Sexual Assault & Misconduct

https://www.youtube.com/watch?feature=player_embedded&v=ZCL4nFJ3Y1Q
Sexual Misconduct

The potential for sexual assault on or off campus is a real and present danger for students and institutions. Here are some compiled statistics:

- **Over 75%** of sexual assaults are committed by a person the victim knows. Survivors knew their attackers as:
  - Fellow classmates - 35.5%
  - Friends - 34.2%
  - Boyfriends or ex-boyfriends - 23.7%
  - Acquaintances - 2.6%

- [National Institute of Justice](https://www.ncjrs.gov)
The instances of completed rape increase late at night:
- 51.8% occurred on campus after midnight
- 36.5% between 6 p.m. and midnight
- 11.8% between 6 a.m. and 6 p.m.

Some estimate that one in three women and one in five men will experience sexual assault during their lifetime.

National Institute of Justice [https://www.ncjrs.gov](https://www.ncjrs.gov)
Sexual Assault & Misconduct

- Acknowledge the issue
- Provide Education & Prevention
- Ensure Victim Support
Title IX

- Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. §1681 et seq., is a federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities.

- It mandates that colleges and universities create an environment free from sexual discrimination and harassment for all community members.
Under Title IX, discrimination on the basis of sex can include sexual harassment, gender-based harassment, sexual violence, sexual assault, other forms of sexual misconduct, stalking, and intimate partner violence (domestic violence & dating violence).
Title IX

- Title IX protects students, faculty, and staff in connection with all the academic, educational, extracurricular, athletic, and other programs that occur on campus or at off-campus activities that are school-related.
Title IX

- Conduct addressed by Title IX includes:
  - Sexual discrimination and harassment (*verbal, physical, electronic*)
  - Sexual Violence (*sexual assault*)
  - Stalking (*including cyberstalking*)
  - Interpersonal Violence (*intimate partner violence, domestic violence, dating violence, relationship violence*)
  - Retaliation
  - Gender-based discrimination and harassment
  - Bullying/hazing
Title IX Coordinator

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Title IX

The Title IX Coordinator’s duties and responsibilities include monitoring and oversight of the overall Title IX compliance at the College, including coordination of training, education, communications and administration of grievance procedures for faculty, staff, students and other members of the College community.

They ensure the College carries out its Title IX responsibilities.
Title IX

- Cazenovia College is firmly committed to maintaining an educational environment which is free of gender-based discrimination, including sexual harassment and sexual violence/assault (collectively called sexual misconduct).

- It is the policy of Cazenovia College to ensure that all reported incidents of sexual misconduct are investigated promptly, fairly, impartially and thoroughly.
Actions

As the problem of sexual violence and assault escalates, new laws seek to protect and prevent sexual violence on campuses.
Campus Sexual Violence Elimination Act - SaVE

The Violence Against Women Reauthorization Act, Public Law 113-49 (“VAWA”) was signed into law March 7, 2013.

Section 304 of the VAWA, known as the Campus Sexual Violence Elimination Act (SaVE) changes existing requirements and imposes new obligations on institutions in 3 areas:

- Additional Clery Act crime reporting obligations
- Mandated student disciplinary procedures
- Mandated educational and training programs
On July 7, 2015 NYS Governor Cuomo signed the “Enough is Enough” legislation to combat sexual assault on college and university campuses statewide. The new law requires all colleges to adopt a set of comprehensive procedures and guidelines, including a uniform definition of affirmative consent, a statewide amnesty policy, and expanded access to law enforcement to ensure the safety of all students attending colleges in New York State.

- **Article 129-B of the NYS Education Law**
Affirmative Consent

Definition:
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.
Principles of Affirmative Consent

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any future or other sexual act.
- Consent may be initially given but withdrawn at any time.
- Consent must be free of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or cannot be given, sexual activity must stop.
Principles of Affirmative Consent

- 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 or being asleep, being involuntarily restrained, or if an 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.
Principles of Affirmed Consent

- A person who has been drinking or using drugs is still responsible for ensuring that he or she has the other person’s affirmative consent and/or appreciating the other person’s incapacity to consent.

- It is not an excuse that the person accused of sexual misconduct was himself or herself under the influence of alcohol or drugs and, therefore, did not realize the incapacity of the other.
Definitions

- **Sexual Assault** – Consistent with federal law, Cazenovia College defines sexual assault as including:

  - **Non-Consensual Sexual Contact**: Any intentional sexual touching, however slight, with any private body part or object, by a person upon a person, that is without affirmative consent.

  - **Non-Consensual Sexual Intercourse**: Any sexual penetration (anal, oral or vaginal), however slight, with any body part or object by a person upon an other person that is without affirmative consent.
### Possible Examples

- Two students had been flirting with one another earlier in the evening. One of the students misinterprets responses from the other student and forces sexual intimacy without consent, ignoring requests that it stop.

- During the course of an evening, a couple is initially comfortable with sexual contact, but then one says the intimacy has gone too far and asks for it to stop. The other continues without consent.

- A student feels justified in forcing a partner to engage in sexual activity because the couple has had a previous sexual relationship.
Student Bill of Rights

- Must be included in the Code of Student Conduct
- Must be distributed to students
- Must be posted on College website
- Must be posted in residence halls, student center, etc.
Resources/Options for Support

- Sexual Misconduct Resources page on Student Life page (resources, etc.)
- Preservation of evidence
- To whom offenses should be reported
- Rights of victims and institutions responsibilities regarding orders of protection, no-contact orders, restraining orders, etc.
- Procedures will be prompt, fair, and impartial (investigation – resolution)
- Protection of victims confidentiality
- Victims options for changing academic, living, transportation and working situations
Amnesty Provision

The health and safety of every student at Cazenovia College is of utmost importance. Cazenovia College 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.
Amnesty Provision

Cazenovia College strongly encourages students to report domestic violence, dating violence, stalking or sexual assault to institution officials. 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 Cazenovia College officials or law enforcement will **not** be subject to Cazenovia College’s code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of domestic violence, dating violence, stalking or sexual assault.
What to do if I (or someone I know) has been sexually assaulted?

Ensure your safety:
If you are in any danger, or if you believe you may soon be in danger, do not hesitate to call for help. Securing your immediate safety is the first priority.

Campus Safety is available 24 hrs./7 days a week
315.655.7271

Local police department
911
What to do if I (or someone I know) has been sexually assaulted?

**Reach out to someone:**
You don’t have to go through this alone. Contact someone you trust for guidance and support. It can be someone you know, or someone on campus who is trained to help.

Cazenovia College encourages victims of sexual violence to talk to somebody about what happened — so victims can get the support they need, and so the College can respond appropriately.
What to do if I (or someone I know) has been sexually assaulted?

Confidential Reporting – On Campus

Todd Spangler
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315.655.7121

Nancy Adamy
Counseling/Therapist
nadamy@cazenovia.edu
315.655.7253
What to do if I (or someone I know) has been sexually assaulted?

**Off-Campus** (24 Hour Hotline)

Victims of Violence
Liberty Resources
218 Liberty Street
Oneida, NY 13421
24-Hour Hotline: (315) 366-5000

NYS Domestic and Sexual Violence Hotline: 1-800-942-6906
What to do if I (or someone I know) has been sexually assaulted?

Non-Confidential Reporting On-Campus

Campus Safety: 315-655-7271
Title IX Coordinator: Janice Romagnoli, 315-655-7274
Office of Student Life: 315-655-7237
Resident Advisors (RA): In residence hall
Club Advisors & Coaches

Off-Campus

Cazenovia Police Department: 911
State Police (NYS Sexual Assault Hotline): 1-844-845-7269
Privacy Statement

Even Cazenovia College 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.
What to do if I (or someone I know) has been sexually assaulted?

Seek medical attention:
Four area hospitals have access to a SANE nurse (Sexual Assault Nurse Examiner). Vera House (315.468.3260) can provide a Sexual Assault/Rape Advocate while at the hospital in Madison County - Liberty Resources (315-366-5000) in Madison County. Campus Safety can assist you in arranging transportation to the hospital.

- Ask to be examined for potential injuries and infection; Consider Pregnancy testing; Have a rape kit completed in case you decide to bring charges (see preservation of evidence below). Even if you don’t think you want to press charges, having a rape kit allows you to have evidence collected should you change your mind later.
What to do if I (or someone I know) has been sexually assaulted?

**Preserve Evidence:**
Preservation of information and tangible material relating to sexual assault is essential for both law enforcement investigations and campus investigations. All involved parties are encouraged to preserve all information and tangible material relating to the incident.

Examples include electronic communications (e.g., e-mails and text messages), photographs, clothing, bedding, and medical information. In the case of medical information, prompt examinations can be crucial.
What to do if I (or someone I know) has been sexually assaulted?

**Preserve Evidence:**

- If possible, don’t shower, bathe any part of your body, douche, urinate, defecate, use medications or brush your teeth.
- Stay in the clothes you are wearing at the time of the assault. You may want to bring a change of clothes with you. It is likely that the hospital will keep your clothing as part of the evidence collection. The hospital will provide a change of clothes if you don’t bring any with you.
- If you’re already changed, bring clothes, sheets and anything that was in contact with you during the assault in separate paper bags (not plastic) or wrapped in a clean sheet.
- Things the accused may have touched or left behind could be used as evidence.
What to do if I (or someone I know) has been sexually assaulted?

**Consider disciplinary and/or legal action:**

The Cazenovia College Sex Discrimination, Sexual Harassment and Sexual Misconduct Policy, outlining options for reporting can be found in the Code of Student Conduct line at [http://www.cazenovia.edu/student-life](http://www.cazenovia.edu/student-life).
The criminal process is separate from the Cazenovia College student disciplinary process and different standards of proof are used. The question as to whether an incident violates the criminal law must be made by law enforcement.

The Title IX Coordinator can provide information concerning your options and rights for information and assistance.
Non-RA/CSA: What to do if someone I know has been sexually assaulted?

- Believe them.
- Tell them it was not their fault.
- Respond to any physical and personal needs.
- Be aware of College and local support services.
- Get help for yourself.
First Disclosure Statement

Pursuant to Section 6444(H)(2): At the first instance of disclosure by a reporting individual an institutional representative must present the following information to the reporting individual -

“You have the right to make a report to campus safety, local law enforcement and/or state police or choose not to report; to report the incident to Cazenovia College; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from Cazenovia College.”
What Can YOU Do??

- **Know Your Rights**
  - Title IX and other legislation provides college students with important rights when sexual assaults occur.

- **Don’t be a Bystander**
  - If you see a sexual assault occurring, or think there is a high likelihood of one occurring, intervene.

- **Implement Change**
  - Encourage colleges to educate students about all aspects of sexual assault, take action to change both our judicial system and how college campuses deal with sexual assault.