result of that individual's reporting sexual harassment, gender-based harassment or sexual violence, assisting someone with a report of sexual harassment, gender-based harassment or sexual violence, or participating in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence report. Adverse treatment includes threats, intimidation and reprisals by either a complainant or respondent or by others such as friends or relatives of either a complainant or respondent.
- T. **Sexual Activity** is penetration, however slight, of the vulva or the anus by the penis, hand/fingers or other object; contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person; or intentional touching, either directly or through the clothing of any other body part, with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person.



- U. **Sexual Assault** is any form of sexual activity that occurs without consent.
- V. **Sexual Harassment** is unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic and electronic communications or physical conduct of a sexual nature when: submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (quid pro quo); or such conduct is sufficiently serious that it alters the conditions of, or has the effect of substantially interfering with, an individual's educational or work experience by creating an intimidating, hostile, or offensive environment (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of a complainant.

Conduct is considered "unwelcome" if the individual did not request or invite it and considered the conduct to be undesirable or offensive. While it is not possible to list all circumstances that might constitute sexual harassment, the following are some examples of conduct that might constitute sexual harassment depending on the totality of the circumstances:

- i. Inappropriate or unwelcome physical contact or suggestive body language, such as touching, groping, patting, pinching, hugging, kissing, or brushing against an individual's body;
- ii. Verbal abuse or offensive comments of a sexual nature, including sexual slurs, persistent or pervasive sexually explicit statements, questions, jokes or anecdotes, degrading words regarding sexuality or gender, suggestive or obscene letters, notes, or invitations;
- iii. Visual displays or distribution of sexually explicit drawings, pictures, or written materials; or
- iv. Undue and unwanted attention, such as repeated inappropriate flirting, staring, or making sexually suggestive gestures.

For purposes of this policy, sexual harassment also includes acts that violate an individual's right to privacy in connection with her/his body and/or sexual activity such as:

- i. Recording images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- ii. Disseminating images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure;
- iii. Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent.

- W. **Sexual Misconduct** is sexual harassment, gender-based harassment or sexual violence, as defined in this policy.



- X. Sexual Violence** is an umbrella term that includes: (1) sexual activity without affirmative consent, such as sexual assault rape/attempted rape, and forcible touching/fondling; (2) dating, domestic and intimate partner violence; (3) stalking as defined below.
- Y. Stalking** is intentionally engaging in a course of conduct directed at a specific person with whom the perpetrator currently has, previously has had, or desires to have, some form of sexual or romantic relationship, that:
- i.** 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
 - ii.** causes material harm to the mental or emotional health of such person, where such conduct consists of following, 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; or
 - iii.** is likely to cause such person to reasonably fear that her/his 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.
- Z. Title IX Coordinator** shall mean the Title IX Coordinator and/or his or her designee or designees.
- AA. Visitor** is an individual who is present at a PCHS campus or unit but is not a student or an employee.



Pacific College of Health and Science, New York

Students' Bill of Rights

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. 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 by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. 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;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. 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; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.