

# DUTCHESS

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## COMMUNITY COLLEGE

### TITLE IX OVERVIEW

*Dutchess Community College is committed to maintaining a positive campus climate and will not tolerate any form of sexual harassment including sexual assault, sexual violence, and sexual misconduct. It is therefore the responsibility and obligation of all members of the College community to report and/or to assist others in reporting incidents of sexual harassment.*

#### **What is Title IX?**

Title IX (Title 9) of the Education Amendments Act of 1972 is a federal law that states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Click here for more details on Title IX: <https://www.justice.gov/crt/overview-title-ix-education-amendments-1972-20-usc-1681-et-seq> or here for [DCC Policy on Sexual Harassment and Sexual Violence](#).

#### **Title IX Coordinator**

Dutchess Community College (DCC) has established a Title IX Coordinator to ensure compliance with the Title IX law and oversee the investigation of claims of violations of the College's policy of non-discrimination and prohibition of sexual harassment and assault. The role of the Title IX Coordinator is to:

- Receive reports for sex discrimination/sexual assaults/sexual misconduct complaints.
- Coordinate campus responses to complaints.
- Ensure training/education is provided to the campus community.
- Provide reporting individuals with accommodations and services during an investigation

#### **Title IX Coordinator: Esther Couret, Director of Human Resources**

Dutchess Community College, Bowne Hall, Room 220  
53 Pendell Road, Poughkeepsie, NY 12601  
(845) 431-8673; [esther.couret@sunydutchess.edu](mailto:esther.couret@sunydutchess.edu)

#### **Definition of Sexual Harassment**

Sexual harassment is behavior that is defined as unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature when it meets any of the following:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status.
- Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment for working, learning, or living on campus.

Sexual harassment can occur between any individuals associated with the College, e.g., an employee and a supervisor; coworkers; faculty members; a faculty, staff member, or student and a customer, vendor, or contractor; students; or a student and a faculty member.

## **Types of Sexual Harassment**

### **Sexual Misconduct**

Such behavior includes unwelcome sexual advances; requests for sexual favors; and other direct verbal or physical conduct of a sexual nature. Sexual misconduct includes pervasive or severe behaviors such as 'sexting', sexually laced humor, displays of sexually offensive materials, and other inappropriate sexually based actions.

### **Sexual Assault and Sexual Violence**

Sexual assault is a severe form of sexual harassment. Such behavior includes, but is not limited to, forcible penetration with a part of one's body or object, touching, pinching, patting, or pressing up against someone, exposing the genitalia, sexual-based stalking or bullying, peeping, or the invasion of one's sexual privacy. Sexual assault is also defined as non-forcible sexual activity with a person who is physically or mentally incapacitated. Incapacity is defined as one in a state where he or she is unable to grant an affirmative consent (as defined herein) to sexual activity. Incapacity may occur in a person who is: under the influence of alcohol or drugs, suffering from a physical or mental illness, and or experiencing emotional trauma.

Sexual violence, as that term is used in this policy and in prior U.S. Office for Civil Rights guidance, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving an affirmative consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by other students, college employees, or third parties. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

### **Affirmative Consent**

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in 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 to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and or/alcohol. Consent may be initially given but withdrawn at any time. 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 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.

Consent cannot be given when it is the result of coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop.

### **Alcohol and/or Drug Use Amnesty in Sexual Violence Cases**

The health and safety of every student at the State University of New York and its state-operated and community colleges is of utmost importance. Dutchess Community College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time, included 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. DCC strongly encourages students to report incidents of 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 College officials or law enforcement will not be subject to the 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 the domestic violence, dating violence, stalking, or sexual assault.

## Where to Report a Violation or Submit an Inquiry

All reports of violations and or inquiries regarding the application of Title IX and other laws, regulations and policies prohibiting discrimination may be directed to:

### **Esther Couret, Title IX Coordinator/Director of Human Resources**

Dutchess Community College, Bowne Hall, Room 220, 53 Pendell Road, Poughkeepsie, NY 12601  
(845) 431-8673, [esther.couret@sunydutchess.edu](mailto:esther.couret@sunydutchess.edu)

### **Marcia Butland, Deputy Title IX Coordinator / Director of Student Conduct and Community Standards**

Dutchess Community College, SSC, Room 304C, 53 Pendell Road, Poughkeepsie, NY 12601  
(845) 431-8962, [Marcia.butland@sunydutchess.edu](mailto:Marcia.butland@sunydutchess.edu)

Alternatively, reports or inquiries may be directed to The Office of the Dean of Students, Dutchess Community College, SSC, Room 304, 53 Pendell Road, Poughkeepsie, NY 12601; (845) 431-8974

**Anonymous Disclosure: Share @ DCC** - An online mechanism via the College's myDCC student portal is available to collect reports of sexual harassment and sexual assault. This web-based form is anonymous and confidential and will be sent to select College officials including the Title IX Coordinator, Deputy Title IX Coordinator / Director of Student Conduct, and the Director of Security and Safety. Completing this form does NOT constitute a police report or an official student conduct report. Additionally, survivors or witnesses who may not initially be inclined to report an incident of sexual harassment or assault to the police or to DCC have the right to change their mind at any time.

External inquiries or complaints regarding the College's procedures and compliance with applicable laws, statutes, and regulations may be directed to:

United States Department of Education's Office for Civil Rights

32 Old Slip 26th Floor  
New York, NY 10005-2500

(646) 428-3800, [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

400 Maryland Avenue, SW  
Washington, DC 20202-1100

Customer Service Hotline (800) 421-3481/ TDD 877-521-2172400

[OCR@ed.gov](mailto:OCR@ed.gov); <http://www.ed.gov/ocr>

## Sexual Violence Victim/Survivor Bill of Rights

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

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 conduct process and/or criminal justice process free from pressure from the institution.
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.
- Be treated with dignity and to receive from the institution courteous, fair, and respectful healthcare and counseling services, where available.
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations.

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

### **Resources for Victims, Respondents and Bystanders**

When receiving a report of an incident of sexual assault or violence, all College and responsible employees **must** refer victims to effective intervention resources located at [myDCC homepage: On and Off-Campus Intervention resources](#) and <https://www.suny.edu/violence-response/>