

Dutchess Community College

Policy on Sex Discrimination and Sexual Harassment (Title IX)

I. Purpose

As a recipient of federal funding, Dutchess Community College is subject to the requirements of Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations, part 106 of title 34 of the Code of Federal Regulations. In accordance with Title IX and its own institutional values, the College is committed to providing an educational environment free from discrimination based on sex.

This policy sets forth the College's notice of nondiscrimination under Title IX and the procedures to be followed by the College in responding to reports of sex discrimination in its programs and activities, as well as the rights and options available to sexual violence victims/survivors.

It is the College's intent to have this policy and its procedures, at all times, conform to the requirements of Title IX and be current with the applicable regulations adopted by the U.S. Department of Education.

Dutchess Community College is also committed to the principle of equal opportunity in education and employment, and further prohibits unlawful discrimination based on other protected characteristics (including race, color, national origin, religion, creed, age, and disability), in accordance with all applicable federal, state and local antidiscrimination laws. Information about the College's prohibition on other forms of discrimination and the applicable complaint procedures can be found in the Policy on Racial and Other Forms of Discrimination and Harassment.

II. Statement on Nondiscrimination on the Basis of Sex

Dutchess Community College is committed to the principle of equal opportunity in education and employment, and does not discriminate on the basis of sex and prohibits sex discrimination in its education programs and activities, including in admission and employment.

The College will not tolerate any form of sexual harassment, including sexual assault, sexual violence, and sexual misconduct, on its campus or in any of its programs or activities.

III. Inquiries about Title IX or the College's Compliance with Title IX

Dutchess Community College has a Title IX Coordinator to oversee its compliance with its responsibilities under Title IX and Title IX's implementing regulations (34 CFR part 106), and to conduct or oversee the investigation of claims of violations of the College's policy on sex discrimination and sexual harassment.

Reports concerning sex discrimination or sexual harassment, or inquiries regarding the application of Title IX and 34 CFR part 106, may be directed to the Title IX Coordinator:

Coreen Sims
Title IX Coordinator
Bowne Hall, Room 118
Dutchess Community College
53 Pendell Road, Poughkeepsie, NY 12601
845-431-8671
TitleIX@sunydutchess.edu

Inquiries or complaints regarding the application of Title IX and related federal regulations to the College may also be directed to the U.S. Department of Education's Office for Civil Rights:

New York Office

Office for Civil Rights
U.S. Department of Education
26 Federal Plaza, Suite 31-100
New York, NY 10278-9991
Tel (646)428-3800
Email OCR.NewYork@ed.gov

National Headquarters

Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline: 800-421-3481 TDD 877-521-2172
Email: OCR@ed.gov Web: <http://www.ed.gov/ocr>

IV. Reporting Conduct That May Constitute Sex Discrimination or Sexual Harassment

Individuals (including students, employees, and visitors) who believe they have experienced sex discrimination or sexual harassment on the College's campus, or in any of its programs or activities, regardless of when the discrimination or harassment occurred, are encouraged to make a report to the Title IX Coordinator. If, for some reason, the Title IX Coordinator is unavailable, or the individual cannot or does not wish to make a report to the Title IX Coordinator, reports may also be received by the Safety and Security Office, which will then share the report with the Title IX Coordinator.

Reports may be made either orally or in writing, in accordance with the Discrimination Grievance Procedures set forth in the Professional Staff Handbook.

All employees of Dutchess Community College (other than "confidential employees", discussed below) who become aware of conduct that reasonably may constitute sex discrimination or sexual harassment are required to promptly notify the Title IX Coordinator. In addition, when an employee receives information from another individual concerning conduct that reasonably may constitute sex discrimination or sexual harassment, the employee is required to provide that individual with the above contact information for the Title IX Coordinator and information how to make a complaint about sex discrimination or sexual

harassment.

All employees shall receive training of their obligations under this policy, and also be provided either a copy of this full policy or a summary document prepared by the Title IX Coordinator.

Students who observe or otherwise become aware of an incident of sexual harassment or sexual violence are required to report the incident to the Title IX Coordinator or to the Safety and Security Office.

A student who knowingly fails to report an incident of sexual harassment or sexual violence will be in violation of the Code of Conduct and may be subject to discipline.

However, an employee or student who has personally been subjected to conduct constituting sex discrimination, sexual harassment, or sexual violence is not required to notify the Title IX Coordinator or otherwise report it.

“Confidential employees” are those employees whose communications are privileged or confidential, such as psychologists and other clinicians. Confidential employees who are made aware of conduct that reasonably may constitute sex discrimination, sexual harassment, or sexual violence through a privileged or confidential communication are not required to notify the Title IX Coordinator of the conduct. However, the confidential employee is required to: (1) inform the reporting individual of the employee’s confidential status and that the employee will not report the conduct constituting sex discrimination, sexual harassment, or sexual violence to the Title IX Coordinator; (2) provide the reporting individual with contact information for the Title IX Coordinator and information how to make a complaint; and (3) advise the reporting individual that the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation.

All confidential employees shall receive training of their obligations under this policy.

V. Responsibilities of the Title IX Coordinator

When the Title IX Coordinator is notified of conduct that reasonably may constitute sex discrimination or sexual harassment (including sexual violence) under Title IX, the Title IX Coordinator will act promptly and effectively to end the sex discrimination, prevent its recurrence, and remedy its effects.

Upon receiving notice of conduct that may reasonably constitute sex discrimination or sexual harassment under Title IX, the Title IX Coordinator shall (1) offer the person alleged to have experienced sex discrimination or sexual harassment appropriate and reasonably available supportive measures, such as counseling, extensions of academic deadlines, or access to medical treatment, to restore or preserve that person’s ability to access the College’s programs and activities; and (2) initiate the Title IX Discrimination Grievance Procedures described in the Professional Staff Handbook.

VI. Definitions of Sexual Harassment, Sexual Violence, and Affirmative Consent

For purposes of this policy, sexual harassment means harassment on the basis of sex that is prohibited by Title IX, as defined in 34 CFR § 106.

Sexual harassment includes *quid pro quo* harassment, in which: (1) provision of an aid, benefit, or service in any College program or activity is explicitly or impliedly conditioned on a person's participation in unwelcome sexual conduct; (2) submission to sexual conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status; (3) submission to or rejection of such sexual conduct is used as a basis for employment or academic decisions affecting such individual.

Additionally, sexual harassment for purposes of this policy includes the creation of a hostile environment, which is defined as:

Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it interferes with an individual's work or academic performance; limits or denies an individual's ability to participate in or benefit from the College's academic program or any other program or activity; or creates an intimidating, hostile, or offensive environment for working, learning, or living on campus.

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following: (i) the degree to which the conduct affected the complainant's ability to access the recipient's education program or activity; (ii) the type, frequency, and duration of the conduct; (iii) the parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred.

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.

Examples 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. Department of Education'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.

Every member of the College community is entitled to a work and learning environment free from the devastating effects of sexual harassment. No person or group of individuals shall engage in sexual behavior toward any individual against one's will and without one's affirmative consent. Dutchess Community College expressly prohibits the sexually aggressive conduct noted above and employees and students found to have engaged in it will be subject to severe disciplinary action, including termination, suspension, or academic dismissal. In addition, perpetrators of sexual violence or harassment may also be subject to criminal charges and prosecution under local and state laws.

Definition of Affirmative Consent

Affirmative consent is a clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity. Consent is active, not passive. Silence or lack of resistance cannot be interpreted as consent. Seeking and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act. 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. When consent is withdrawn or cannot be given, sexual activity must stop. Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness or being asleep, being involuntarily restrained, if any of the parties are under the age of 17, or if an individual otherwise cannot consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

VII. 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/University-wide and campus programs, activities, and employment. All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad:

The right to:

- Have disclosures of sexual violence treated seriously.
- Make a decision about whether or not to disclose a crime or incident and participate in the conduct or criminal justice process free from outside pressures from college officials.
- Be treated with dignity and to receive from college officials courteous, fair, and respectful health

care and counseling services.

- Be free from any suggestion that the victim/survivor is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such a crime.
- Describe the incident to as few individuals as practicable and not to be required to unnecessarily repeat a description of the incident.
- Be free from retaliation by the College, the accused, and/or their friends, family and acquaintances.
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or conduct process of the College.

Options in Brief

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

- Receive resources, such as counseling and medical attention;
- Confidentially or anonymously disclose a crime or violation;
- Make a report to a person or an employee with the authority to address complaints, including:
 - the Title IX Coordinator
 - a Student Conduct employee
 - a Human Resources employee
 - College Security
 - Local Law Enforcement
 - Family Court or Civil Court

Copies of this Bill of Rights shall be distributed annually to students, made available on the college's website, and posted in each campus residence hall, dining hall, and student union or campus center and shall include links or information to access the Sexual Violence Response Policy and the Options for Confidentially Disclosing Sexual Violence.

VIII. Sexual Violence Response Policy

In accordance with the Victim/Survivor Bill of Rights, victims/survivors shall have the right to pursue more than one of the options below at the same time, or to choose not to participate in any of the options below:

IX. Reporting

To report *confidentially* of an incident to one of the following college officials, who by law may maintain confidentiality, and can assist in obtaining services:

- Anonymously via an internet or telephone anonymous reporting system: SHARE @ DCC
www.sunydutchess.edu/share-at-dcc
- The DCC Counseling Office 845-431-8040
- The DCC Health Office 845-431-8075

X. To disclose *confidentially* of an incident and obtain services from:

- New York State, New York City or county hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>.
- Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: <http://www.opdv.ny.gov/help/index.html> (or by calling 1-800-942-6906);
- SurvJustice: <http://survjustice.org/our-services/civil-rights-complaints/>;
- Legal Momentum: <https://www.legalmomentum.org/>;
- NYSCASA: <http://nyscasa.org/responding>;
- NYSCADV: <http://www.nyscadv.org/>;
- Pandora's Project: <http://www.pandys.org/lgbtsurvivors.html>;
- GLBTQ Domestic Violence Project: <http://www.glbtqdv.org/>;
- RAINN: <https://www.rainn.org/get-help>;
- Safe Horizons: <http://www.safehorizon.org/>.

Note that these hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the College. Victims/survivors are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases.

XI. To report the incident to one of the following college officials who can offer *privacy* and can assist in obtaining resources (note that an official who can offer privacy may still be required by law and college policy to inform one or more college officials about the incident, including but not limited to the Title IX Coordinator):

- Title IX Coordinator 845-431-8671
- College Security 845-431-8070 or on campus in an emergency - 4911
- Office of Student Services 845-431-8974

XII. To file a criminal complaint with Campus Security, local law enforcement and/or, in accordance with NY State Law 129-B, with the New York State Police:

- Dutchess Community College Security office,
845-431-8070 or on campus emergency line 4911
Student Services Building - SSB 1st floor
53 Pendell Road
Poughkeepsie, NY 12601
- Town of Poughkeepsie Police Department (DCC Main Campus complaints)
19 Tucker Drive, Poughkeepsie, NY 12603
Phone: 845-485-3666

- City of Poughkeepsie Police Department (DCC @ Family Partnership complaints)
62 Civic Center Plaza, Poughkeepsie, NY 12601
Phone: 845-451-4000
- Town of Fishkill Police Department (DCC @ Fishkill complaints)
801 Route 53
Fishkill, NY 12524
Phone: 845-831-1110
- Dutchess County Sheriff's Department (DCC @ HVR Airport complaints)
108 Parker Avenue
Poughkeepsie, NY 12601
Phone: 845-486-3800

- XIII.** To file a report of sexual assault, domestic violence, dating violence, and/or stalking, and/or talk to the Title IX Coordinator for information and assistance. Reports will be investigated in accordance with College policy.
- XIV.** When the accused is an employee, a victim/survivor may also report the incident to the Office of Human Resources or may request that one of the above referenced confidential or private employees assist in reporting to Human Resources. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements.
- XV.** When the accused is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the victim/survivor, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy.

Coreen Sims
Title IX Coordinator
Bowne Hall, Room 118
Dutchess Community College
53 Pendell Road, Poughkeepsie, NY 12601
845-431-8671 email: TitleIX@sunydutchess.edu

- XVI.** To File an External or Criminal Complaint Against a College Employee or Student:
 Victims of sexual assault or misconduct have the right to file an external or criminal complaint before, during, or after the College's investigation of sexual assault or misconduct. Criminal complaints may be reported to local authorities such as Town of Fishkill Police Departments. External administrative complaints may be filed with the Office for Civil Rights email at *ocr@ed.gov* or online at *http://www.ed.gov/about/offices/list/ocr/complaintintro.html*.

One may voluntarily withdraw his/her complaint or involvement from the College process at any time, in accordance with the Discrimination Grievance Procedures.

Resources:

To obtain effective intervention services.

- Office of Counseling and Career Services (845-431-8040) which is located in the Student Services Building, 3rd Floor at no charge.
- DCC Health Office (845-431-8075) which is located in the Student Services Building, 1st Floor at no charge.
- Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is available at no or minimal cost at the following:
 - Planned Parenthood
 - Dutchess County Health Department
 - Local area Pharmacies (for emergency contraception)
- Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services.
- The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found here: http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf, or by calling 1-800-247-8035. Options are explained here: <http://www.ovs.ny.gov/helpforcrimevictims.html>.

Protection and Accommodations:

- When the accused is a student, to have the College issue a “No Contact Order” in accordance with Title IX policies, meaning that continuing to contact the protected individual is a violation of college policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person.
- To have assistance from College Security or other college officials in obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.
- To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a college official 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(s); that burden does not rest on the protected person(s).
- To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.
- To have assistance from College Security to call on and assist local law enforcement in effecting an arrest for violating such an order.

- When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused subject to interim suspension/emergency removal procedures pending the outcome of a grievance procedure and/or conduct process.
- When the accused is not a member of the college community, to have assistance from College Security or other college officials in obtaining a persona non grata letter, subject to legal requirements and college policy.
- To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. While victims/survivors may request accommodations through any of the offices referenced in this policy, the following office can serve as a point to assist with these measures:

The Office of the Vice President for Enrollment and Student Success
SSB, Room 304A
Dutchess Community College
53 Pendell Road, Poughkeepsie, NY 12601
845-431-8680

Student Conduct Process

Conduct proceedings are governed by the procedures set forth in the DCC Rights and Responsibilities Handbook as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.

When reporting an incident all individuals have the right and can expect that throughout the conduct proceedings, the accused and the victim/survivor will have:

- The right to have incidents of harassment or discrimination taken seriously by DCC,
- The same opportunity to have access to an advisor of their choice. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct;
- The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
- The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process and is not conducted by individuals with a conflict of interest.
- The right to receive written or electronic notice of any meeting or hearing they are required to or are eligible to attend.
- The right to have a 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 10 days except when law enforcement specifically requests and justifies a longer delay.
- The right to review available evidence in the case file.

- The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
- The right to exclude prior sexual history or past mental health history from admittance in the college disciplinary stage that determines responsibility. Past sexual violence findings may be admissible in the disciplinary stage that determines sanction.
- The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
- The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the sanction(s).
- The right to know the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding and the reason for the actual sanction imposed. *For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.*
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.

**For information, contact the Assistant Dean of Student Engagement and Development:
The Office of Enrollment and Student Success
SSB, Room 203B
Dutchess Community College
53 Pendell Road, Poughkeepsie, NY 12601
845-431-8973**

XVII. Statement of 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 a sexual violence incident 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 sexual violence to campus officials. A bystander reporting in good faith or a victim/survivor reporting sexual violence to DCC officials or law enforcement will not be subject to campus conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the sexual violence.

XVIII. Options for Confidentially Disclosing Sexual Violence

The State University of New York and Dutchess Community College want victims to get the information and support one's needs regardless of whether he/she would like to move forward with a report of sexual violence to campus officials or to police. One may want to talk with someone about something observed or experienced, even if one is not sure that the behavior constitutes sexual violence. A conversation where questions can be answered is far superior to keeping something to oneself. Confidentiality varies, and this document is aimed at helping to understand how confidentiality applies to different resources that may be available.

Privileged and Confidential Resources

- Individuals who are *confidential* resources will not report crimes to law enforcement or college officials without your permission, except for extreme circumstances, such as a health and/or safety emergency. At DCC this includes:
- DCC Counseling Services: Contact 845-431-8040
- DCC physicians, licensed medical professionals or supervised interns when they are engaged in a physician/patient relationship: Contact the DCC Health Office 845-431-8075.
- Off-campus options to disclose sexual violence *confidentially* (note that these outside options do not provide any information to the campus).
- Off-campus counselors and advocates. Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency's policies on confidentiality may be obtained directly from the agency.
- Off-campus healthcare providers

Note that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency compensation. More information may be found here: http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf, or by calling 1-800-247-8035. Options are explained here: <http://www.ovs.ny.gov/helpforcrimevictims.html>.

Note that even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to oneself or others and the mandatory reporting of child abuse.

Non-Professional Counselors and Advocates

Non-professional counselors and other advocates such as faculty, managers, and advisors can also assist without sharing information that could identify him/her. At DCC these individuals will report the nature, date, time, and general location of an incident to DCC's Title IX Coordinator, but will consult with the reporter to ensure no personally identifying details are shared without your consent. **These individuals are not considered confidential resources as discussed above.**

Privacy versus Confidentiality:

Even DCC offices and employees who cannot guarantee *confidentiality* will maintain *privacy* to the greatest extent possible. The information one provides to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible under the law for tracking patterns and spotting systemic issues. DCC will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

Requesting Confidentiality: How Dutchess Community College Will Weigh the Request and Respond:

If a person discloses an incident to a DCC employee who is responsible for responding to or reporting sexual violence or sexual harassment, but wishes to maintain confidentiality or does not consent to the institution's request to initiate an investigation, the Title IX Coordinator must weigh your request against the College's obligation to provide a safe, non-discriminatory environment for all members of our community, including you.

DCC will assist with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of one's reporting choices. While victims/survivors may request accommodations through several college offices, the following office can serve as a primary point of contact to assist with these measures.

**The Office of the Vice President for Enrollment and Student Success
SSB, Room 304A
Dutchess Community College
53 Pendell Road, Poughkeepsie, NY 12601
845-431-8680**

The College also may take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify the person or the situation one has disclosed.

The College may seek consent prior to conducting an investigation. One may decline to consent to an investigation, and that determination will be honored unless the DCC's failure to act may result in harm to you or other members of the College community. Honoring a request may limit our ability to meaningfully investigate and pursue conduct action against an accused individual. If we determine that an investigation is required, DCC will notify the reporter and take immediate actions as necessary to protect and assist him/her.

When one discloses an incident to someone who is responsible for responding to or reporting sexual violence or sexual harassment, but wishes to maintain confidentiality, DCC will consider many factors to determine whether to proceed despite that request. These factors include, but are not limited to:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation, such as a situation that previously involved sustained stalking;
- Whether there is the increased risk that the accused will commit additional acts of violence;
- Whether the accused used a weapon or force;
- Whether the victim/survivor is a minor;
- Whether the College possesses other means to obtain evidence such as security footage;
- Whether the report reveals a pattern of perpetration at a given location or by a particular group.

Public Awareness/Advocacy Events: If one discloses a situation through a public awareness event such as "Take Back the Night," candlelight vigils, or protests, DCC is not obligated to begin an investigation. DCC may use the information you provide to inform the need for additional education and

prevention efforts.

Anonymous Disclosure:

Share @ DCC - An online mechanism via the College's website 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, 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.

Anonymous reports are used for the following:

- Gathering and recording information regarding the incidence of sexual harassment and assault on and around our campus;
- Tracking incidents of sexual assault on campus; Certain information on this form may be used on the annual report submitted to the Department of Education in compliance with the Clery Act.
- Informing the community about the campus climate.

External resources for anonymous disclosure

New York State Hotline for Sexual Assault and Domestic Violence: 1-800-942-6906

The Hotline is for crisis intervention, resources and referrals and is not a reporting mechanism.

Institutional Crime Reporting

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

The Family Educational Rights and Privacy Act allows institutions to share information with parents or guardians when (1) there is a health or safety emergency, or (2) when the student is a dependent on either parents' or guardian's prior year federal income tax return. Generally, DCC will not share information about a report of sexual harassment or sexual violence with parents or guardians without the permission of the victim/survivor.

XIX. Retaliation

Retaliation against anyone who, in good faith, reports or participates in an investigation of an act of sexual harassment of any type is strictly prohibited. Anyone responsible for retaliation, including the accused party or someone affiliated with the accused party, will be subject to disciplinary action by the College.

XX. Student Onboarding and Ongoing Education Guide

Dutchess Community College complies with the SUNY system –wide policy on the training and

awareness obligations of its students. To that end, DCC will continue to educate all new and current students using a variety of best practices aimed at educating the entire college community in a way that decreases violence and maintaining a culture where sexual assault and acts of violence are not tolerated.

The State University of New York and its State-operated and community colleges believe that sexual violence prevention training and education cannot be accomplished via a single day or a single method of training. All new first-year and transfer students will, during the course of their onboarding to a SUNY State-operated or community college, receive training on the following topics, using a method and manner appropriate to the institutional culture of each campus:

- The institution prohibits sexual harassment, including sexual violence, other violence or threats of violence, and will offer resources to any victims/survivors of such violence while taking administrative and conduct action regarding any accused individual within the jurisdiction of the institution.
- Relevant definitions including, but not limited to, the definitions of sexual violence and consent.
- Policies apply equally to all students regardless of sexual orientation, gender identity, or gender expression.
- The role of the Title IX Coordinator, University Police/Campus Security, and other relevant offices that address sexual violence prevention and response.
- Awareness of violence, its impact on victims/survivors and their friends and family, and its long-term impact.
- The Victim/Survivor Bill of Rights and Sexual Violence Response Policy, including:
 - How to report sexual violence and other crimes confidentially, and/or to college officials, campus law enforcement and security, and local law enforcement.
 - How to obtain services and support.
- Bystander Intervention and the importance of taking action, when one can safely do so, to prevent violence.
- The protections of the Policy for Alcohol and/or Drug Use Amnesty in Sexual Violence Cases.
- Risk assessment and reduction including, but not limited to, steps that potential victims/survivors and potential assailants and bystanders to violence can take to lower the incidence of sexual violence.
- Consequences and sanctions for individuals who commit these crimes.

The onboarding process is not limited to a single day of orientation, but recognizes that students enroll at different times at different SUNY campuses and gives campuses the flexibility to best educate students at a time and manner that can most effectively bring these points to light. SUNY will conduct these trainings for all new students, whether first-year or transfer, undergraduate, graduate, or professional. Each campus shall use multiple methods to educate students about sexual violence prevention.

Each SUNY institution will also share information on sexual violence prevention with parents of enrolling students. Students at SUNY State-operated and community college campuses shall receive general and specialized training in sexual violence prevention. Each institution will conduct a campaign, compliant with the requirements of the Violence Against Women Act, to educate the student population.

Further, institutions will, as appropriate, provide or expand specific training to include groups such as international students, students that are also employees of the campus, leaders and officers

of registered/recognized student organizations, online and distance education students.

Institutions will also provide specific training to members of groups identified as likely to engage in high-risk behavior. Beginning in the 2015-2016 academic year, SUNY State-operated and community colleges will require that student leaders and officers of registered/recognized student organizations and those seeking recognition complete training on sexual violence prevention as part of the approval process and require student-athletes to complete training prior to participating in intercollegiate athletics.

Methods of training and educating students may include, but are not limited to:

- President's welcome messaging;
- Peer theater and peer educational programs;
- Online training;
- Social media outreach;
- First-year seminars and transitional courses;
- Course syllabi;
- Faculty teach-ins;
- Institution-wide reading programs;
- Posters, bulletin boards, and other targeted print and email materials;
- Programming surrounding large recurring campus events;
- Partnering with neighboring SUNY and non-SUNY colleges to offer training and education;
- Partnering with State and local community organizations that provide outreach, support, crisis intervention, counseling and other resources to victims/survivors of crimes to offer training and education. Partnerships can also be used to educate community organizations about the resources and remedies available on campus for students and employees seeking services; and
- Outreach and partnering with local business those attract students to advertise and educate about these policies.

Each institution must engage in an occasional assessment of their programming under this policy to determine effectiveness. The institution may either assess its own programming or conduct a review of other campus programming and published studies to adapt its programming to ensure effectiveness and relevance to students.

XXI. Campus Climate Assessment Policy

Dutchess Community College complies with the SUNY system-wide policy on the assessments that afford institutions the opportunity to better understand their campus and to make informed decisions when it comes to providing a safe educational environment.

Beginning in the 2015-2016 academic year, each State University of New York State-operated and community college will conduct a uniform climate survey that analyzes prevalence and attitudes regarding sexual harassment, including sexual violence, and other related crimes.

The survey will address at least the following:

Student and employee knowledge about:

- The Title IX Coordinator’s role;
- Campus policies and procedures addressing sexual assault;
- How and where to report sexual violence as a victim/survivor or witness;
- The availability of resources on and off campus, such as counseling, health, academic assistance;
- The prevalence of victimization and perpetration of sexual assault, domestic violence, dating violence, and stalking on and off campus during a set time period (for example, the last two years);
- Bystander attitudes and behavior;
- Whether victims/survivors reported to the College/University and/or police, and reasons why they did or did not report.

Beginning in the spring semester of 2015, the Chancellor or designee will convene a group of scholars and practitioners to review methods of assessing campus climate, specific questions asked in past surveys, relevant data on responses and response rates, issues and problems encountered in survey implementation, and lessons learned from past surveys. The Chancellor or designee will gather this data and seek to develop a standardized survey, with the advice of relevant members of the SUNY community and knowledgeable outside entities, that uses established measurement tools, to be implemented every two years by all SUNY State-operated and community colleges beginning in the 2015-2016 academic year.

This section of the policy may be changed by the DCC Board of Trustees in the event that either the SUNY Chancellor or designee or federal and/or State legislation require a different process or duplicate efforts to assess campus climate via survey.

Approved by Board of Trustees Resolution #2015-44, dated April 28, 2015;
 Reaffirmed by Board of Trustees Resolution #2020-26, dated January 28, 2020;
 Revised by Board of Trustees Resolution # 2024-55, dated July 23, 2024;