



# **DISCRIMINATION AND SEXUAL VIOLENCE RESPONSE POLICY**

**Effective August 1, 2018**

## TABLE OF CONTENTS

I.	Definition of Terms and Prohibited Conduct .....	1
A.	Terms used Throughout this Policy .....	1
B.	Federal, State, and Local Laws referred to throughout this Policy.....	5
C.	Prohibited Conduct .....	6
II.	Related Polices .....	11
III.	Special Provisions for Students as set forth by New York State Education Law Article 129-B 14	
A.	Students' Bill of Rights.....	14
B.	Alcohol and/or Drug Use Amnesty.....	15
IV.	Discrimination Complaint Procedures .....	16
V.	Sexual Violence Response Policy .....	17
A.	Introduction.....	17
B.	Options for Confidentially Disclosing Sexual Violence.....	18
1.	Privileged and Confidential Resources .....	18
2.	Non-Confidential Resources: Privacy versus Confidentiality .....	20
3.	Requesting Confidentiality: How Maritime College Will Weigh the Request and Respond .....	20
4.	Public Awareness/Advocacy Event .....	21
5.	Institutional Crime Reporting/ FERPA .....	21
C.	Reporting.....	21
1.	Confidential Reporting .....	22
2.	Anonymous Reporting/ Silent Witness Program .....	23
3.	Private, Limited Confidential Reporting.....	23
D.	Interim Measures: Protective/Restrictive Measures and Accommodations .....	26
1.	Notice .....	28
2.	Violating a Protective Measure .....	28
3.	Interim Suspension Pending Resolution .....	28
4.	Reviewing Interim Measures .....	29
E.	Evidence Preservation.....	30
1.	Steps to preserve forensic evidence .....	30
2.	Physical evidence .....	31
3.	Electronic evidence .....	31
F.	Investigatory Process .....	31

1.	Time Limits to File a Formal Report .....	31
2.	Jurisdiction .....	32
3.	Initial Assessment/ Preliminary Inquiry.....	32
4.	Investigation .....	34
5.	Investigative Report .....	37
G.	Student Code of Conduct Process.....	38
1.	Sanctions .....	40
2.	Transcript Notations and Withholding Degrees.....	40
VI.	Student Onboarding and ongoing education.....	41
VII.	Additional Resources .....	42
A.	Counseling Services.....	42
B.	General Resources (Victim of a Crime).....	43
C.	Hotlines and Online Resources for Crisis Intervention, Support, and Referrals .....	44
1.	Sexual Violence & Relationship Violence.....	44
2.	Relationships .....	44
3.	Men.....	44
4.	LGBTQ.....	44
5.	Mental Health.....	45
D.	Alcohol and/or Substance Use .....	45
1.	Alcohol and Risk Reduction* .....	45
2.	Alcohol and/or Substance Abuse and Abusive Relationships* .....	46
3.	Addiction* .....	47
4.	Resources & Hotlines.....	47
E.	Dating Basics* .....	48
1.	What does a healthy relationship look like?.....	48
2.	What does an abusive relationship look like? .....	49
3.	How can I help a friend or family member? .....	51
F.	Harassment.....	52
1.	Tips.....	52
2.	Additional Resources .....	53
G.	Risk Assessment and Risk Reduction.....	53

## **DISCRIMINATION COMPLAINTS & SEXUAL VIOLENCE REPORTING, POLICES, AND RESPONSE**

Maritime College is committed to maintaining an environment that encourages and fosters appropriate conduct among all persons and respect for individual values. Accordingly, Maritime College does not tolerate discrimination in its employment, programs, and activities, whether based on race, color, national origin, sex, gender, gender identity, religion, ethnic background, age, disability, marital status, sexual orientation, military service status, genetic information, pregnancy, familial status, citizenship status (except as required to comply with law), or any other criterion prohibited by applicable federal, state, or local laws.

In its continuing effort to seek equity in education and employment, and in support of federal and state anti-discrimination legislation, Maritime College has adopted Harassment, Discrimination, and Bias Incident Policies and a Sexual Violence Policy.

Retaliation against a person who files a complaint, serves as a witness, or assists or participates in any manner in these procedures is strictly prohibited and may result in disciplinary action.

### **I. DEFINITION OF TERMS AND PROHIBITED CONDUCT**

#### **A. Terms used Throughout this Policy**

**Accused Individual:** A person accused of a violation who has not yet entered a judicial or institutional administrative conduct or review process.

**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 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, gender expression or gender identity.

The following are principles that apply to the above definition of affirmative consent:

1. 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.
2. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
3. Consent may be initially given but withdrawn at any time.
4. When consent is withdrawn or can no longer be given, sexual activity must stop.
5. A person is incapable of affirmative consent when they are:
  - a. Less than seventeen years of age
  - b. Mentally disabled (a person is mentally disabled when their normal cognitive, emotional, or behavioral functioning renders them incapable of appraising their conduct); or
  - c. Incapacitated.
6. 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.

- a. A person is incapacitated when they are unconscious, asleep, involuntarily restrained, physically helpless, or otherwise unable to provide consent.
  - b. Depending on the degree of intoxication, a person who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
  - c. Affirmative consent cannot be gained by taking advantage of the incapacitation of another. In evaluating responsibility in cases of alleged incapacitation, the fact finder asks two questions: (1) did the Respondent know that the Complainant was incapacitated? If not, (2) should a sober, reasonable person in the Respondent's situation have known that the Complainant was incapacitated? If the answer to either of these questions is "yes," affirmative consent was absent.
  - d. If the fact finder determines based on a preponderance of the evidence that both parties were incapacitated, the person who initiated the sexual activity alleged to be nonconsensual due to incapacity is at fault.
7. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- a. Examples of coercion and intimidation include using physically or emotionally manipulative conduct against the Complainant or expressly or implicitly threatening the Complainant or a third party with negative actions that would compel or induce a reasonable person in the Complainant's situation to engage in the sexual activity at issue. Examples of sexual coercion include statements such as "I will ruin your reputation," or "I will tell everyone," or "your career (or education) at Maritime will be over" or "I will post an image of you naked."
  - b. Examples of force or a threat of harm include using physical force or a threat, express or implied, that would place a reasonable person in the Complainant's situation in fear of physical harm to, or kidnapping of, themselves or another person.

**Bystander:** A person who observes a crime, impending crime, conflict or unacceptable behavior.

**Bystander Intervention:** A bystander's safe and positive actions to prevent harm or intervene when there is a risk posed to another person. Bystander intervention includes recognizing situations of potential harm, identifying safe and effective intervention options, and taking action to intervene.

**Code of Conduct:** The written policies adopted by Maritime College governing student behavior, rights, and responsibilities while such student is matriculated at Maritime College.

**Complainant:** A person who is eligible to file a complaint to report a violation in this policy. Under certain circumstances, Maritime College may file a complaint on behalf of someone who experienced prohibited conduct but who cannot or will not themselves take a formal role of a Complainant. Generally, Maritime College may bring a complaint where there is evidence that this policy has been violated.

**Confidentiality:** Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express

permission of the individual or as otherwise permitted or required by law. Maritime College is committed to protecting the confidentiality of Reporting Individuals, and will work closely with Reporting Individuals to obtain confidential assistance regarding any incident of prohibited conduct as outlined in these policies.

During any portion of the complaint procedures, the parties shall not record, either by audio or video, the meetings, interviews, interrogations or any portion of the process. However, parties will be granted access to the Investigative Report and any accompanying evidence and materials by making an in-person appointment during normal business hours.

**Gender:** A socially constructed collection of traits, behaviors, and meanings that have been historically attributed to biological differences. The distinction between gender and sex reflects the usage of these terms: Sex usually refers to the biological aspects of maleness or femaleness, whereas gender implies the psychological, behavioral, social, and cultural aspects of being male or female (i.e., masculinity or femininity.) The term gender as used throughout this policy includes gender identity and gender expression.

**Gender Expression:** Outward behavior and appearances (e.g. hair, clothing, voice, body language) by which people manifest their gender identity.

**Gender Identity:** A person's deeply-felt, inherent sense of being a boy, a man, or male; a girl, a woman, or female; or an alternative gender (e.g., genderqueer, gender nonconforming, gender neutral) that may or may not correspond to a person's sex assigned at birth or to a person's primary or secondary sex characteristics. Since gender identity is internal, a person's gender identity is not necessarily visible to others. When one's gender identity and biological sex are not congruent, the individual may identify along the transgender spectrum.

**Interim Measures:** Interim measures include support or accommodations, protective measures, and/or restrictive directives intended to protect the safety and well-being of the parties and the college community and to promote an accessible educational environment.

**No Contact Order:** A written directive prohibiting contact with a protected individual, either directly or through a third party. If the accused or Respondent and a protected person observe each other in a public place, it is the responsibility of the accused or Respondent to leave the area immediately and without directly contacting the protected person.

**Persona Non Grata:** An individual is no longer permitted to be present on Maritime College's owned, -leased, -operated, or – controlled property.

**Preponderance of the Evidence:** The standard of proof governing a finding of responsibility in Maritime College's code of conduct process, which asks whether it is "more likely than not" a violation occurred. The preponderance standard is lower than the standard of "beyond a reasonable doubt," which is used in criminal court cases. If the evidence presented meets this standard, then the accused should be found responsible.

**Privacy:** Information related to a report of prohibited conduct will only be shared with those college employees who “need to know” in order to assist in the active review, investigation, or resolution of the report, including the issuance of interim measures. Maritime College will determine which employees have a legitimate need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA) and will share information accordingly. Maritime College will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored. Even Maritime College offices and employees who cannot guarantee confidentiality will maintain privacy to the greatest extent possible.

Maritime College may notify the parents or guardians of any dependent students who are Respondents regarding conduct charges or sanctions, particularly disciplinary probation, loss of housing, suspension and dismissal.

**Privileged or Confidential Resources:** Individuals that, with very few exceptions, are confidential resources to those wishing to disclose sexual violence. Such resources include licensed medical professionals, licensed mental health counselors, and clergy.

**Probable Cause:** The standard of proof governing an investigation of reports of prohibited conduct under these policies. Given the totality of the circumstances and available facts and evidence, a reasonably prudent person would be led to believe that a violation has occurred. If evidence presented meets this standard, the complaint *will be* elevated for review and/or adjudication under appropriate judicial and disciplinary proceedings.

**Prohibited Conduct:** Alleged conduct, as defined in these policies, which may give rise to an investigation and a judicial or disciplinary proceedings.

**Reporting Individual:** Encompass the terms victim, survivor, Complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation.

**Respondent:** Encompass the term Accused Individual and any other term used to reference an individual who is responding to a report of a violation and the subject of an investigation or a judicial or disciplinary proceeding. Includes the person accused of a violation who has entered Maritime's judicial or conduct process.

**Retaliation:** Adverse action against another person for reporting a violation. Retaliation includes harassment and intimidation, including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying.

**Discrimination:** The unlawful treatment of an individual based on the individual's age, race, color, religion, sex, sexual orientation, gender, gender identity, national origin, ethnic origin, disability, predisposing genetic information, covered veteran status, and any other basis protected by law that unreasonably interferes with or limits a person's ability to benefit from, and/or fully participate in any college program or activity.

**Sex (sex assigned at birth):** Sex is typically assigned at birth based on the appearance of external genitalia. When the external genitalia are ambiguous other indicators (e.g., internal genitalia, chromosomal and hormonal sex) are considered to assign a sex with the aim of assigning a sex that is most likely to be congruent with the child's gender identity. For most people, gender identity is congruent with sex assigned at birth; for TGNC individuals, gender identity differs in varying degrees from sex assigned at birth.

**Sex Discrimination:** Includes all forms of sexual misconduct by employees, students, or third parties against employees, students, or third parties. Students, college employees, and third parties are prohibited from harassing other students and/or employees whether or not the incidents of harassment occur on the college campus and whether or not the incidents occur during working hours.

**Sexual Orientation:** A component of identity that includes a person's sexual and emotional attraction to another person and the behavior and/or social affiliation that may result from this attraction. A person may be attracted to men, women, both, neither, or to people who have other gender identities. Individuals may identify as lesbian, gay, heterosexual, bisexual, queer, among others. Sexual orientation does not always appear in such definable categories and instead occurs on a continuum

**Sexual Violence:** The term sexual violence as used throughout this policy includes sexual harassment, sexual assault, domestic violence, dating violence, intimate partner violence, and stalking.

**Student:** Per the Code of Conduct, a student is any person who is currently admitted or registered, or who participates in a College function, such as Orientation, in anticipation of enrollment, or who was enrolled in a previous term, or who is, or was registered for a future term. Further, these policies apply to a student who has not graduated, has not permanently left the college, or has not been administratively dis-enrolled.

**Transgender:** An umbrella term used to describe the full range of people whose gender identity and/or gender role do not conform to what is typically associated with their sex assigned at birth. While the term "transgender" is commonly accepted, not all TGNC people self-identify as transgender.

## **B. Federal, State, and Local Laws referred to throughout this Policy**

**Campus Sexual Violence Elimination Act (SaVE Act):** The Violence Against Women Reauthorization Act of 2013 imposed new obligations on colleges and universities under its Campus Sexual Violence Act ("SaVE Act") provision, Section 304. This provision imposes new reporting requirements, new student discipline requirements, and new requirements to educate and train students and employees on sexual violence.

**Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act:** This federal law, passed in 1990, the "Clery Act" requires all colleges and universities who receive federal funding to share information about crime on campus and their efforts to improve campus



safety through the publishing of an annual security report. Additionally, the act requires institutions to provide survivors of sexual violence with reasonable accommodations and assistance in reporting and it requires institutions to outline specific policies and procedures for the prevention of sexual violence in their annual security reports.

**New York State Education Law Article 129-B:** New York State Education Law Article 129-B, also known as “Enough is Enough”, requires all colleges in the State of New York to adopt a comprehensive set of policies and guidelines, including a uniform definition of affirmative consent, a statewide amnesty policy, and expanded access to law enforcement.

**New York City Human Rights Law (NYCHRL):** The NYC Human Rights Law, Title 8 of the Administrative Code of the City of New York, prohibits discrimination in New York City. Individuals are protected from discrimination in many areas, based on a number of protected classes, including age, creed, race, color, sex, gender identity/ gender expression, sexual orientation, national origin, marital status, disability, military status, domestic violence victim status, criminal or arrest record, or predisposing genetic characteristics. In 2002, the New York City Council passed the Transgender Rights Bill to expand the scope of the gender-based protections guaranteed under the NYCHRL, and ensure protection for people whose “gender and self-image do not fully accord with the legal sex assigned to them at birth.”

**Title IX of the Education Amendments of 1972:** Title IX of the Education Amendments of 1972 is a comprehensive federal law that protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance. The law prohibits discrimination on the basis of sex in any federally funded education program or activity. The law also prohibits a school from applying any rule related to a student’s parental, family, or marital status that treats students differently based on their sex. Colleges must promptly respond to known instances of sex- and gender-based discrimination, which includes sexual harassment and sexual violence, in a way that limits its effects and prevents its recurrence.

**Violence Against Women Act ("VAWA") Reauthorization Act of 2013:** This federal law requires colleges and universities to: (1) report dating violence, domestic violence, sexual assault, and stalking, beyond crime categories the Clery Act already mandates; (2) adopt certain student discipline procedures, such as for notifying purported victims of their rights; and (3) adopt certain institutional policies to address and prevent campus sexual violence through the education and training of an institution’s community.

### **C. Prohibited Conduct**

**Aiding Prohibited Conduct:** Aids, facilitates, promotes or encourages the commission of a violation under this policy.

**Hate Crime/ Biased Incident:** An act in which criminal offense is committed against persons, property, or community that is motivated in whole or in part, by the offender’s bias against group or individual’s race, religion, ethnic/national origin, sex, gender identity, gender expression, age, political beliefs, disability, or sexual orientation. Biased incidents are those actions by an individual or group that is motivated by bias but does not rise to the level of a criminal offense.

The fact that the offender was biased against an individual's race, religion, ethnic/national origin, gender, age, political beliefs, disability, or sexual orientation does not automatically mean that a hate crime was committed. The act must have been motivated, in whole or in part, by a bias. Upon referral to judicial proceedings, the incident may be classified as a hate crime, a crime, prohibited conduct or violation under these policies and/or the Code of Conduct, a biased incident or an act of free speech.

**Intimate Partner Violence:** (relationship violence, domestic violence, or dating violence) A pattern of coercive behaviors that serve to exercise control and power in an intimate relationship, as defined below. The coercive and abusive behaviors can be physical, sexual, economic, psychological, verbal and/or emotional in nature. This includes any behaviors that intimidate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Intimate partner abuse can occur in relationships of the same or different genders; between current or former intimate partners who have dated, lived together, or been married. Intimate partner violence includes dating violence and domestic violence, both of which are defined below.

**Dating Violence:** Any act of violence, including but not limited to physical, sexual, psychological, and verbal violence, sexual or physical abuse or threat of such abuse, which occurs between individuals who are or have been in a social relationship of a romantic or intimate nature. Dating Violence can occur as a single act, or it can consist of a pattern of violent, abusive, or coercive acts that serve to exercise power and control in the context of a romantic or intimate relationship, as defined below. In determining the existence of such a relationship, consideration will be given to the length and the type of relationship and the frequency of interaction between the persons involved in the relationship. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic violence:** Any violent felony, non-violent felony, or misdemeanor crime or threatened act of violence against the Complainant committed by (1) a current or former spouse or intimate partner; (2) a person with whom the Complainant shares a child; or (3) a person co-habiting with the Complainant as a spouse or intimate partner. Domestic violence also includes behavior that seeks to establish power and control over the Complainant by causing the Complainant to fear violence to themselves or another person. Such behavior may take the form of harassment, property damage, intimidation, and violence or a threat of violence to one's self (i.e., the Respondent) or a third party. It may involve one act or an ongoing pattern of behavior.

**Intimate Relationship** (intimate partner): The existence of an intimate relationship shall be determined based on the individual's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. This relationship may be characterized by some or all of the following: emotional connectedness, regular contact, ongoing physical contact and sexual behavior, identity as a couple, and familiarity and knowledge about each other's lives. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is

sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship.

**Sexual Exploitation:** Any act whereby one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another who has not provided consent, and that does not constitute sexual assault or sexual harassment. Examples of sexual exploitation include but are not limited to the following:

- Recording, photographing transmitting, viewing, or distributing intimate or sexual images or sexual information without the knowledge or consent of all parties involved; voyeurism (i.e. spying on others who are in intimate or sexual situations)
- Observing another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person observed or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- Making, sharing, posting, streaming or otherwise distributing any image, photography, video, or audio recording depicting or otherwise recording another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person depicted or recorded;
- Exposing one's genitals to another person without the consent of that person;
- Intentional, nonconsensual tampering with or removal of condoms or other methods of birth control and STI prevention prior to or during sexual contact that significantly increases the likelihood of STI contraction and/or pregnancy by the nonconsenting party;
- Exposing another person to a sexually transmitted infection without the knowledge and consent of the person exposed;
- Trafficking people to be sold for sex; and,
- Causing another person to become incapacitated with the intent of making that person vulnerable to nonconsensual sexual assault or sexual exploitation.

**Sexual and Gender- Based Harassment:** Sexual Harassment is unwelcome sexual advances, requests for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, nonverbal, graphic, physical, or otherwise, when the conditions outlined in (1) or (2), below, are present.

Gender-Based Harassment is harassment based on gender, sex, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal, nonverbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined in (1) or (2), below, are present.

1. Submission to or rejection of such conduct is either an explicit or implicit term or condition of benefits or detriments to a person's employment or academic standing (including, for example, grades, recommendations, promotions, quality of assignments or compensation), or participation in any college programs or activities or is used as the basis for college decisions affecting the individual (often referred to as "quid pro quo" harassment);
2. The conduct has the purpose or effect of interfering with an individual's study and/or work performance, or creating an intimidating, hostile or offensive work and/or learning environment. Such conduct creates a hostile environment. A hostile environment exists

when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual's participating in or benefitting from the College's education or employment programs or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective.

In evaluating whether a hostile environment exists, the College will consider the totality of known circumstances, including, but not limited to:

- The frequency, nature, and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the Complainant's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether there is a power differential between the parties; and
- Whether the conduct implicates concerns related to academic freedom or protected speech.

Although it is not possible to list all examples of conduct that constitutes sexual and gender-based harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual and gender-based harassment depending upon the totality of the circumstances, including the persistence and severity of the conduct and its pervasiveness:

- Sexual advances — whether they involve physical touching or not;
- Sexual epithets, jokes, references to sexual activity, comments on an individual's body, or comments about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons or other images;
- E-mail, instant messaging, voicemail messages or postings on social networking sites or blogs containing sexual content or references;
- Leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments of a sexual nature;
- Making sexual comments or jokes about person's pregnancy, calling a pregnant person sexually charged names, spreading rumors about their sexual activity, and making sexual propositions or gestures;
- Attempting or threatening to subject another person to unwanted physical contact;
- Repeatedly following another person in or about a public place or places, sending unwanted text messages, letters, email and/or voicemails, persistent pursuit of another person;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

**Sexual Assault:** Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as "rape" (including what is commonly known as "date rape" and "acquaintance rape"), fondling, statutory rape, and incest. Sexual assault is (1) sexual intercourse or (2) sexual contact (3) without affirmative consent.

1. Sexual intercourse: Sexual intercourse means any penetration, however slight, with any object or body part, as follows: (a) penetration of the vulva by a penis, object, tongue, or finger; (b) anal penetration by a penis, object, tongue, or finger; and (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

2. **Sexual contact:** Sexual contact means intentional sexual touching, however slight, with any object or body part, whether directly or through clothing, as follows: (a) intentional touching of the lips, breasts, buttocks, groin, genitals, inner thigh, or anus or intentionally touching another with any of these body parts; (b) making another touch anyone or themselves with or on any of these body parts; and (c) intentional touching of another's body part for the purpose of sexual gratification, arousal, humiliation, or degradation.
3. **Affirmative consent** (as defined above)  
**Rape:** penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.  
**Fondling:** touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim.  
**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.  
**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent, which is 17 years old in the state of New York.

**Stalking:** A course of conduct directed at a specific person that would cause a reasonable person to fear. Stalking involves repeated and continued harassment, which causes the targeted person to feel emotional distress, including fear and apprehension. A stalker may know the targeted person, may be a past partner, or may be a stranger. Here are some examples of stalking behaviors:

- Pursuing or following;
- Non-consensual (unwanted) communications or contact- including face-to-face, telephone calls, voice messages, electronic messages, unwanted gifts;
- Showing up at one's home or place of work unannounced or uninvited;
- Constantly calling and hanging up;
- Trespassing;
- Surveillance and other types of observation;
- Use social networking sites and technology to track you.

**Cyberstalking:** using the Internet or other electronic means as a way to harass someone.

**Violating an Interim Protective/Restrictive Measure (Failure to Comply/ Abide):** Per the Code of Conduct, failing to comply with the directions of an authorized college official, faculty, or staff member may be construed as "failure to comply/abide." In these policies, a person violates an interim protective/restrictive measure if they (1) have notice and (2) intentionally or unintentionally failed to comply with restrictions articulated in the written directive (e.g. "No Contact Order", "Interim Suspension.") issued by a College official, faculty, or staff member. A person who violated an interim protective/restrictive measure *may* be charged with "failure to comply/abide" and may be subject to additional interim measures (e.g. Interim Suspension) as detailed in the written directive.

**Notice:** For these purposes, notice is generally given upon delivery of the written directive via email or in-person delivery.

**False Information (Abuse of the Judicial System):** Furnishing false information or misrepresenting information with the intent to deceive is prohibited. Reports made or

information provided in good faith, even if the facts alleged are not later substantiated, are not covered under this provision.

**Prohibited Conduct: Criminal Offenses in the State of New York:** The New York State Penal Law defines criminal conduct in the state of New York. Definitions of criminal offenses can be accessed here: <http://ypdcrime.com/penal.law/>. The Penal Law is applicable to all members and guests of the Maritime College community within the State of New York. For questions or information or questions regarding conduct prohibited by New York State and Federal Law, please contact the College Police.

**Prohibited Conduct: Criminal Offenses in New York City:** The New York City Council may pass local laws and resolutions on state and federal issues that are relevant to New Yorkers. Legislation can be accessed here: <https://council.nyc.gov>.

## **II. RELATED POLICES**

### **Affirmative Action Policy**

Maritime College recognizes the importance of diversity for assuring the success of students and graduates in an increasingly global environment. We seek to establish the diversity that will provide all of our students with a learning environment to develop leaders and lifelong learners. Our efforts to attract a diverse student body will be enhanced by attracting diverse staff and administrators.

Maritime College is committed to equal treatment in every aspect of campus life. Maritime College proactively reviews its policies and practices to assure that decisions with respect to every dimension of student life and employment are made without regard to age, color of skin, disability, gender expression and identity, genetic predisposition, marital status, national origin, race, ethnicity, religion, sex, sexual orientation, veteran's status, status as a victim of domestic violence, and all other protected groups and classes under Federal and State Laws and executive orders.

The designated office for Affirmative Action is the Office of Human Resources, Located in McMurray Hall, # 209. They can also be contacted during regular business hours at 718-409-7303.

### **Bias Crimes Policy**

It is a Maritime College and State College of New York College Police mandate to protect all members of the Maritime College community by preventing and investigating hate crimes that occur within the campus's jurisdiction. Hate crimes, also called bias crimes or bias related crimes, are criminal activity motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, religion, ethnicity, gender identity/ gender expression, sexual orientation, or disability. Hate/bias crimes have received renewed attention in recent years, particularly since the passage of the federal Hate/Bias Crime Reporting Act of 1990 and the New York State Hate Crimes Act of 2000 (Penal Law Article 485). Copies of the New York law are available through Maritime College's University Police Department.

### **Harassment and Discrimination Policy**

Faculty, staff, and students have a right to study and work in an environment that does not involve or condone bias, prejudice, harassment or discrimination of any kind. Maritime College has adopted the following policy to foster responsible behavior and to ensure that the College's academic and working environment is free from discrimination or harassment. Conduct that the College deems to be discrimination or harassment may also be a violation of state or federal law. Maritime College will respond promptly to complaints of discrimination or sexual harassment by conducting an investigation pursuant to processes set forth in these policies. Where it is determined that such inappropriate conduct has occurred, the College will act promptly to put a stop to the conduct and impose corrective action as appropriate and in accordance with its disciplinary procedures for students, faculty and staff. The prohibition against sexual harassment applies equally to male and female students, and includes harassment where the harasser and the victim/survivor are the same sex.

The prohibition against discrimination applies to all types of discrimination identified in Maritime College's Non-Discrimination, Individual Rights and Equal Education Policy Statement, including discrimination on the basis of race, creed, religion, national origin, ethnicity, age, disability, gender, sex and sexual orientation. The College recognizes that sometimes in the conduct of college courses and events there may be controversial or uncomfortable material presented that is appropriate in the context of the course or the event. The College also reminds students that an isolated or stray remark or incident may be unwelcome but may not rise to the level of harassment or discrimination, although it is important to communicate that even stray remarks may be unwelcome and hurtful.

The College's Harassment and Discrimination Policy applies to all Maritime College functions, including those that take place outside of our campus. The College encourages everyone to report incidents of harassment and discrimination promptly regardless of who is the harasser and regardless of whether the person making the report has merely observed the discrimination and harassment or has been the victim/survivor of the conduct.

### **Nondiscrimination, Individual Rights & Equal Education Policy**

The policy of Maritime College is that discrimination against any individual for reasons of gender, race, creed, religion, national origin, sex, sexual orientation, age, marital or parental status, ethnicity, citizenship status, veteran or military status, disability or for any other legally protected basis is specifically prohibited. This includes discriminatory language, gestures, and written or electronic communication. Accordingly, equal access to educational programs, employment opportunities, scholarship and loan programs, athletics and all other College activities is extended to all eligible persons. Detailed information on the policy and procedure for pursuing a claim of discriminatory treatment or sexual harassment is explained in these policies.

Nothing in this policy shall abridge academic freedom or Maritime College's educational mission. Prohibitions against discrimination and harassment do not extend to statements or written materials that are germane to the classroom subject matter. Violation of any of these policies puts the entire community in jeopardy. Persons in violation are subject to discipline, up to being barred from the campus.

### **Reporting and Preventing of Child Sexual Abuse Policy**

Any employee or student or volunteer for the State College of New York who witnesses or has reasonable cause to suspect any sexual abuse of a child occurring on State College property or while off campus during official State College business or College-sponsored events shall have an affirmative obligation to report such conduct to the relevant College Police Department immediately. Such report should include the names of the victim/survivor and assailant (if known), other identifying information about the victim/survivor and assailant, the location of the activity, and the nature of the activity. Upon receiving such a report, the applicable College Police Department shall promptly notify the Commissioner of College Police at SUNY System Administration who shall report such incidents to the Chancellor for periodic reporting to the Board of Trustees. For purposes of this policy, the applicable definitions of child sexual abuse are those used in the NYS Penal Law in Articles 130 and 263 and Section 260.10 and “child” is defined as an individual under the age of 17.

For further information please visit [www.suny.edu](http://www.suny.edu)

### **Sexual Harassment Policy**

Maritime College seeks to create and maintain an educational environment in which all members of the College community are free to pursue their educational and career goals. Harassment on the basis of sex is in violation of the law (Sec. 703 of Title VII of the Civil Rights Act as amended, Title IX Education Amendments of 1972, and the New York State Human Rights Law) and will not be tolerated in Maritime’s campus community. It is the responsibility of every administrator, supervisor and faculty member to create and ensure an environment that is free of discrimination and allows full access and opportunity for participation to all members of the College community.

Sexual harassment is inconsistent with the traditions of personal integrity and professionalism that are the foundation of Maritime College. The Equal Employment Opportunity Commission has issued “Guidelines on Discrimination Because of Sex,” in order to clarify the issue of sexual harassment and unlawful employment practice.

Though the guidelines are based on a federal statute and apply only to sexual harassment in the workplace, consistent with the State University of New York’s policy to ensure fair treatment to all individuals, protection for students is to be provided by these same guidelines. Sexual harassment may involve the behavior of a student, staff or faculty member of either gender against a student, staff or faculty member of the same or a different gender. It may occur among co-workers or peers as well as between supervisors and subordinates, and it may take place on campus property or in off-campus settings.

### **Sexual Misconduct and Sexual Assault Policy**

Maritime College condemns and prohibits sexual misconduct in any form. Sexual misconduct will not be tolerated by this campus and will be dealt with by appropriate disciplinary action.

Where there is probable cause to believe the College’s regulations prohibiting sexual misconduct have been violated, the College will expedite strong disciplinary action through its own channels. This discipline includes the possibility of suspension or dismissal from the College. *Being*



*intoxicated does not diminish a student's responsibility in perpetrating rape, sexual assault, or other sexual misconduct.* Maritime College will not tolerate sexual abuse, rape or other sexual assaults against students, faculty, staff or visitors.

A student, visitor or faculty or staff member who is a victim/survivor of sexual assault or a sexual offense is encouraged to report the incident to the University Police Department (UPD) at 718-409-7311 and the local police at 911 and to seek immediate medical care. UPD generally cannot investigate an incident as a crime unless the victim/survivor files an actual report. Reporting a crime to UPD, or another campus office, does not necessarily obligate the victim/survivor to follow through with criminal prosecution. A victim/survivor can also initiate a complaint against a member of the college community who may have committed sexual assault, using the grievance process described in this handbook.

An individual charged with sexual misconduct will be subject to Maritime's disciplinary procedures, whether or not prosecution under New York State Criminal Statutes is pending. The College will make every effort to be responsive and sensitive to the victims/survivors of these serious crimes. Protection of the victim/survivor and prevention of continued trauma is Maritime College's priority. Interim Measures and accommodations are also available. Assistance for any other personal or academic concerns will be reviewed and options provided.

### **SUNY System-wide Policies**

State University of New York has adopted rules and policies, in compliance with federal and state laws, that apply to Maritime College and other campuses. These policies are available at [www.suny.edu](http://www.suny.edu).

## **III. SPECIAL PROVISIONS FOR STUDENTS AS SET FORTH BY NEW YORK STATE EDUCATION LAW ARTICLE 129-B**

### **A. Students' Bill of Rights**

The State College of New York - Maritime 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. 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 from 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 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 institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident.
8. 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;
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;
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial 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 (within “Options for Confidentially Disclosing Sexual Violence”).
- Make a report to an employee with the authority to address complaints, including the Title IX Coordinator, Student Conduct employee, Human Resources employee, College Police Officer, 45<sup>th</sup> Bronx Precinct, Family Court or Civil Court.

#### **B. Alcohol and/or Drug Use Amnesty**

The health and safety of every student at the State College of New York and its State-operated and community colleges is of utmost importance. Maritime 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. Maritime College strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to college 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 Maritime College officials or law enforcement will not be subject to Maritime 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.

#### **IV. DISCRIMINATION COMPLAINT PROCEDURES**

Maritime College in its continuing effort to seek equity in education and employment, and in support of federal and state anti-discrimination legislation, has adopted a complaint procedure [outlined in the State College of New York Discrimination Complaint Procedures] for the prompt and equitable investigation and resolution of allegations of unlawful discrimination on the basis of race, color, national origin, religion, creed, age, sex, sexual orientation, disability, gender identity, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction. Harassment is one form of unlawful discrimination on the basis of the above protected categories. The college will take steps to prevent discrimination and harassment, to prevent the recurrence of discrimination and harassment, and to remedy its discriminatory effects on the victim(s) and others, if appropriate. Conduct that may constitute harassment is described in the “Definitions” section of the SUNY procedures. Sex discrimination includes sexual harassment and sexual violence. Retaliation against a person who files a complaint, serves as a witness, or assists or participates in any manner in this procedure is strictly prohibited and may result in disciplinary action.

This procedure may be used by any student or employee of Maritime College, as well as third parties who are participating in a Maritime-sponsored program or affiliated activity. Employee grievance procedures established through negotiated contracts, academic grievance review committees, student disciplinary grievance boards, and any other procedures defined by contract will continue to operate as before. Furthermore, this procedure does not in any way deprive a Complainant of the right to file with outside enforcement agencies, such as the New York State Division of Human Rights, the Equal Employment Opportunity Commission, the Office for Civil Rights of the United States Department of Education, and the Office of Federal Contract Compliance of the United States Department of Labor. However, after filing with one of these outside enforcement agencies, or upon the initiation of litigation, the complaint will be referred to the campus Affirmative Action Officer, or in the case of sex discrimination, the Title IX Coordinator (hereinafter “AAO” will refer to both the Affirmative Action Officer and Title IX Coordinator), for investigation with the Office of General Counsel.

More detailed information may be obtained by contacting:

- Ms. Lu-Ann Plaisance  
Assistant Vice President of Human Resources & Chief Diversity Officer  
Phone: 718-409-7302  
Email: lplaisance@sunymaritime.edu
- Ms. Ayesha F. Payne  
Assistant Director of Human Resources/AAO  
Phone: 718-409-7328  
Fax: 718-409-7354  
Email: apayne@sunymaritime.edu
- Ms. Jasmin Adrienne Nunez, Esq.  
Title IX Coordinator

Phone: 718-319-1151; 718-514-3147 (emergency cell)  
Email: [jnunez@sunymaritime.edu](mailto:jnunez@sunymaritime.edu); [TitleIX@sunymaritime.edu](mailto:TitleIX@sunymaritime.edu)

For a copy of the State College of New York Discrimination Procedure is available online at [www.suny.edu](http://www.suny.edu)

## **V. SEXUAL VIOLENCE RESPONSE POLICY**

### **A. Introduction**

Maritime College is committed to providing an environment free from discrimination on the basis of sex and gender. In furtherance of its commitment, Maritime College has appointed a full-time Title IX coordinator to manage the college's response to reports of gender inequity and discrimination, which includes reports of sexual assault, sexual harassment, dating violence, domestic violence, and stalking. Faculty, staff, and administrators who receive complaints or have knowledge of discrimination based on sex and gender, sexual harassment or any form of sexual violence are obligated to report complaints to the Title IX and/or Deputy Title IX Coordinators.

Maritime College provides options, support and services to students, staff, faculty and visitors who are survivors of sexual assault, domestic violence, dating violence, stalking, and sex discrimination, regardless of whether the crime or violation occurs on campus, off campus, while studying abroad, during shore-side internships, during summer sea term, or during cadet-shipping assignments.

Individuals who believe they may have been sexually or otherwise generally harassed or treated in a discriminatory fashion and would like to find out how to pursue their rights, including how to file a complaint, should contact the **Title IX Coordinator** at 718-319-1151 (main), 718-514-3147 (emergency cell) [Title IX@sunymaritime.edu](mailto:TitleIX@sunymaritime.edu), 6 Pennyfield Avenue, Student Affairs, Baylis Hall, Throggs Neck, NY 10465, or any of the designated Deputy Title IX Coordinators (listed in "Private, Limited Confidential Reporting" of these policies).

Inquiries concerning the application of Title IX may also be directed to:

U.S. Department of Education Office for Civil Rights  
New York—Region II 32 Old Slip, 26th Floor New York, NY 10005  
Telephone: (646) 428-3800  
Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

Nothing in these policies should be construed as in any way limiting students' rights to utilize Maritime College's grievance procedures, or to file complaints with any governmental agency, including the New York State Division of Human Rights or the United States Department of Education or to take any legal action which the individual may deem advisable.

## **B. Options for Confidentially Disclosing Sexual Violence**

Maritime College provides information and support regardless of whether a Reporting Individual would like to move forward with a report of sexual violence to campus officials or to the University Police Department. Reporting Individuals may want to talk with someone about something they observed or experienced. Even if they are not sure that the behavior constitutes sexual violence, it is important to have a conversation where questions can be answered. Confidentiality varies, and this policy explains how confidentiality applies to different available resources and reporting options.

Maritime College will assist Reporting Individuals with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of their reporting choices. Reporting Individuals may request accommodations through the Title IX Coordinator (Baylis Hall, 718-319-1151) and the Office of Student Affairs (Baylis Hall, 718-409-7496). Please see below for more on interim measures and accommodations and available resources.

### **1. Privileged and Confidential Resources**

Individuals who are *confidential* resources will not report crimes to law enforcement or college officials without expressed permission, except for extreme circumstances, such as a health and/or safety emergency. Even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to themselves or others and the mandatory reporting of child abuse.

#### **a. To seek assistance from on-campus confidential resources.**

Below are the confidential resources available at Maritime College:

- Mental Health Counselor  
718-409-3916; Riesenbergs Gymnasium, Health Services
- Maritime Health Services  
718-409-7347; Riesenbergs Gymnasium, Health Services
- Maritime Campus Ministries  
Chapel

#### **b. To seek assistance from off-campus confidential resources.**

Note these outside options do not provide any information to the campus. However, even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to themselves or others and the mandatory reporting of child abuse. Please refer to “Additional Resources” in this policy for more options.

##### ***i. Off-campus counselors and advocates (crisis service agencies).***

Crisis services offices will generally maintain confidentiality unless an individual requests disclosure and signs a consent or waiver form. More information on an agency’s policies on confidentiality may be obtained directly from the agency. Below are some available off campus counselors and advocates:

- Bronx District Attorneys Crime Victims Assistance Unit  
College Campus Sexual Assault Coordinator  
718-838-7219 (office line)  
917-280-4762 (cell)  
718-590-2115 (main line: 8:30 a.m. to 11 p.m. Monday through Thursday; 8:30 a.m. to 5 p.m. Friday)
- Counseling & Psychotherapy of Throggs Neck  
718-792-4178
- Crime Victims Support Services of North Bronx  
718-823-4925
- Kingsbridge Heights Community Center  
Changing Futures Program  
718-884-0700 ext. 179 (main line)  
Campus Sexual Assault Coordinator  
718-884-7000 ext. 140
- New York City Anti-Violence Project (AVP)  
212-714-1141 (24-7 hotline)  
LGBTQ
- Safe Horizon  
1-800-810-7444 (24-7 hotline)

***ii. Off-campus healthcare providers (hospitals/medical offices).***

Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs, emergency contraception, and medical attention are available. It is important to seek appropriate medical assistance as sometimes follow up testing is needed within 4-6 weeks and then 3-6 months. Below are some available off- campus healthcare providers:

- North Central Bronx Hospital  
Sexual Assault Treatment Program  
718-519-3100
- Jacobi Hospital  
Psychiatric Emergency  
718-918-4850

*Note that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. Individuals are encouraged to let hospital personnel know if they do not want their insurance policyholder to be notified about 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 compensation. In New York State, the cost of a forensic rape exam can be billed directly to the state Office of Victim Services or, if the victim chooses, to their private insurance. No cost is incurred if the bill is directly submitted to OVS. Additional compensation may be available through OVS compensation program or the New York State Crime Victims Board.

## **2. Non-Confidential Resources: Privacy versus Confidentiality**

All Maritime College employees, not designated as confidential resources, are required to report all relevant information to the Title IX Coordinator. While these employees cannot guarantee *confidentiality*, they will maintain *privacy* to the greatest extent possible. The information provided 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. Maritime College will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

## **3. Requesting Confidentiality: How Maritime College Will Weigh the Request and Respond**

The Title IX and/or Deputy Title IX Coordinators may seek consent from the Reporting Individual prior to commencing an investigation. A Reporting Individual may disclose an incident but wish to maintain confidentiality or they may not consent to Maritime's request to initiate an investigation. Further, a Reporting Individual may change their mind about participating in an investigation or a judicial or disciplinary proceeding at any time. The Title IX and/or Deputy Title IX Coordinators must weigh any request for confidentiality against Maritime's obligation to provide a safe, non-discriminatory environment for all members of our community, including the Reporting Individual.

Should a Reporting Individual request confidentiality, decline consent to investigate, or choose not to participate, the Title IX and/or Deputy Title IX Coordinators will assess whether or not to honor that request and determine appropriate next steps based on the totality of the circumstances. In balancing the Reporting Individual's request to maintain confidentiality against the risk of harm and Maritime's obligations under the law, the Title IX and/or Deputy Title IX Coordinators will consider a variety of factors including but not limited to:

- Whether the Reporting Individual provided sufficient information to afford the Accused Individual due process (date, time, location, details of incident, parties involved);
- Whether the Accused Individual has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation, such as a situation that previously involved sustained stalking, the increased risk that the accused will commit additional acts of violence;
- Whether the Accused Individual used a weapon or force;
- Whether the Reporting Individual is a minor; and,

- Whether Maritime College possesses other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.

Maritime College will generally honor requests for confidentiality. Honoring these requests may limit Maritime's ability to meaningfully investigate and pursue conduct action against an Accused Individual. Coordinators may proceed with an investigation absent the Reporting Individual's consent where further action is needed to adequately mitigate the risk of harm to the Reporting Individual or to other members of the Maritime College community. If Maritime College determines that it must move forward with an investigation, the Reporting Individual will be notified and Maritime College will take immediate action as necessary to protect and assist them.

#### **4. Public Awareness/Advocacy Event**

If an individual discloses a situation through a public awareness event such as "Take Back the Night," candlelight vigils, protests, or other public event, Maritime College is not obligated to begin an investigation. Maritime College may use the information provided to inform the need for additional education and prevention efforts.

#### **5. Institutional Crime Reporting/ FERPA**

Reports of certain crimes occurring in certain geographic locations will be included in the Maritime College Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime nor the identity of the Reporting Individual.

Maritime College 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 Reporting Individual). A Reporting Individual will never be identified in a timely warning.

The Family Educational Rights and Privacy Act (FERPA) allows institutions to share information with parents when (1) there is a health or safety emergency, or (2) when the student is a dependent on either parents' prior year federal income tax return. Generally, Maritime College will not share information about a report of sexual violence with parents without the permission of the Reporting Individual.

### **C. Reporting**

In accordance with the *Students' Bill of Rights*, Reporting Individuals shall have the right to pursue more than one reporting option at the same time, or to choose not to participate in any of the reporting options addressed below:

- Confidential Reporting
- Anonymous Reporting/ Silent Witness Program
- Private, Limited Confidential Reporting



Further, a Reporting Individual may withdraw their complaint or involvement from the Maritime College process at any time.

At the first instance of disclosure by a Reporting Individual to a college official, the following information shall be presented to the Reporting Individual:

“You have the right to make a report to the University Police Department, local law enforcement, and/or State Police or choose not to report; to report the incident to Maritime College; to be protected by Maritime College from retaliation for reporting an incident; and to receive assistance and resources from Maritime College.”

## **1. Confidential Reporting**

### **a. To disclose confidentially the incident to a college official.**

These college officials by law may maintain confidentiality, and can assist in obtaining services. These college officials have an obligation to share with the Title IX Coordinator anonymized aggregate data, which may include the nature, date, time, and general location of an incident. This aggregate data will be used to assess any climate issues and will be included in the annual safety and security report. More information on confidential reports is available in “Options for Confidentially Disclosing Sexual Violence” of this policy.

- Mental Health Counselor  
718-409-3916; Riesenberg Gymnasium, Health Services
- Maritime Health Services  
718-409-7347; Riesenberg Gymnasium, Health Services
- Maritime Campus Ministries  
Chapel

### **b. To disclose confidentially the incident and obtain services from the State.**

Individuals may reach out to the New York State, New York City or county hotlines to confidentially report an incident and obtain services. Please refer “Additional Resources” for more options.

- New York State Hotline for Sexual Assault and Domestic Violence: 1-800-942-6906
- Office for Prevention of Domestic Violence: 1-800-621-4673; <http://www.opdv.ny.gov/>

### **c. To disclose confidentially the incident to off-campus resource.**

Whether on or off campus, medical providers, licensed mental-health counselors, and clergy are completely confidential resources and will generally maintain confidentiality unless an individual requests disclosure. Note that these confidential resources are subject to exceptions under the law, including when an individual is a threat to themselves or others, and when child abuse is reported. Please refer to “Options for Confidentially Disclosing Sexual Violence” and “Additional Resources” for additional information.

## **2. Anonymous Reporting/ Silent Witness Program**

A Reporting Individual who does not want to pursue action within the Maritime's discipline system or the criminal justice system can make an anonymous report.

- Anonymously via an internet or telephone anonymous reporting system;
- Silent Witness Program; [www.sunymaritime.edu/titleix/](http://www.sunymaritime.edu/titleix/)
- Title IX Coordinator  
718-319-1151 (office); 718-514-3147 (emergency cell).
- New York State Hotline for Sexual Assault and Domestic Violence: 1-800-942-6906

The *Silent Witness Program* allows for the anonymous submission of suspected criminal activity that occurs on campus. The University Police Department maintains this electronic anonymous reporting system on its website. Anonymous reports involving sexual assault, sexual violence, domestic violence, dating violence, stalking, and/or sexual discrimination will also be forwarded to the Title IX Coordinator for review and assessment. All anonymous reports are private and will only be shared on a 'need to know' basis; however, the information within the report may need to be discussed with the person of concern in order to assist in addressing the issue.

The purpose of an anonymous report is to keep the matter confidential, while taking steps to ensure the safety of the identified individuals and the campus community. This electronic reporting system will not retain email addresses, IP addresses or other identifying information unless the reporting person voluntarily includes identification information.

With this information, the College can keep an accurate record of the number of incidents involving students, faculty and staff, determine where there is a pattern of crime relative to location, method, and assailant and alert the campus community to potential harm. Anonymous reports are counted and disclosed in the annual crime statistics for the campus. Please note that anonymous reporting may limit Maritime's ability to meaningfully investigate and pursue conduct action against an Accused Individual.

## **3. Private, Limited Confidential Reporting**

### **a. To disclose an incident, file a report, and/or to request information about reporting options and available support/resources.**

The Title IX and Deputy Title IX Coordinators can provide information about remedies, protective measures, accommodations, evidence preservation, and how to obtain resources. These officials will also provide the information contained in the Students' Bill of Rights, including the right to choose when and where to report, to be protected from retaliation, and to receive assistance and resources from Maritime College. While Coordinators may explain the differences between the criminal law system and Maritime College's administrative procedures, detailed questions about

the penal law or the criminal process should be directed to law enforcement or the District Attorney.

Coordinators will also accept reports of sex/gender-based discrimination, sexual harassment, domestic violence, dating violence, sexual assault, sexual violence, and/or stalking. Reports will be investigated in accordance with Maritime College policy and the Reporting Individual's identity shall remain private at all times if they wish to maintain confidentiality. Please refer to "Options for Confidentially Disclosing Sexual Violence" for more information about requests for confidentiality.

Additionally, Deputy Title IX Coordinators may act as an advisor for individuals involved in these procedures.

To file a report of sexual assault, domestic violence, dating violence, and/or stalking, and/or request information and assistance, please contact the below listed individuals:

**Title IX Coordinator Jasmin Nunez** – (718) 319-1151; (718) 514-3147 (emergency cell), Baylis Hall  
jnunez@sunymaritime.edu, TitleIX@sunymaritime.edu

**Deputy Title IX Coordinators (also designated Advisors)**

Chief Myron Pryjmak  
Chief of Police  
718-409-7305; University Police Department, Front Gate  
mpryjmak@sunymaritime.edu

Alexis Grafakos  
Housing Area Coordinator  
718-409-5566; Housing, Baylis  
agrafakos@sunymaritime.edu

Athletics Compliance Officer  
718-409-1604; Riesenberg Gymnasium

Lt. Cmdr. Adam Grohman  
Leadership Development & Operations Officer  
718-319-1144; C/D Building #D1  
agrohman@sunymaritime.edu

Capt. Catie Hanft  
Acting Commandant of Cadets  
718-409-7442, Regiment 1st Deck D Dorm  
chanft@sunymaritime.edu

Tina Prendergast  
Director of Residential Life

718-409-7452; Housing, Baylis Hall  
tprendergast@sunymaritime.edu

Lu-Ann Plaisance  
Assistant Vice President of Human Resources & Chief Diversity Officer  
718-409-7302; Human Resource Services, McMurray Hall Rm. 309  
lplaisance@sunymaritime.edu

Please Note: Title IX and Deputy Coordinators are not confidential sources of support. While they will address complaints with sensitivity and will keep information as private as possible, confidentiality cannot be guaranteed.

Faculty and staff members may also reach out to the Employee Assistance Program Coordinator, Ms. Deborah Fountain-Toomer, (718) 409-7411- B Company, dtoomer@sunymaritime.edu

**b. To file a criminal complaint with the University Police Department, local law enforcement and/or State police.**

A student, visitor or faculty or staff member who is a victim/survivor of sexual assault or a sexual offense is encouraged to report the incident to the University Police Department (UPD) at 718-409-7311 and the local police at 911 and to seek immediate medical care.

- Chief Myron Pryjmak  
Chief of Police  
718-409-7305; University Police Department, Front Gate  
[mpryjmak@sunymaritime.edu](mailto:mpryjmak@sunymaritime.edu)
- Bronx 45<sup>th</sup> Precinct  
2877 Barkley Avenue, Bronx, NY 10465  
(718) 822-5411
- State police 24-hour hotline to report sexual assault on a NY college campus: 1-844-845-7269.

UPD generally cannot investigate an incident as a crime unless the Reporting Individual files an actual report. Reporting a crime to UPD, or another campus office, does not necessarily obligate the Reporting Individual to follow through with criminal prosecution. A Reporting Individual can also initiate a complaint against a member of the College community who may have committed sexual assault, using the grievance process described in this handbook.

**c. To receive assistance by Maritime College in initiating legal proceedings in family court or civil court.**

Title IX Coordinator Jasmin Nunez – (718) 319-1151; (718) 514-3147 (emergency cell), Baylis Hall  
[jnunez@sunymaritime.edu](mailto:jnunez@sunymaritime.edu), [TitleIX@sunymaritime.edu](mailto:TitleIX@sunymaritime.edu)

**d. 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 Maritime College policy and the Reporting Individual's identity shall remain private at all times if they wish to maintain privacy. If a Reporting Individual wishes to keep their identity anonymous, they may call the Title IX Coordinator anonymously to discuss the situation and available options:

**Title IX Coordinator Jasmin Nunez** – (718) 319-1151; (718) 514-3147 (emergency cell), Baylis Hall  
[jnunez@sunymaritime.edu](mailto:jnunez@sunymaritime.edu), [TitleIX@sunymaritime.edu](mailto:TitleIX@sunymaritime.edu)

***e. To file a complaint when the accused is an employee.***

When the Accused Individual is an employee, a Reporting Individual 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 Employee Relations or Human Resources. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements.

When the Accused Individual is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the Reporting Individual, 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.

- Assistant Vice President of Human Resources & Chief Diversity Officer, Ms. Lu-Ann Plaisance  
(718)-409-7302, McMurray Hall, #209  
[lplaisance@sunymaritime.edu](mailto:lplaisance@sunymaritime.edu)
- Assistant Director of Human Resources/AAO, Ms. Ayesha F. Payne  
(718) 409-7328 – McMurray Hall  
[apayne@sunymaritime.edu](mailto:apayne@sunymaritime.edu)
- Title IX Coordinator, Jasmin Nunez  
(718) 319-1151; (718) 514-3147 (emergency cell), Baylis Hall  
[jnunez@sunymaritime.edu](mailto:jnunez@sunymaritime.edu), [TitleIX@sunymaritime.edu](mailto:TitleIX@sunymaritime.edu)

**D. Interim Measures: Protective/Restrictive Measures and Accommodations**

Following a report of prohibited conduct, the Accused Individual and the Reporting Individual will be provided information about a range of resources, support services, and interim measures to protect the safety and well-being of the parties. Interim measures might be in the form of support or accommodations or restrictions upon one or both parties. Interim measures may be issued upon a party's request or at the College's own initiative where said measures are reasonable and appropriate. Interim measures are available regardless of whether a formal complaint has been filed or a report has been made to the University Police Department or law enforcement.

The Title IX Coordinator is primarily responsible for providing access to available and reasonable interim measures, protective/restrictive measures, and accommodations. Where an individual is a student, requests for accommodations may be made through the Title IX Coordinator (Baylis Hall, 718-319-1151) and the Office of Student Affairs (Baylis Hall, 718-409-7496). Where an individual is an employee, they may seek assistance through the Employment Assistance Coordinator (B Company, 718-409-7411) and the Office of Human Resource Services (McMurray Hall, 718-409-7303).

All accommodations or interim measures will be treated as confidential to the extent possible without impairing implementation. Both parties have the right to request a prompt review of the need for certain protective and restrictive measures and accommodations. Below is a list of protective/restrictive measures and accommodations that can be authorized during and after the investigative proceedings. *This list is not exhaustive.*

- **No Contact Order.** When the accused is a student, to have the college issue a “No Contact Order,” consistent with college policy and procedure, 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. Both the accused/Respondent and Reporting Individual may request a prompt review of the need for and terms of a No Contact Order, consistent with Maritime College policy. Parties may submit evidence in support of their request.
- **Legal Proceedings/ Order of Protection.** To have assistance from the University Police Department or other college officials in initiating legal proceedings in family court or civil court, including but not limited to 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 have assistance from University Police Department in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of University Police or, if outside of the jurisdiction or [if UPD does not have arresting powers] to call on and assist local law enforcement in effecting an arrest for violating such an order.
- **Persona Non Grata.** When the accused is not a member of the college community, to have assistance from University Police or other college officials in obtaining a persona non grata letter, subject to legal requirements and college policy.
- To an explanation of the consequences for violating these orders and directives, including but not limited to arrest, additional conduct charges, and interim suspension.
- **Interim Suspension.** 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 pending the outcome of a conduct process. Parties may request a prompt review of the

need for and terms of an interim suspension.

- When the accused is not a student but is a member of the college 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 Maritime College policies and rules.
- **Referrals.** Students may be referred to on- and –off campus resources, including but not limited to counseling, advocacy, or medical services.
- **Accommodations.** 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. Parties may request a prompt review of the need for and terms of any interim measures and accommodations that directly affect them.

Retaliation against anyone who has filed a discrimination or sexual harassment complaint, or who has participated in the investigation, is prohibited, may constitute illegal conduct, and will be considered an additional violation of Maritime College policy and result in disciplinary action. Intimidation, coercion, threats, reprisals or discrimination against any student or employee for complaining about harassment or discrimination or participating in an investigation of alleged harassment or discrimination constitute prohibited retaliatory conduct.

Respondents, subject to an interim measure and/or involved in an ongoing investigation, may be prevented from participating in graduation. In that case, Respondent will not receive their diploma or MMC license until the interim measure is lifted or until an investigation and associated judicial and disciplinary actions conclude.

### **1. Notice**

The Title IX Coordinator or a designee will promptly inform the Respondent of any actions undertaken that would directly impact them. Notice is generally given upon delivery of the written directive via email or in-person delivery. Notice may occur where Respondent has actual or constructive knowledge of an interim measure. Interim Measures become effective when notice is provided.

### **2. Violating a Protective Measure**

A person violates an interim protective/restrictive measure if they (1) have notice, as addressed above, and (2) intentionally or unintentionally failed to comply with restrictions articulated in the written directive (e.g. “No Contact Order”, “Interim Suspension.”) issued by a College official, faculty, or staff member. A person who violated an interim protective/restrictive measure may be charged with “failure to comply” and may be subject to additional interim measures (e.g. interim suspension) as detailed in the written directive.

### **3. Interim Suspension Pending Resolution**

Once a formal complaint has been filed, immediate action may be necessary to protect the Reporting Individual or the college community. Where the allegation of prohibited conduct has not been adjudication on the merits, an Interim Suspension may be imposed.

In determining whether an Interim Suspension is appropriate, the Title IX and/or Deputy Title IX Coordinators and other designated college officials will meet to conduct a continuing threat and danger assessment. In determining whether an individual poses a continuing threat to the community, the following factors may be considered:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the accused has failed to comply with prior interim measures, such as No Contact Order, or with court orders, such as an Order of Protection;
- Whether the incident represents escalation, such as a situation that previously involved sustained stalking,
- the increased risk that the accused will commit additional acts of violence;
- Whether the accused used a weapon or force;
- Whether the Reporting Individual is a minor; and,
- Whether we possess other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.

Interim Suspensions may include the withdrawal of any or all College privileges and services, including class attendance, participation in examinations, participation in athletics, and utilization of college premises and facilities.

The Interim Suspensions may be issued by the Dean of Students or other designated college officials. During summer sea term, Master of the Empire State VI may be considered a designated college official.

During Summer Sea Term, an Interim Suspension may result in repatriation. Upon repatriation, a prompt and equitable investigation and the resolution of allegations will occur, as prescribed by the State College of New York Discrimination Complaint Procedures and as outlined in these policies and the Code of Conduct.

#### **4. Reviewing Interim Measures**

Both parties may submit a written petition to the Title IX Coordinator or the issuing college official for a review of the decision to impose an interim measure. The petitioning party must submit a petition explaining the reason for their request and include any supporting documentation. Petitions should ideally be submitted as a separate word document and be clearly labeled. General complaints communicated verbally or via email will not automatically be construed as a petition to review an interim measure. The petitioning party should address any questions about the process to the Title IX Coordinator.

The Title IX Coordinator may inform the non-petitioning party that a petition has been filed and provide access of the petition to that party. The non-petitioning party may choose to submit a written response to the petition. Upon receipt of a petition and accompanying responses, the Title



IX and/or Deputy Title IX Coordinators and other designated individuals will meet to review the petition and to conduct a new continuing threat and danger assessment. An interim suspension may be lifted if there is a change in circumstance or good cause.

Please note that SUNY officials may be consulted before rendering a decision on the petition. A decision regarding the petition will be communicated via email. Should an interim measure be lifted, Coordinators may recommend and impose alternate reasonable and appropriate interim measures.

### **E. Evidence Preservation**

Preservation of information and tangible material relating to alleged prohibited conduct is essential for investigations under these procedures, as well as, law enforcement investigations.

Evidence of sexual assault, dating violence, domestic violence, or stalking should be preserved as soon as possible, even if you are unsure about reporting to the college or filing criminal charges. Preservation of evidence is essential for both law enforcement and campus disciplinary investigations. Write down, or have a friend write down, everything you can remember about the incident, including a physical description of the assailant. You should attempt to do this even if you are unsure about reporting the incident in the future.

#### **1. Steps to preserve forensic evidence**

- Avoid drinking, showering, brushing your teeth, using mouthwash, or combing your hair.
- Do not change clothes. If you have already changed clothes, place your clothing and other items (sheets, blankets) in a brown paper bag (a plastic bag may destroy evidence). Do not move anything touched by the offender. Do not clean the crime scene.
- Go to a hospital emergency department, such as Jacobi Medical Center, which can provide a sexual assault forensic exam, also known as a rape kit, and medical care for victims of sexual assault and intimate partner violence. A sexual assault nurse examiner, who is trained to provide comprehensive care, can collect forensic evidence.
- A rape kit should be completed as soon as possible and within 72 hours of the assault. You have the right to refuse the entire exam or any part of it at any time. 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](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>.
- If you suspect you are the victim of a drug-facilitated sexual assault, ask the hospital or clinic where you receive medical care to take a urine sample. Drugs such as Rohypnol and GHB are more likely to be detected in urine than in blood. Rohypnol stays in the body for several hours, and can be detected in the urine for up to 72 hours after taking it. GHB leaves the body in 12 hours.

- Consider bringing someone to the hospital with you for support.
- The hospital may call a rape crisis/victim assistance advocate to be available anytime someone comes in for a rape kit. You can decide whether or not you want to speak with the advocate. The advocate is a confidential resource who is not affiliated with the college. They can provide you with confidential support and talk with you about your options.
- If you need a ride to or from the hospital, please contact the University Police Department at 718-409-7311

## **2. Physical evidence**

Physical evidence should be preserved even if you choose not to go to the hospital for a forensic exam. Save all of the clothing you were wearing at the time of the assault. Put each item in a separate paper bag (do not use plastic bags). Save all bedding (blankets, sheets) and put each in a separate paper bag. Take photographs of any visible physical injuries (bruising, scratches) for use as evidence. If you report to law enforcement, they may want to take their own photos as evidence.

## **3. Electronic evidence**

Evidence such as texts, emails, Facebook posts, Snapchats, pictures, videos or other forms of electronic communication can be helpful in a college or criminal investigation. Download, save to a PDF, take screenshots or use other methods to preserve electronic evidence.

## **F. Investigatory Process**

Maritime College is committed to conducting adequate, reliable, and impartial investigation of reports and complaints of sexual violence, misconduct, discrimination, and harassment. The Title IX Coordinator is responsible for overseeing and managing the investigatory process. All Maritime College employees, other than the confidential resources discussed above, are required to promptly and fully report all information about alleged or suspected sexual violence to the Title IX Coordinator.

### **1. Time Limits to File a Formal Report**

To promote timely and effective review, Maritime College strongly encourages Reporting Individuals, Complainants, and other persons with knowledge of possible violations of this policy to make reports as soon as possible. A delay in reporting may affect the College's ability to gather relevant and reliable information, contact witnesses, investigate thoroughly, and respond meaningfully. It may also affect the College's ability to take disciplinary action against a student or faculty/staff who has engaged in prohibited conduct.

While prompt reporting is encouraged, the College will consider as timely any Formal Complaint that is filed under these procedures as long as the Respondent is a "student," as defined by the Code of Conduct and these procedures. (e.g., has not graduated or permanently left the College).

If the Respondent is no longer a student at the time of the Formal Complaint, and the College is, thus, unable to pursue resolution, it will still seek to meet its Title IX obligations by providing support for the Complainant and, as feasible, taking appropriate steps to end any prohibited conduct, prevent its recurrence, and address its effects.

## **2. Jurisdiction**

The Title IX Coordinator has campus-wide responsibility for implementing and investigating potential violations of Maritime College's policies on sexual discrimination, sexual assault, sexual violence, and sexual harassment. Maritime College responds to allegations of sexual harassment, sexual violence, domestic violence, dating violence, stalking, and sexual assault brought forward by student, staff, faculty and visitor.

These procedures will apply to prohibited conduct by any student (e.g. has not graduated, has not permanently left Maritime College, or has not been administratively dis-enrolled). These procedures apply to students who are currently on leave of absence or under suspension from being a student. These policies apply regardless of the location or medium of the conduct, where the alleged conduct has occurred in the context of a College program or activity, or where the conduct poses a threat to the College's mission or to the health or safety of the College community, including potentially contributing to or creating a hostile environment on campus. A student may be charged with violating local, state and federal laws and the code of conduct, as the student has obligations to the State and Maritime College.

Where an employee is involved in the investigation, the investigative process and any additional disciplinary process may be governed by collective bargaining agreements, any legally binding contract or agreement, and Maritime's adopted complaint procedure, outlined in the State College of New York Discrimination Complaint Procedures.

## **3. Initial Assessment/ Preliminary Inquiry**

Upon receipt of a report of alleged prohibited conduct, the Title IX Coordinator will make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report.

Should the Reporting Individual seek to move forward with a formal complaint, the Title IX Coordinator will promptly initiate an investigation. A Reporting Individual may decline to participate in an investigation at any time. This may impact the Maritime's ability to meaningfully investigate and respond to the report.

Should the Reporting Individual make a request for confidentiality, the Title IX Coordinator will weigh this request based on the totality of the circumstances and the college's obligation to provide a safe, non-discriminatory environment. Maritime College, through the Title IX Coordinator, may proceed with an investigation where further action is needed to adequately mitigate the risk of harm to the Reporting Individual or to other members of the Maritime College community.

Regardless of whether the Reporting Individual chooses to file a formal complaint or participate in an investigation, the Title IX Coordinator will assist the Reporting Individual with reasonable and available accommodations, as described in protective measures and accommodations. Note that certain Interim Measures may not be available if the Reporting Individual wishes to maintain anonymity.

***a. Where the identity of the Complainant is known.***

The Title IX Coordinator will review applicable college policies and resources and ensure that the Complainant receives a written explanation of all available resources and options and is offered the opportunity to meet promptly with the Title IX Coordinator to discuss those resources and options.

In the initial assessment and meeting or correspondence with the Complainant, the Title IX Coordinator will:

- Assess the Complainant's safety and well-being and offer the College's support and assistance through available resources;
- Inform the Complainant that the Title IX Coordinator will maintain the Complainant's privacy to the greatest extent possible and disclose information only as necessary pursuant to these procedures;
- Inform the Complainant of their right to seek medical treatment (including a sexual assault forensic examination) and explain the importance of obtaining evidence and preserving forensic and other evidence;
- Inform the Complainant of their right to contact law enforcement, be assisted by college officials in contacting law enforcement, or decline to contact law enforcement, and their right to seek a protective order;
- Inform the Complainant that the criminal justice system uses different standards of proof and evidence than these procedures and that any questions about whether the reported prohibited conduct constitutes a penal law violation should be addressed by law enforcement;
- Inform the Complainant about College and community resources, including counseling, health, and mental health services; victim advocacy; procedural advocacy; legal resources; visa and immigration assistance; student financial aid; and other resources both on campus and in the community, and how to request or contact such resources;
- Inform the Complainant of the right to seek appropriate and available Interim Measures and how to request such measures;
- Inform the Complainant of the right to file a Formal Complaint and seek resolution under these procedures; provide the Complainant with an overview of these procedures; and inform the Complainant of the right to withdraw a Formal Complaint at any time and to decline or discontinue resolution under these procedures at any time, but that declining to participate in an investigation and/or the adjudicatory process under these procedures may limit the College's ability to investigate meaningfully and respond to a report of prohibited conduct;
- As possible and appropriate, ascertain the Complainant's preference for pursuing formal resolution and discuss with the Complainant any concerns or barriers to participating in any investigation and resolution process under these procedures;

- Explain that the college prohibits retaliation, that retaliation constitutes prohibited conduct under these procedures, and that the College will take appropriate action in response to any act of retaliation;
- Inform the Complainant of their rights afforded under the *Students' Bill of Rights*; and,
- Communicate with appropriate College officials to determine whether the report triggers any Clery Act obligations, including the entry of the report in the daily crime log and/or issuance of a timely warning, and take steps to meet those obligations.

**b. Where the identity of the Complainant is unknown.**

The Title IX Coordinator will assess the nature and circumstances of the report, including whether it provides information that identifies the potential Complainant, the potential Respondent, any witnesses, and/or any other third party with knowledge of the reported incident, and take reasonable and appropriate steps to respond to the report of prohibited conduct consistent with applicable federal and state law and these procedures.

**4. Investigation**

**a. Overview**

The investigation is designed to be timely, thorough, and impartial and to provide for a fair and reliable gathering of the facts. All individuals involved in the investigation, including the Complainant, the Respondent, and any third-party witnesses, will be treated with sensitivity and respect. The Complainant and the Respondent will have an equal opportunity to participate in the investigation, including an equal opportunity to be heard, submit evidence, and suggest witnesses who may have relevant information. Specifically, each party will have the opportunity to:

- be interviewed by the investigator and/or Title IX Coordinator;
- revise and update their own interview statements prior to the statements being included in the Investigative Report;
- provide evidence;
- suggest witnesses to be interviewed; and,
- review the final Investigative Report and accompanying documentation and evidence.

Maritime College, through the Title IX Coordinator, may provide both the Complainant and the Respondent with reasonable accommodations and/or interim measures. Further, Maritime College will strictly enforce its policy protecting the Reporting Individual and the Accused Individual against retaliatory action. Upon completion of the investigation, the Title IX Coordinator may furnish the Investigative Report, including accompanying documentation and evidence to the Judicial Officer.

Investigations are normally completed within 60-90 business days, absent extenuating circumstances and/or collective bargaining agreements. The Title IX Coordinator or their designee may extend this time frame for good cause, including College breaks, summer sea term, and other professional obligations.

The Title IX Coordinator may establish reasonable time limits for the various stages of the investigation. The Title IX Coordinator may grant reasonable requests for extension. However,

failure to meet deadlines or delays aimed to prolong the process may result in forfeiture of the party's ability to participate in that aspect of the investigation.

**b. Objective**

The objective of the investigation is to determine whether there is *probable cause* that members of Maritime College have engaged in conduct constituting, (1) sex- or gender-based discrimination, sexual violence, or sexual misconduct in any form or (2) whether the Reporting Individual's account, if accepted as truthful, alleges a violation of Maritime College policy. Where there are multiple alleged conduct violations of the Code of Conduct, the Title IX Coordinator will determine whether or not to handle all alleged conduct violations through this investigation or to refer some of the alleged conduct for review under a separate process.

**c. Consent**

The Title IX Coordinator may seek consent from the Reporting Individual prior to commencing an investigation. The Reporting Individual may decline to consent and seek to maintain confidentiality. Generally, Maritime College will honor requests for confidentiality. However, Maritime College, through the Title IX Coordinator, may proceed with an investigation where further action is needed to adequately mitigate the risk of harm to the Reporting Individual or to other members of the Maritime College community.

**d. Participation**

Generally, all members of the Maritime College community are expected to provide truthful information and cooperate and participate in inquiries, investigations, and resolutions of reports and formal complaints of prohibited conduct. Under this policy, the Complainant, the Respondent, and any involved individuals may *decline* to participate in the investigation and/or judicial process.

Absent a party's active participation, Maritime College may proceed with an investigation, refer a matter for adjudication under judicial and disciplinary proceedings, hold a hearing, and impose applicable sanctions.

***Note that failure to participate will not automatically result in a negative inference but may impact a party's ability to effectively present information in their favor.***

**e. Advisors and Support Persons**

The Title IX Coordinator will provide written notice to the Complainant and the Respondent confirming that they may both have an advisor accompany them throughout the investigative and disciplinary process. All parties involved are entitled to an advisor (designated by Maritime College), an outside advisor, and a support person (collectively referred to as "Advisors"). While Deputy Title IX Coordinators are available as designated advisors, the Complainant and the Respondent have the right to elect an advisor of their choosing ("outside advisor"), whether or not the advisor is another student, faculty, staff, relative, attorney, or third party.

The "potted plant" rule applies to Advisors throughout the investigation and disciplinary process. While a FERPA release may allow college officials to answer general questions about a matter, college officials will not meet with Advisors separately or discuss particulars of the investigation

with them. Any inquiries should come directly from the Complaint or Respondent. Further, Advisors may not speak on their party's behalf or otherwise interfere with meetings or proceedings.

Where either the Title IX Coordinator or the Judicial Officer determines that an Advisor's conduct undermines the integrity of this policy or interferes with meetings or proceedings, an Advisor may be prohibited from continuing to serve in their role. Where there are unreasonable delays due to an Advisor, the Title IX Coordinator or Judicial Officer may elect to hold meetings or proceedings absent their presence. The affected party will be permitted to obtain a substitute Advisor.

Where employees are involved in an investigation, the selection and availability of an advisor may be impacted by applicable collective bargaining agreements, contract requirements, legal requirements, and Maritime policy.

**f. Notice of Investigation & Initial Meeting**

The Title IX Coordinator shall provide simultaneous, written notification to the Complainant and Respondent of an investigation. The notification will include information about the parties' respective rights and obligations under these procedures, inform the parties of their right to seek assistance of an advisor provided by the College, a second advisor, and a support person, explain the prohibition against retaliation, and reiterate the alcohol and/or drug use amnesty. A copy of the *Students' Bill of Rights* and Maritime's Code of Conduct will be readily available in digital and/or hardcopy format.

Further, the notification may include the identity of the Complainant and general information about the alleged prohibited conduct, including the nature of the alleged incident (e.g. sexual harassment, sexual violence), the location (e.g. on campus, off campus), and the applicable time frame (e.g. actual date, applicable academic term). Where the Complainant requests to remain confidential or the identity of the Complaint is unknown, the notification will simply include general information about the alleged prohibited conduct.

The Title IX Coordinator shall schedule a meeting to speak individually with both parties to explain the need for an investigation and to discuss the investigation process, the judicial code of conduct proceedings, the right to an advisor, the students' rights and responsibilities, available resources, and other information pertinent to the investigation and its aftermath.

**g. Investigative Process & Evidence**

The investigation focuses on a fair and impartial collection of all available evidence, including, but not limited to, witness accounts and relevant documents. The investigation shall include interviews of (1) the Reporting Individual, (2) the Accused Individual, and (3) any witness(es) and other persons who are identified as possibly having some information related to the alleged incident(s) and who agree to be interviewed, and a review of any relevant documentation and other evidence.

The Reporting Individual and the Respondent are afforded opportunities to offer evidence for inspection and review by the Title IX Coordinator and/or designee. All involved parties are

encouraged to preserve all information and tangible material relating to the prohibited conduct. Throughout the investigation, the Title IX Coordinator shall take appropriate action to collect and preserve evidence related to the alleged incident(s). The collection of any forensic evidence shall be handled by local police authorities or other authorized professionals.

Involved parties will have the opportunity to request in writing the evidentiary materials that they would like the Title IX Coordinator and/or their designee to seek to obtain. The Title IX Coordinator has the discretion to determine the relevance of any requested materials and to request any relevant evidentiary materials. Further, the Title IX Coordinator will determine what, if any, expert testimony and materials will be included in the investigative report. The result of polygraph tests and other “lie detection” techniques are inadmissible in the proceedings.

#### ***i. Access***

Where available, the Title IX Coordinator may provide all parties access to evidence and materials obtained during the preliminary inquiry phase and the investigation. Upon completion of the Investigative Report, all parties will have access to the Investigative Report and any accompanying documentation and evidence.

Parties may request access to such materials by making an in-person appointment during normal business hours. Parties will not be permitted to photograph, record, or copy any of the Investigative Report or accompanying materials. However, parties will be permitted to take notes.

### **5. Investigative Report**

The Title IX Coordinator and/or designee will create an Investigative Report, which may include summaries of interviews, evidentiary materials, and any relevant observations and recommendations. The report will also explain the scope of the investigation and summarize the information gathered during the investigation. The Title IX Coordinator may identify contested and uncontested facts, highlight inconsistencies, and address the relevancy of evidence.

The Investigative Report will not include findings of fact; nor does this report include opinions as to whether the conduct alleged can be proven by the preponderance of the evidence. Based on the totality of the circumstances and available evidence, the Title IX Coordinator will determine whether or not there is *probable cause* to believe that the Respondent violated the applicable provisions of the Student Code of Conduct and determine whether there is sufficient evidence for the case to proceed to a hearing to determine responsibility. In the event of a hearing, the Investigative Report will become part of the hearing record. The Judicial Officer may use the findings of the investigation to charge the Respondent(s) with any referenced violations in the report or additional violations of the Student Code of Conduct.

#### ***a. Redactions***

The Title IX Coordinator may exclude and redact content that is impermissible or not relevant, and such exclusions will be noted in the investigative report. At the request of a party or a witness, the Title IX Coordinator may exclude content falling into one of the categories listed below.



- **Prior sexual history.** Generally, involved parties may exclude evidence of their own prior sexual history with anyone other than the other party.
- **Past findings.** Both parties may exclude evidence of their own past disciplinary findings of dating violence, domestic violence, sexual assault, or stalking. However, such findings are admissible at the stage of the hearing for determining sanctions.
- **Mental health treatment and/or diagnosis.** Generally, both parties may exclude evidence of their own mental health diagnosis and/or treatment.
- **Sensitive personal identifying information and medical records.** Sensitive personal identifying information, such as social security numbers and irrelevant information contained in medical records, will be excluded.

#### **b. Standards of Proof**

Where there is *probable cause* to believe the College's regulations prohibiting sexual violence and misconduct have been violated, the College will expedite strong disciplinary action through its own channels. This disciplinary action includes the possibility of suspension or dismissal from the college. An individual charged with sexual misconduct will be subject to college disciplinary procedures, whether or not prosecution under New York State Criminal Statutes is pending.

The standard of proof for a finding of responsibility is *preponderance of the evidence*. This standard asks whether it is “*more likely than not*” that prohibited conduct occurred. If the evidence presented meets this standard, then the Respondent should be found responsible.

#### **c. Referral to Judicial or Disciplinary Proceedings**

Upon completion of the investigation, the Title IX Coordinator may refer the matter to the code of conduct process and furnish the Investigation Report to the Judicial Officer. Upon review of the Investigative Report, the Judicial Officer may begin judicial proceedings and charge the Respondent with violations of the Code of Conduct.

Where an employee is involved in the investigation, the investigative process and the disciplinary process will involve the Assistance Vice President of Human Resources. Any additional disciplinary process may be governed by collective bargaining agreements, any legally binding contract or agreement, and Maritime’s adopted complaint procedure, outlined in the State College of New York Discrimination Complaint Procedures.

### **G. Student Code of Conduct Process**

Student judicial conduct proceedings are governed by the procedures set forth in the Maritime College’s Code of Conduct as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.

Throughout conduct proceedings, the Complainant **and** the Respondent will have:

- The same opportunity to be accompanied by Advisors who may assist and advise the parties throughout the conduct process and any related hearings or meetings.

Participation of Advisors in any proceeding is governed by this policy, federal law, and the Code of Conduct.

- The right to a prompt response to any complaint and to have their complaint adjudicated in an impartial, timely, and thorough manner by individuals who receive annual and ongoing 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, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
- The right to conduct process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
- The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Respondent will be given a brief summary of the alleged prohibited conduct (nature, location, time frame), reference to charges at issue, and possible sanctions.
- 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 business days except when law enforcement specifically requests and justifies a longer delay.
- The right to review available relevant evidence in the Investigative Report.
- The right to present evidence and testimony at a hearing, where appropriate.
- 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 with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in college 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.
- 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 decision, any sanctions, and the rationale for the decision and any sanctions.
- The right to written or electronic notice about the sanction(s) that may be imposed based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
- Access to at least one level of appeal of a determination of the Judicial Board.
- The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years.
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final

determination unless otherwise required by law.

***For additional information on judicial proceedings, please refer to the Code of Conduct.***

## **1. Sanctions**

Students found to be in violation of a provision of this policy, by preponderance of the evidence, will be subject to disciplinary sanctions as described in “Judicial Proceedings” of Maritime’s Code of Conduct. The seriousness of the misconduct, prior disciplinary records, and past findings of sexual violence, domestic violence, dating violence, stalking, or sexual assault may be used to determine the appropriate sanction.

For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion. Per the Code of Conduct, any act of harassment or violence of any kind, and hate/bias crimes which may be the result of alcohol may result in suspension and/or expulsion.

Where an employee is involved in a disciplinary proceeding, the disciplinary process and any associated sanctions may be governed by collective bargaining agreements, any legally binding contract or agreement, and Maritime’s adopted complaint procedure, outlined in the State College of New York Discrimination Complaint Procedures.

## **2. Transcript Notations and Withholding Degrees**

Students found responsible for violating Maritime College’s sexual violence policies may receive, as part of their sanctions a Permanent Transcript Notation (PTN) in addition to whatever other sanctions are placed upon the student. Pursuant to Maritime’s transcript notation policy for student conduct matters, the following actions will result in a permanent transcript notation for a student:

- Suspended\* after a finding of responsibility for a code of conduct violation
- Expelled after a finding of responsibility for a code of conduct violation
- Withdrew with conduct charges pending

If the underlying finding of responsibility is vacated for any reason, the transcript notation will be removed.

\*A suspended student can appeal to seek removal of the transcript notation, but, only after two years from the conclusion of suspension. The student must submit their appeal to the Dean of Students with supporting documentation.

Transcript notations for expulsions or withdrawals will not be removed.

Degrees will not be awarded to the Respondent while a Formal Complaint under these procedures is pending. Maritime College may withhold awarding a degree otherwise earned until the adjudication process set forth in these procedures is complete, including the satisfaction of any sanctions imposed.

## VI. STUDENT ONBOARDING AND ONGOING EDUCATION

Maritime College believes that sexual violence prevention training and education cannot be accomplished via a single day or a single method of training. To that end, Maritime College, in accordance with SUNY-wide policy and state and federal law, 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.

During the course of their onboarding, all new first-year and transfer students will receive training on the following topics:

- Maritime College prohibits sexual harassment, including sexual violence, domestic violence, dating violence, stalking, 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 Department, and other relevant offices that address violence prevention and response.
- Awareness of violence, its impact on victims/survivors and their friends and family, and its long-term impact.
- The *Students' 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 and Interpersonal 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. Maritime College will conduct these trainings using multiple methods to educate students about sexual violence prevention. Maritime College will also share information on sexual violence prevention with parents of enrolling students.

Students at Maritime College shall be offered general and specialized training in sexual violence prevention. Maritime College will conduct a campaign, compliant with the requirements of the Violence Against Women Act, to educate the student population. Further, the College 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. The College will also provide specific training to members of groups identified as likely to engage in high-risk behavior.

In accordance with New York State Education Law section 129-b, Maritime College will require that student leaders, officers of registered/recognized student organizations, and student-athletes complete training on sexual violence prevention.

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

- President's welcome messaging;
- Online training;
- Social media outreach;
- First-year seminars and transitional courses;
- Course syllabi;
- 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.

Maritime College will engage in a regular assessment of sexual violence education and prevention programming and policies to determine effectiveness.

## **VII. ADDITIONAL RESOURCES**

### **A. Counseling Services**

Listed below are independent programs and services that students can contact for further assistance. Students are also encouraged to contact the Maritime's Mental Health Counselor in Riesenbergs Gymnasium/Health Services. Sessions are free and confidential.

- Counseling & Psychotherapy of Throggs Neck  
(718) 792-4178
- Crime Victims Support Services of the North Bronx  
(718) 823-4925
- Jacobi Hospital - Psychiatric Emergency  
(718)-918-4850
- New York State Coalition Against Sexual Assault

<http://nyscasa.org/>

- North Central Bronx Hospital Sexual Assault Treatment Program  
(718) 519-3100
- New York City Alliance Against Sexual Assault  
<http://www.svfreennyc.org/>
- Bronx District Attorneys Crime Victims Assistance Unit  
College Campus Sexual Assault Coordinator  
718-838-7219 (office line)  
917-280-4762 (cell)  
718-590-2115 (main line)
- Kingsbridge Heights Community Center  
Changing Futures Program  
718-884-0700 ext. 179 (main line)  
Campus Sexual Assault Coordinator  
718-884-7000 ext. 140
- New York City Anti-Violence Project (AVP)  
212-714-1141 (24-7 hotline)  
LGBTQ
- Safe Horizon  
1-800-810-7444 (24-7 hotline)
- New York City Crime Victims' Hotline  
866-689-4357

## **B. General Resources (Victim of a Crime)**

If you are a victim/survivor of a crime, the Office for Victims of Crime site has resources to help you find a program, contact a helpline, find your compensation program and learn about additional resources.

- Office for Victims of Crime  
1-800-363-0441  
<http://www.ovc.gov/>
- New York State Office of Victim Services  
1-800-247-8035  
<https://ovs.ny.gov>
- New York State – Reporting Sexual Assault on College/College Campuses  
1-844-845-7269

## **C. Hotlines and Online Resources for Crisis Intervention, Support, and Referrals**

### **1. Sexual Violence & Relationship Violence**

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/> (or by calling 1-800-942-6906), and assistance can also be obtained through:

- SUNY SAVR: <https://www.suny.edu/violence-response/>
- SurvJustice: <http://survjustice.org>
- Legal Momentum: <https://www.legalmomentum.org/>
- NYSCASA: <http://nyscasa.org/get-help/>
- 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/>

Please 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 campus. Victims/survivors are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases).

### **2. Relationships**

- Love is Respect: [Loveisrespect.org](http://Loveisrespect.org)
- Break the Cycle: [www.breakthecycle.org](http://www.breakthecycle.org)
- One Love Foundation: <https://www.joinonelove.org/>
- Iwannaknow ([www.iwannaknow.org](http://www.iwannaknow.org))
- Day One ([www.dayoneny.org](http://www.dayoneny.org))
- TwoOfUs ([www.twoofus.org](http://www.twoofus.org))
- Futures Without Violence ([www.futureswithoutviolence.org](http://www.futureswithoutviolence.org))

### **3. Men**

- 1 in 6: [www.1in6.org](http://www.1in6.org)
- Male Survivor: [www.malesurvivor.org](http://www.malesurvivor.org)
- Men Can Stop Rape: [www.mencanstoprape.org/](http://www.mencanstoprape.org/)
- National Domestic Violence Hotline: 1-800-799-SAFE (7233)

### **4. LGBTQ**

- LGBTQ National Help Center: 888-843-4564, [www.glbthotline.org](http://www.glbthotline.org)
- The Trevor Project: [www.thetrevorproject.org](http://www.thetrevorproject.org)
- NYC Anti-Violence Project: 212-715-1141, [avp.org](http://avp.org)
- FORGE: <http://forge-forward.org/>
- The Fenway Institute: <http://fenwayhealth.org/>

- Trans Lifeline: 877-565-8860, <https://www.translifeline.org/>

## **5. Mental Health**

If you're having thoughts of suicide, please reach out to the National Suicide Prevention Lifeline for help. They're available 24/7 by phone at 1-800-273-8255 and by chat. Please view the additional crisis prevention resources below:

- NYC Well: 888-692-9355, [nyc.gov/nycwell](http://nyc.gov/nycwell)
- Boys Town Crisis and Suicide Hotline: 800-448-3000
- Half of Us: [www.halfofus.com](http://www.halfofus.com)
- S.A.F.E. Alternatives: 800-DONT-CUT (366-8288)
- Self-Injury Outreach and Support: [www.sioutreach.org](http://www.sioutreach.org)
- Substance Abuse & Mental Health Services Administration (SAMHSA): 800-662-4357, [www.samhsa.gov](http://www.samhsa.gov)
- National Eating Disorder Association (NEDA): 800-931-2237, [www.nationaleatingdisorders.org](http://www.nationaleatingdisorders.org)

## **D. Alcohol and/or Substance Use**

The use and/or abuse of illegal drugs, tobacco, and alcohol carries possible health risks to the individual user as well as the campus community and community at large. Substance use risk reduction strategies are an important way to keep our campus healthy and safe.

Please do not hesitate to seek help if you are a victim of a crime, even if you have violated the College's Alcohol and/or Drug Policies. You will be treated with dignity and care throughout the reporting process, regardless of the circumstances of the assault.

### **1. Alcohol and Risk Reduction\***

#### **What to know**

- Do the math:
  - one drink = 12 oz. of regular beer
  - one drink = 4 to 5 oz. of wine
  - one drink = 1.5 oz. of hard alcohol
- Binge- or problem-drinking is defined as consuming five or more drinks on one occasion
- Any amount of alcohol can impair judgment—more so under certain conditions
- Our body metabolizes approximately one alcoholic drink per hour—there is no way of speeding it up
- Drinking while engaging in sexual behavior can increase risk for sexual assault, transmitting STIs and unplanned pregnancies
- Alcohol is a drug—it is an addictive substance that changes our brain chemistry and can cause chemical dependency

#### **How to be safe**

- When you go to a party, go with a group of friends. Arrive together, watch out for each



other, and leave together. Make sure at least one member of the group to remain sober and look out for others.

- If you choose to drink, know your limits and stick to them. Have one drink with alcohol and the next one without alcohol.
- If someone has passed out, do not leave them alone. Turn them on their side and call 911, do not assume they will “just sleep it off”.
- Trust your instincts about uncomfortable situations. Be aware of your surroundings at all times.
- Don't allow yourself to be isolated with someone you don't know or trust.
- State your limits clearly. Don't be afraid to say “No” and/or walk away if you are feeling pressured or coerced, or even just uncomfortable.
- Educate yourself about Date Rape Drugs. Don't leave your beverage unattended or accept a drink from an open container. Don't drink anything with an unusual taste or appearance. If someone acts extremely drunk after only one or two drinks, they may have been drugged. Call 911 or take them to the hospital.

### **Plan ahead**

- Eat before you drink anything
- Ask a friend to keep an eye on you
- Set a limit on how many drinks you're going to have
- Never leave your drink unattended
- Prepare to say no if you're offered drinks by others

Credited: Sindecuse Health Center, Western Michigan University. [www.mwich.edu](http://www.mwich.edu)

## **2. Alcohol and/or Substance Abuse and Abusive Relationships\***

If you are in an abusive relationship, drugs and alcohol can make an unhealthy situation worse. Abusive partners may get a person drunk or high to increase their vulnerability. Emotions may be stronger or change quickly and a bad situation may escalate more quickly. It may be harder to take action to escape a bad situation (because you/your ride are unable to drive, it's difficult to remember your safety plan, etc.).

Further, abusive partners frequently do not accept responsibility for their actions and blame drugs or alcohol for their unhealthy behavior. Drugs and alcohol do affect a person's judgment and behavior, but they are not a reason for violent behavior. Watch out for these common excuses:

- “I didn't mean what I said. I was drunk.”
- “I would never hit you sober.”
- “Drinking turns me into a different person. That's not who I really am.”

It's important to remember that when a person is intoxicated or under the influence of drugs, their actions still reflect their personality. If someone is violent when they are drunk or high, it's probably just a matter of time until they are abusive when they're sober.

Credited: Love is Respect. [www.loveisrespect.org](http://www.loveisrespect.org).

### **3. Addiction\***

Addiction is another very serious health risk associated with the use of alcohol or other substances. Addiction is a primary, progressive, chronic and potentially fatal disease. Some people think addiction is about a lack of willpower — that someone with a drug or alcohol problem simply doesn't want to get better and could easily quit if they really tried. That couldn't be further from the truth. Addiction is far more complex and less forgiving than many people realize.

#### **Signs and symptoms of addiction may include:**

- Drinking or using substances for the relief of withdrawal symptoms
- Increased tolerance or reverse tolerance (drug sensitization)
- Feeling guilt, shame or remorse (as a result of behavior while under the influence of alcohol or other drugs)
- Anxiety, depression, or other mental health diagnosis
- Concern from family and/or friends about drinking or drug use
- Decline in work performance or loss of interest in hobbies and daily activities
- Inability to remember what happened when drinking (blackouts)
- Financial difficulties including making sacrifices for the purchase of drugs
- Having problems with the law through increasingly risky behaviors and impaired judgment
- Denial or not being aware that a problem exists
- Much time dedicated to the use of a substance (obsession)
- Use that continues despite known health problems that have developed from use

Credited: Start Your Recovery. <https://startyourrecovery.org/>

### **4. Resources & Hotlines**

Below are some on- and off-campus resources.

- Mental Health Counselor  
718-409-3916; Riesenbergs Gymnasium, Health Services
- Maritime Campus Ministries
- University Police, Front Gate  
Emergency: 911  
Non-Emergency: 718-409-7311
- Employee Assistance Program  
718-409-741; B Company Room 123
- NYS Office of Alcoholism and Substance Abuse Services  
1-877-846-7369, <http://www.oasas.ny.gov>
- Start Your Recovery, [StartYourRecovery.org](http://StartYourRecovery.org)

- CAGE Questionnaire, A Screening Test for Alcohol Dependence, <https://counsellingresource.com/quizzes/drug-testing/alcohol-cage/>
- College Drinking- Changing the Culture, <https://www.collegedrinkingprevention.gov/>
- National Institute on Alcohol Abuse and Alcoholism, <https://www.niaaa.nih.gov/alcohol-health>
- National Helpline for Substance Abuse Referral Services 1-866-684-6303
- NYS AIDS Hotline 1-800-541-AIDS (2437), en espanol 1-800-344-7432
- NYS AIDS Counseling & Testing (free and anonymous) 1-800-828-0064
- NYS Alcohol and Substance Abuse Hotline 1-800-522-5353
- National Clearinghouse for Alcohol and Drug Info 1-800-SAY-NO-TO (729-6686)
- Referral Services 1-877-726-4727
- Poison Control Info 1-800-336-6997

### **E. Dating Basics\***

Relationships exist on a spectrum, from healthy to unhealthy to abusive -- and everywhere in between. It can be hard to determine where your relationship falls, especially if you haven't dated a lot.

For additional information, please refer to our online resources on relationships.  
Credited: Love is Respect. [www.loveisrespect.org](http://www.loveisrespect.org).

#### **1. What does a healthy relationship look like?**

In a healthy relationship:

- Your partner respects you and your individuality.
- You are both open and honest.
- Your partner supports you and your choices even when they disagree with you.
- Both of you have equal say and respect boundaries.
- Your partner understands that you need to study or spend time with friends or family.
- You can communicate your feelings without being afraid of negative consequences.

A good partner is not excessively jealous and does not make you feel guilty when you spend time with family and friends. A good partner also compliments you, encourages you to achieve your goals and does not resent your accomplishments.

It is important to familiarize yourself with Maritime's definition of "affirmative consent" as defined by these policies. If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability;

about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, then you DO NOT have consent.

- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

## 2. What does an abusive relationship look like?

Abusive behavior can take many forms. Be concerned if your partner:

- Is jealous and possessive
- Tries to control everything you do
- Tries to isolate you from family and friends
- Has a quick temper or unpredictable reactions to ordinary things
- Often exhibits violent behavior toward animals, children, or other people
- Pressures you for sex

Why do people stay in abusive relationships?

- **Intimate Partner** – Includes spouse, ex-spouse, and those in an intimate relationship (including dating or formerly dating relationships, whether or not the intimate partners had ever lived together).
- **Other Family** – Includes sibling, child, grandparent, grandchild, in-law, stepparent, stepsibling, and other blood and in-law relationships.
- **Believing Abuse is Normal:** They do not know what a healthy relationship looks like.
- **Cultural:** Traditional gender roles can make it difficult for young women to admit to being sexually active and for young men to admit to being abused.
- **Embarrassment:** It's probably hard for them to admit that they've been abused.
- **Fear:** They may be afraid of what will happen if they decide to leave the relationship.
- **Fear of Being Outed:** If they are in a same-sex relationship and have not yet come out to everyone, their partner may threaten to reveal this secret.
- **Lack of Money:** They may have become financially dependent on their abusive partner.
- **Low Self-esteem:** Their partner constantly puts them down and blames them for the abuse, it can be easy for them to believe those statements and think that the abuse is their fault.
- **Love:** They may stay in an abusive relationship hoping that their abuser will change.

- **Nowhere to Go:** Even if they could leave, they may think that they have nowhere to go or no one to turn to once they have ended the relationship.
- **Social/Peer Pressure:** If the abuser is popular, it can be hard for a person to tell their friends for fear that no one will believe them or that everyone will take the abuser's side.

***a. What if I suspect that I'm being abused?***

- **Talk to a friend.** If you have not already tried speaking to a friend about what is happening in your relationship, try it.
- **Take a break.** If you are not happy with the way you are being treated, but are not sure what to do yet, consider taking time apart to think about it.
- **Talk to an adult & seek help.** If you feel like the situation you are in is too big or overwhelming to handle on your own, it may help to speak with an adult you trust. If you do not feel comfortable speaking with your own parents about it you can consider an older sibling, a teacher, a coach, a parent of a friend, a school counselor, or the Title IX Coordinator.
- **Try not to be alone.** If you feel unsafe around your partner, try not to be alone. Instead surround yourself with friends and family you feel safe with.

***b. What if I've been abusive? How can I change?***

If you're being abusive toward your partner, the first and hardest part of changing is admitting your behavior is wrong. It's very important to take responsibility for the problem and get help to end it. If you've already taken this step, you're on the right track.

Remember that physical and sexual violence aren't the only types of abuse. You may be harming your partner in verbal or emotional ways, like through intimidation, threats, isolation or other means of control. You should take steps to end ALL the types of abuse now. Addressing the roots of your behavior will take time, but if you want a healthy relationship, you need to make the commitment to change immediately.

What to do if you suspect that you are being abuse:

- **Take responsibility.** Even if your partner sometimes does or says things that make you angry or that you do not like, no one deserves to be abused. Take responsibility for your actions.
- **Change for yourself first & seek help.** Whether or not you want to remain in your current relationship, stopping the abuse will benefit you greatly down the line, especially in your future relationships. If you do not feel comfortable speaking with your own parents about it you can consider an older sibling, a teacher, a coach, a parent of a friend, a school counselor, or the Title IX Coordinator
- **Talk to a friend.** If you have not already spoken to a friend about your situation, try it. Confide in a friend you can speak honestly to about your concerns and your plan to change. You may even ask them to hold you accountable if they see you act abusively.
- **Take a break.** Try spending some time away from your partner to clear your mind and gather your thoughts.
- **Walk away from an argument.** Decide now that you will walk away from an argument before it escalates and let your partner know this plan.
- **Look at the people around you.** If you have friends or family members that are abusive

in their relationships, you may want to spend less time with them. If it is not possible to spend less time with them, be sure to observe how you are feeling when you witness others being abused and take those feelings into consideration.

- **Be patient.** Admitting you want to change your behavior is a big step in and of itself, but you cannot expect the change to be overnight.

### 3. How can I help a friend or family member?

#### *a. If your friend or family member is being abused*

When someone is abused or sexually assaulted, they usually tell a friend or family member first, if they tell anyone. Sometimes they don't say anything, but you may notice something is wrong and be worried about them. While it can be hard to know what to do, you have a lot of influence in encouraging them to get the help they need. Remember that your friend or family member must make their own decisions about their life. Focus on supporting their right to make their own choices and avoid forcing your ideas and suggestions onto them. Here are a few suggestions to help them:

- **Start the conversation.** Begin a conversation from a place of concern, avoid judgment or lecturing. Let them know what you've noticed and don't be afraid to tell them you're worried. Be sure your friend knows that no one deserves to be hurt and that you aren't blaming them for anything.
- **Be a supportive listener.** Ask them to share anything they feel comfortable sharing, then really listen. It's not your job to gather all the facts, just to support and listen. Let them about the abuse or sexual assault in the way that they need to. Make them feel safe with you as the person they choose to talk to and give them time to share their experience.
  - Know your friend or family member may not recognize the abuse (which may happen through texts, on the phone, or online), might be afraid or embarrassed to talk about a sexual assault, or may be confused about what happened to them. Also understand that they may not realize that coerced sex (when someone manipulates, tricks, or guilts a person into sex) is sexual assault. If your friend or family member didn't want it to happen, then it shouldn't have. If they were sexually assaulted, encourage them to seek immediate medical treatment.
  - Do not judge. Don't question actions. The victim is not to blame! A victim's behavior does not cause sexual assault. No one asks to be sexually assaulted.
- **Things to say.** Encourage your friend or family member to get help from a trusted adult, and help them connect to the resources they need. They may need medical attention or additional support services. Don't judge them. Here's examples of things to say:
  - "I'm here for you."
  - "You are not alone."
  - "I'm sorry this happened to you. No one deserves to be hurt."
  - "It's not your fault."
  - "I am worried about you."
  - "How can I help?" or "What do you need?"
- **Listen and allow the victim to speak at their own pace.** Sexual assault is a crime about power and control, not sex. It is important to return the control that was taken away from the victim by allowing them to reveal information and make decisions when they feel comfortable. **Don't tell them what they "need" to do.**
  - Your friend or family member needs you to listen and be supportive. Respond with

understanding and empathy, not anger. They may not want help from anyone. Understand what you see or hear may make you frustrated and upset. Don't close the door of communication by threatening to do something they don't want. Also, expect that your friend may share and then not say anything to you for several weeks or even months. Don't pressure them to talk, just let them know you are available when they want to talk.

- **Don't ignore your own need to discuss your feelings.** Ask others for information and gain support so you can help the person you care about.

***b. If your friend or family member is abusing someone***

It is difficult to see someone you care about hurt others. You may not even want to admit that this person is abusive. But remember, when you remain silent or make excuses, you're encouraging their hurtful ways.

Ultimately, the abuser is the only person who can decide to change, but there are things you can do to encourage them to engage in healthier behaviors. It's not easy for abusive people to admit that their violent behavior is a choice and accept responsibility for it. They may benefit from having control over their partner and may turn to you to help justify the abuse. Do not support the abuse in any way. Remember, you're not turning against your friend or family member — you're just helping them have a healthy relationship.

- **Talk to your friend or family member.** Be specific about what you have seen and how it made you feel. Give them a reality check that their abusive actions have negative consequences.
  - Urge them to seek help.
  - Offer to get them information regarding health resources.
  - Do not make them feel ashamed of their actions
- **Take a stand.** Let your friend or family member know that you are not going to sit back and watch what happens without saying anything.
- **Seek Help.** If you do not feel comfortable speaking with your own parents about it you can consider an older sibling, a teacher, a coach, a parent of a friend, a school counselor, or the Title IX Coordinator.

**F. Harassment**

**1. Tips**

- **Speak up at the time**  
You want the harasser to know you find their behavior offensive or unwelcome. State clearly that you don't like what was said or done and you want that behavior to stop.
- **Tell someone about it**  
Even if you are not sure you will report the incident, tell someone what happened. Discuss it openly with others. Find out if others have been harassed by the same person.
- **Keep records**  
Keep a diary or log of what is happening to you. Include dates, places, direct quotes, and names of other people that were present. Save any letters, cards, or notes sent to you. Let someone read your records. Keep everything in a safe place.

- **Get a witness**

Ask someone to watch you when the harasser is around. Most advances are made when the harasser thinks no one is watching.

- **Seek advice or counseling**

Students often feel powerless, angry, guilty or fearful when they are subjected to harassment. There are often concerns about personal safety, loss of privacy and the threat of possible retaliation if the situation is reported. Harassment undermines the self-confidence, well-being and peace of mind of the individual who is offended, and it damages the spirit of trust and collegiality that is central to our College community. No matter when or where the harassment occurred, support and referral resources are available at the following College offices: Student Affairs, Health Services, Office of Student Housing and Residential Life, Regimental Offices and University Police. These offices can also put victims in contact with other agencies that are trained to provide support to the victims of harassment. In addition, students can request a meeting with the appropriate supervisory or administrative personnel and be prepared to describe clearly and in detail the nature of the harassment and request that the harassment stop.

## **2. Additional Resources**

- NYC Commission on Human Rights, NYC.gov/HumanRights, (718) 722-3131
- “Combating Sexual Harassment in the Workplace: Trends and Recommendations Based on 2017 Public Hearing Testimony” NYC Commission on Human Rights, [http://www1.nyc.gov/assets/cchr/downloads/pdf/SexHarass\\_Report.pdf](http://www1.nyc.gov/assets/cchr/downloads/pdf/SexHarass_Report.pdf)
- “Fighting Harassment at School and Work.” AC Online, <https://www.affordablecollegesonline.org/college-resource-center/workplace-campus-harassment/>

## **G. Risk Assessment and Risk Reduction**

While you can never completely protect yourself from crime, there are some things you can do to help reduce your risk of becoming a victim.

- **Be aware of your surroundings.** Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- **Try to avoid isolated areas.** It is more difficult to get help if no one is around.
- **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Make sure your cell phone is with you** and charged and that you have taxi money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Lock doors,** including car doors and when in the vicinity of your car have your key ready in your hand.
- **When you go out have a plan including transportation home.** Go with others, arrive together, check in with each other and leave together.
- **Drink Responsibly.** Try not to leave any beverages unattended or accept drinks from someone you don't know or trust. If you're drinking alcohol, know your limits and how much you can consume without losing control or awareness of what's going on around



you.

- **Have a buddy system.** Don't be afraid to let a friend know if something is making you uncomfortable or if you are worried about you or your friend's safety.
- **Previous consent doesn't imply current consent** - No means no.
- **Be familiar with the campus "Blue Lights"** which are located throughout the campus. You may find it necessary to contact University Police Department to report an emergency, crime in progress, or a suspicious person or incident. Each emergency phone box is attached to a light pole or building.
- **Don't let strangers in through locked outside doors.**
- **Don't prop outside or suite doors open.** Lock your room door at all times.
- **Report lost I.D. cards immediately** to your Residence Advisor (RA) and University Police Department.
- **Don't open the door if you don't know the person.** Report any suspicious persons or activities to the RA or University Police immediately.
- **Think twice about what you put on Facebook.** When you use social media to share where you are or where you're going, friends can find you but others may be able to track you as well. Use common sense and ask yourself -- would you give this information to a stranger? If not, then don't share it online.
- **Your safety takes priority over someone else's hurt feelings.**
- **Get yourself to a safe place.** Call 911 or local Police. University Police (718) 409-7311.