

# **POLICY and PROCESS ADDRESSING SEX DISCRIMINATION, SEXUAL HARASSMENT AND SEXUAL MISCONDUCT**

## **I. Introduction**

Cazenovia College is committed to equal opportunity and a tolerant, supportive learning environment. Cazenovia College complies fully with all applicable federal and state legislation and regulations, including Title IX of the Educational Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Violence Against Women Act, and New York State Education Law 129-B. Pursuant to these statutes and regulations, the College prohibits all forms of sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence and stalking. This policy is intended to educate the College community about these issues and also explain the way in which the College will respond to these incidents promptly and thoroughly in the event that they do occur.

## **II. Policy and Procedure Summary**

This Policy prohibits all forms of sex and gender related misconduct, referred to here as “Sexual Misconduct”. A person who has experienced Sexual Misconduct has several options:

- **A report to a Confidential Resource.** A confidential resource provides emotional and/or medical services and maintains confidentiality. A report to a confidential resource does not result in a College investigation or any other action to respond to the incident.
- **A report to a Responsible Employee.** Certain personnel at the College have the responsibility to receive reports of sexual misconduct and to take action based on those reports. A responsible employee will forward the information about the incident to the Title IX Coordinator. The Title IX Coordinator will discuss options with the reporting person. The assistance the Title IX Coordinator can facilitate includes the following:
  - **Supportive Measures.** Supportive measures are intended to support the individual who experienced sexual misconduct to continue in their involvement in the College’s programs and activities. Supportive measures include no contact orders; academic accommodations; changes in housing assignment; or other academic, residential or work accommodations.
  - **Informal Resolution.** An informal resolution is a resolution that the parties (i.e., the person making the allegations and the accused person) agree upon to address the situation. Not all incidents are appropriate for informal resolution, and no party may be forced to accept an informal resolution. This is a voluntary process.
  - **Grievance Process.** A grievance process includes an investigation and adjudication process. The outcome of a grievance process is that the person accused of Sexual Misconduct is found either responsible or not responsible for having committed a violation of this Policy. A violation results in appropriate sanctions and other remedies to address the violation.

Additionally, the person who experienced a crime has the option to pursue criminal charges:

- **A report to Law Enforcement.** If an incident involves criminal conduct, the victim may make a complaint to law enforcement.

The options for reporting above are not mutually exclusive, and an individual may pursue one option but not the other. An individual may obtain the services of a confidential resource and decide at that time or a later time to report to the College. An individual may report to the College and also make a report to law enforcement, or may make a report to only the College or only to law enforcement.

### **III. Scope of the Policy**

This policy applies to all students, faculty, and staff of Cazenovia College. This policy also applies to conduct by third parties or non-community members that include visiting speakers, contracted professionals, guests of enrolled students, visiting athletic teams, conference attendees, etc. Any member of the Cazenovia College community found in violation of these policies may be subject to disciplinary action. This policy applies regardless of the Complainant's or Respondent's race, creed, color, gender, gender identity, gender expression, transgender status, ethnicity, national origin, religion, marital status, familial status, pregnancy, age, sexual orientation, veteran status, disability, genetic predisposition status, domestic violence victim status, criminal conviction or any other protected characteristic under applicable local, state or federal law.

This policy applies to conduct on campus and in connection with any College-sponsored programs or activities, regardless of whether it occurs on or off campus. Further, even conduct that occurs outside a College-sponsored program or activity may violate this policy if the conduct creates a threatening or hostile work or learning environment on the College's campus or within a College program for any campus community member, or if the incident causes concern for the safety or security of Cazenovia College's campus and/or campus community member(s).

The disciplinary actions the College may take will differ depending on the level of control the college has over the accused. Regardless of the level of disciplinary action that can be taken, Cazenovia College is committed to remedying the effects of any sex discrimination, sexual harassment or sexual misconduct and preventing its' recurrence.

### **IV. Title IX Coordinator**

The Title IX Coordinator for Cazenovia College is Janice Romagnoli, Director of Human Resources. She can be reached at [jaromagnoli@cazenovia.edu](mailto:jaromagnoli@cazenovia.edu) or 315.655.7274. To reach her after hours or in an emergency, please contact Campus Safety at 315.655.7555.

The Title IX Coordinator's duties and responsibilities include monitoring and overseeing the overall Title IX compliance at the College, including coordination of training,

education, communications and administration of grievance procedures for faculty, staff, students and other members of the College community. The Title IX Coordinator is responsible for ensuring that the College carries out its Title IX responsibilities and administers and enforces this policy uniformly.

## **V. Definitions, General**

*Advisor of Choice* refers to a person selected by the Complainant or Respondent to advise, support, and accompany the student throughout the investigatory and adjudication processes. An advisor of choice may be any person, and may be, but need not be, an attorney. Any faculty/staff member that a Complainant or Respondent wishes to advise, support and accompany the student but who has not been trained and designated a Conduct Liaison under this policy can be given Advisor of Choice status. An advisor of choice's role is limited to the functions further described in this policy.

*Affirmative Consent.* A safe and respectful learning community requires that sexual activity be premised only on affirmative consent. Whenever the word "consent" is used in this policy, it should be understood to mean affirmative consent as defined here. 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 affirmative consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Certain conditions prevent a person from being able to consent. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol or drugs or other intoxicants may be incapacitated and therefore unable to consent.

A person who has been drinking or using drugs is still responsible for ensuring that he or she has the other person's affirmative consent and/or appreciating the other person's incapacity to consent. It is not an excuse that the person accused of sexual misconduct was himself under the influence of alcohol or drugs and, therefore, did not realize the incapacity of the other.

Consent to some sexual contact cannot be presumed to be affirmative consent for other sexual activity. A current or previous sexual or dating relationship is not sufficient to constitute affirmative consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that they no longer wants the act to continue, and, if that happens, the other person must stop immediately. Sexual activity as the result of coercion is non-consensual. Coercion is a threat, undue pressure, intimidation, force or threat of harm to engage in sexual activity. Coercion is more than an effort to persuade, seduce, entice, or attract another person to engage in sexual activity. A

person's words or

conduct are sufficient to constitute coercion if they deprive another individual of the ability to freely choose whether or not to engage in sexual activity.

*Complainant.* The term Complainant refers to the person who allegedly experienced the sexual misconduct in violation of the policy whether or not a formal complaint is filed. In some cases, the Title IX Coordinator may file a formal complaint and thereby initiate an investigation and adjudication process pursuant to this policy. In that instance, the Title IX Coordinator is not the "Complainant"; the complainant remains the person who allegedly experienced the sexual misconduct.

*Conduct Liaison* term is used to identify a faculty or staff person trained by the Title IX Office and Division of Student Affairs to provide assistance to a student Complainant and/or student Respondent up through and including the investigatory process. The Conduct Liaisons will not be involved in the hearing process. The Offices of Human Resources and the Vice President for Student Affairs will identify and maintain the list of designated CLs. A CL may fully participate up through and including the investigation in accordance with the provisions of the expectations as outlined in the Conduct Liaison Training Program.

*Formal Complaint.* A formal complaint refers to a written complaint filed in accordance with the grievance process below. A formal complaint is necessary to initiate an investigation and adjudication process.

*Institution Advisor.* A Complainant or Respondent who does not opt to be accompanied by an advisor of choice at a hearing is entitled to be appointed an advisor by the College at no charge to the party. This advisor is referred to an "institution advisor." An institution advisor's role is limited to asking cross-examination questions of the other party during a hearing. An institution advisor does not represent a party in any legal sense. The party is responsible for formulating the cross-examination questions the institution advisor will pose during the hearing.

*Party.* A Complainant or Respondent may be referred to as a Party, or collectively, the Parties.

*Reporting Party.* The term Reporting Party refers to the person who made the report. This may or may not be the same as the Complainant, a witness, or a bystander.

*Respondent.* The term Respondent refers to the person alleged to have committed a violation of this policy.

*Sexual Misconduct.* For purposes of this policy, the term "sexual misconduct" is an umbrella term used to more conveniently refer to sex discrimination; sexual harassment; sexual assault and any other conduct prohibited by this policy. Sexual misconduct may occur between members of the same or opposite sex and in heterosexual and

homosexual relationships. While sexual misconduct can constitute a criminal offense under New York State law, a person's conduct may violate this policy even if it does not violate State law.

## **VI. Definitions, Conduct Violations**

This policy sets forth conduct expectations for our community and provides a process for the reporting, investigation and adjudication of alleged violations. This policy applies to alleged conduct violative of Title IX of the Education Amendments of 1972 (i.e., "Title IX Category" violations) and also applies to a broader range of contexts and behaviors inconsistent with the College's commitment to equal opportunity (i.e., "College Category" violations). The designation of conduct or allegations as either "Title IX Category" or "College Category" is not a function of the seriousness of the alleged conduct but rather a function of the scope and coverage of Title IX versus the College's broader jurisdiction to prohibit and discipline a larger scope of inappropriate behavior.

### **A. Title IX Category Violations**

Title IX of the Education Amendments of 1972 provides: "No person in the United States shall, on the basis of sex, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

In accordance with Title IX as interpreted by the Department of Education, the College recognizes the following as conduct violations within the meaning of Title IX, provided that the context and circumstances of the conduct fall within the scope of Title IX, including but not limited to that the complainant was in the United States at the time of the alleged conduct, that the complainant be participating in or seeking to participate in the College's education program or activity at the time of the complaint, and that the conduct have occurred in the context of the College's education program or activity:

1. **Sexual Harassment** – "Sexual harassment" means conduct on the basis of sex, including gender, sexual orientation, or gender identity or expression, gender-stereotyping or the status of being transgender, that satisfies one or more of the following:
  - a. An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (commonly referred to as a "quid pro quo") No person should believe that any other person – no matter their title or position with the College – has the right to pressure another person for sexual activity;
  - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity (commonly referred to as a sexually or gender-based "hostile environment").
  
2. **Sexual assault.** "Sexual assault" includes any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving affirmative consent. Sexual assault consists of the following specific acts:

- a. Rape. The 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.
  - b. Non-Consensual Sexual Contact/Fondling. The touching of the private body parts (including genital area, anus, groin, inner thigh, buttocks or breast) of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
  - c. Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - d. Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.
3. **Dating violence.** "Dating violence" means violence committed by a person: (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.
4. **Domestic violence.** "Domestic violence" means violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the College is located, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
5. **Stalking.** "Stalking" is engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress. Stalking that does not occur on the basis of sex may be addressed under as a College Category Violation as described below.

## B. College Category Violations

The College prohibits the following behavior. For purpose of College Category violations, the below conduct is prohibited even if the conduct occurs off-campus, outside the United States, the Complainant is not participating or seeking to participate in the College's education program or activity, or otherwise in circumstances over which the College does not have influence or control, including but not limited to during College academic breaks. The College retains discretion to not respond to, investigate or adjudicate circumstances in which no College interest is implicated.

1. **Sexual harassment.** “Sexual harassment” means unwelcome, offensive conduct that occurs on the basis of sex, including gender, sexual orientation, or gender identity or expression, gender-stereotyping or the status of being transgender, but that does not constitute sexual harassment as a Title IX Category Violation as defined above. Sexual harassment can be verbal, written, visual, electronic or physical. Some examples of Sexual Harassment include, but are not limited to: unwelcome physical touching of a person’s legs, shoulders or back, leering, making sexual gestures, or displaying sexually suggestive or derogatory objects, pictures, cartoons or posters; unwelcome physical affection (such as hugs or kisses); or repeated, unwelcome sexual advances, requests for dates, or romantic interaction. The fact that a person was personally offended by a statement or incident does not alone constitute a violation. Instead, the determination is based on a “reasonable person” standard and takes into account the totality of the circumstances. The College considers the context of a communication or incident, the relationship of the individuals involved in the communication or incident, whether an incident was an isolated incident or part of a broader pattern or course of offensive conduct, the seriousness of the incident, the intent of the individual who engaged in the allegedly offensive conduct, and its effect or impact on the individual and the learning community.
  
2. **Sexual assault.** “Sexual assault” includes any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving affirmative consent, but that does not constitute sexual assault as a Title IX Category Violation as defined above because of the context in which it occurs (for example, because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the College’s education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College’s education program or activity). Sexual assault consists of the following specific acts:
  - a. Rape. The 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 affirmative consent of the victim.
  - b. Non-Consensual Sexual Contact/Fondling. The touching of the private body parts (including genitalia, anus, groin, breast, inner thigh, or buttocks) of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving affirmative consent because of their youth or because of their temporary or permanent mental or physical incapacity.
  - c. Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - d. Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent.

3. **Dating violence.** “Dating violence” means violence committed by a person: (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship; but that does not constitute dating violence as a Title IX Category Violation as defined above because of the context in which it occurs (for example, because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the College’s education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College’s education program or activity).
4. **Domestic violence.** “Domestic violence” means violence committed by a former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the College is located, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction, if the conduct does not constitute domestic violence as a Title IX Category Violation as defined above because of the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the College’s education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College’s education program or activity).
5. **Stalking.** “Stalking” is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress, but that does not constitute stalking as a Title IX Category Violation as defined above because of the basis on which it occurs or the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the College’s education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College’s education program or activity).
6. **Sex Discrimination** Sex discrimination is an act that disadvantages a person and that occurs because of the affected individual’s sex, gender, self-identified or perceived sex, sexual orientation, gender identity, or gender expression, gender-stereotyping or the status of being transgender. Examples of sex discrimination include, but are not limited to, denying a student a research opportunity because of the student’s gender; giving a student a lower grade than they deserved because of the student’s gender; denying an employee a raise because of the employee’s sex. A person who believes that they have been discriminated against based on sex with

respect to an academic or employment decision is generally entitled to bring a complaint pursuant to this policy in addition to any other College process or procedure that may be available (such as a grade appeal policy or appeal procedures for work performance or promotion).

7. **Sexual Exploitation.** Sexual exploitation occurs when, without affirmative consent, a person takes sexual advantage of another in a manner that does not constitute another violation under this Policy. Examples of sexual exploitation include, but are not limited to: prostitution, acts of incest, observing or recording (whether by video, still photo or audio tape) of a sexual or other private activity (such as consensual sexual activity, undressing or showering) without the affirmative consent of all involved; taking intimate pictures of another, but then distributing the pictures to others without the photographed person's affirmative consent; engaging in voyeurism, engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) without informing the other person of such infection; or exposing one's genitals in non-consensual circumstances.
8. **Retaliation.** Retaliation is an adverse act perpetrated to "get back" at a person because the person reported sexual misconduct, filed a complaint, or participated in an investigation or proceeding conducted pursuant to this policy by the College or by an external agency. An act of retaliation may be anything that would tend to discourage an individual from reporting sexual misconduct, pursuing an informal or formal complaint, or from participating in an investigation or adjudication as a party or a witness. A person who acts in good faith is protected from retaliation. The fact that a statement is not determined to be proven or established following investigation and adjudication does not mean that the statement lacked good-faith; a person may provide inaccurate information believing it is accurate, which is still good-faith. If a person makes a statement knowing that it is false, the person has acted without good faith.

## **VII. Relationships Between Students and Staff/Faculty**

Sexual relationships between faculty and students and staff and students are problematic due to the inherent power differential. Therefore, sexual or romantic relationships between faculty and students and between staff and students are prohibited.

## **VIII. Options for Immediate Assistance and On-going Support**

A member of the College community who believes that they have experienced or are experiencing sexual harassment, sex discrimination, or any other form of Sexual Misconduct, should speak to someone for help or advice. If you are in any danger, or if you believe you may soon be in danger, do not hesitate to seek help. Securing your immediate safety is the first priority. Campus Safety is available 24 hours/7 days a week by contacting 315.655.7555 and the local police department can be reached by calling 911. A Students' Bill of Rights for cases involving sexual assault, domestic violence, dating violence or stalking is set forth at the end of this policy.

Reach out to someone:

You don't have to go through this alone. Contact someone you trust for guidance and support. It can be someone you know, or someone who is trained to help. Cazenovia College encourages victims of sexual misconduct to talk to somebody about what happened – so victims can get the support they need, and so the College can respond appropriately.

**IX. Confidentiality and Privacy in Seeking Assistance, Reporting, and College Action**

Certain employees can maintain complete confidentiality (unless there is a concern for your safety or the safety of others) and are not required to share the details of the incident with anyone else. Other employees, such as those listed below as Responsible Administrators or those defined as Campus Security Authorities under the Clery Act (*Resident Advisors, Coaches, Club Advisors, etc.*) will keep your report private. Because they are considered non-confidential responsible administrators, they will limit the sharing of your report. They are required to share your report with the Title IX Coordinator so that Cazenovia College may take steps to offer support services and prevent the recurrence of the Sexual Misconduct. If you are unsure of an individual's reporting obligations, please ask. This policy is intended to make individuals aware of the various reporting and confidential disclosure options available so that individuals can make informed choices about where to turn should they seek support and/or response from the College as a victim of Sexual Misconduct.

**A. Reporting To Confidential Resources**

**On-Campus Confidential Resources**

A reporting individual is encouraged to seek support for his/her emotional and physical needs. A student seeking confidential emotional or medical care may contact the following resources:

Lori Mulligan  
Counseling/Therapist  
lamulligan@cazenovia.edu  
315.655.7207

Cassandra Havener  
Help Restore Hope Center Advocate  
chavener@liberty-resources.org  
315.363.0048 x2149  
**Work Cell:** 1.607.373.8051 (cell/text)  
**24/7 Hotline:**  
1-855-9-NOWSAFE (1-855-966-9723)

Health Office Nursing Staff  
315. 655.7122

These individuals can connect you with other resources and explain the other reporting options that are available to you as well. These Confidential Resources can provide assistance and information regarding medical

assistance and treatment (including information about sexually transmitted infections, and sexual assault forensic examinations), resources available through the New York State Office of Victim Services, academic and other campus support options, campus disciplinary proceedings and law enforcement options. The health and counseling services noted above are available to students free of charge.

If you choose to file a report with the Title IX Coordinator and/or local law enforcement, these Confidential Resources may accompany you and support you through those processes if you so desire. Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the College community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without the student's permission.

### **Off-Campus Confidential Resources**

There are also off-campus, confidential community resources which may be available to you; contacting any of the resources listed below does not constitute notifying the College. These confidential resources, which may or may not charge services fees, include:

Help Restore Hope Center Liberty Resources

218 Liberty Street

Oneida, NY 13421

24-Hour Hotline: 855.966.9723

*Access to a certified Sexual Assault Nurse Examiner (SANE) at Community Memorial Hospital in Hamilton can be coordinated through the Center **24 hours per day, 7 days a week.***

St. Joseph's Hospital  
315.448.5101

University Hospital  
315.464.5611

Crouse Hospital  
315.470.7111

National Sexual Assault Hotline  
1.800.656.4673

NYS Domestic Violence Hotline  
1.800.942.6906

The hospitals listed above have access to a *Sexual Assault Nurse Examiner (SANE)* Staff member. In Onondaga County, Vera House (315.468.3260) can provide a Sexual Assault/Rape Advocate while at the hospital. In Madison County, Help Restore Hope Center (855.966.9723) can be contacted for assistance. During normal business hours the Title IX Coordinator can assist you in arranging transportation to the hospital. After hours, Campus Safety can assist you in arranging transportation to the hospital.

## **B. Reporting to the College's Non-Confidential Resources: Responsible Administrators**

Cazenovia College encourages all members of the campus community to report when they experience sex discrimination, sexual harassment, sexual assault, domestic/dating violence, stalking or any other forms of Sexual Misconduct. Reports may be made by anyone, including the individual who experienced the Sexual Misconduct, someone on behalf of that individual, or anonymously. We encourage you to make a report so the College may provide you with support, assistance and resources. Campus personnel can also assist you in contacting other resources both on and off campus.

While a report may be made to any College employee, the following individuals participate in regular training as preparation for receiving and responding to allegations of violations of this policy.

- Title IX Coordinator and Director of Human Resources, Janice Romagnoli, 315.655.7274 or [jaromagnoli@cazenovia.edu](mailto:jaromagnoli@cazenovia.edu)
- Deputy Title IX Coordinator & Associate Professor of Criminal Justice, Stewart Weisman, 315.655.7795 or [sweisman@cazenovia.edu](mailto:sweisman@cazenovia.edu)
- Deputy Title IX Coordinator & Professor of Biology, Barbara Hager, 315.655.7146 or [bhager@cazenovia.edu](mailto:bhager@cazenovia.edu)
- Director of Campus Safety, Roberta Comerford, 315.655.7299 or [racomerford@cazenovia.edu](mailto:racomerford@cazenovia.edu)
- Assistant Director for Residence Life and Conduct, Blake Curtis, 315.655.7316 or [bacurtis@cazenovia.edu](mailto:bacurtis@cazenovia.edu)

Each of the individuals listed above, and all campus employees except those indicated as confidential resources, will share all information reported with the Title IX Coordinator and may share your information with other college administrators, as needed. These individuals are not a Confidential Resource. However, even Cazenovia College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary and on a need-to-know basis for the Title IX Coordinator to investigate and/or seek a resolution.

While students may also report any violation of this policy to any other College employee, the most immediate response by the College can be enacted when a complaint is made to the individuals listed above or a Campus Security Authority.

## **C. Requests to Maintain Confidentiality When Reporting and College Action**

A report to a College official may or may not lead to an investigation or disciplinary action. The decision about what action(s) to take depends on many factors, including the Reporting Individual's wishes, particularly in cases

of sexual assaults or other sexual offenses. A Reporting Individual may wish to have their identity kept confidential or request that no investigation into a particular incident be conducted or disciplinary action taken. The College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for the campus community. Cazenovia College endeavors to honor Reporting Individual's wishes with respect to confidentiality and/or whether responsive action is taken. However, that is not always possible.

If the College honors the request for confidentiality, a Reporting Individual must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

When weighing the Reporting Individual's request for confidentiality or that no investigation or discipline be pursued, the College will consider a range of factors, including the following:

- whether there have been other sexual violence complaints about the same alleged Respondent;
- whether the alleged Respondent has a history of arrests or records from a prior school indicating a history of violence;
- whether the alleged Respondent threatened further sexual violence or other violence against the Reporting Individual or others;
- whether the sexual violence was alleged to have been committed by multiple Respondents;
- whether the sexual violence was perpetrated with a weapon;
- whether the Reporting Individual is a minor;
- whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- whether this report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If, for example, the College has credible information that the alleged Respondent has committed one or more prior rapes, the balance of factors would compel the College to investigate the allegation and, if appropriate, pursue disciplinary action.

Decisions with respect to whether a request for confidentiality can be honored will be made by the Title IX Coordinator. If the College determines that it cannot maintain a Reporting Individual's confidentiality, the College will inform the Reporting Individual prior to starting an investigation.

## **X. Law Enforcement**

A victim of a crime is not required to, but may report the incident to local law

enforcement and pursue criminal charges. The criminal process and the College's disciplinary process are not mutually exclusive or dependent on each other, meaning that a person may pursue either a criminal complaint or College complaint or both. The Cazenovia Police Department can be reached by calling 315.366.2311. NY State Police Sexual Assault Hotline can be reached by calling 844.845.7269 or, in emergency situations, by calling 911. If an individual chooses to file a report with the local law enforcement authorities, a member of Campus Safety can assist in making a report of a crime to local law enforcement if the individual wishes. The police will either meet on campus or ask that the individual come to the police station to discuss the incident and create a report. The law enforcement officials will explain legal rights. The law enforcement officials will contact Campus Safety to let them know that they are on campus as part of their investigation and/or that a member of the campus community has reported an incident.

### Preservation of Evidence

The preservation of evidence relating to a sexual assault is essential for both law enforcement investigations and campus investigations. All involved parties are encouraged to preserve all evidence relating to the incident. For example, in cases of rape or sexual assault, it is important not to shower, douche, change clothes or even brush your hair or teeth, as physical evidence may be lost. If possible, individuals should stay in clothes that were worn at the time of the sexual assault. Other examples of relevant evidence include electronic communications (e.g., e-mails, Twitter, Instagram and text messages), photographs, clothing, bedding, and medical information. The Cazenovia Police Department can also assist in securing an appropriate medical examination (i.e. a rape kit) by a Sexual Assault Nurse Examiner.

### Legal Protections

Additionally, orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence by a Cazenovia College community member or other person. In appropriate circumstances, an order of protection may be available that restricts the accused's right to enter or remain on College property, and the College will abide by a lawfully issued order of protection.

College officials will, upon request, provide reasonable assistance to any member of the campus community in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order, including providing that person with:

- a copy of an order of protection or equivalent when received by the College and providing that person with an opportunity to meet or speak with a College representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the other person's responsibility to stay away from the protected person or persons;
- an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension; and

- assistance in contacting local law enforcement to effect an arrest for violating such an order of protection.

Any internal College investigation and/or hearing process will be conducted concurrently with any criminal justice investigation and proceeding that may be pending. Temporary delays in the College's internal process may be requested by local law enforcement authorities for the purpose of gathering evidence. Any requested temporary delay shall not last more than ten (10) days, except when local law enforcement authorities specifically request and justify a longer delay. The College will cooperate with any criminal proceedings as permitted by law.

Reporting individuals should understand that not all Sexual Misconduct under this policy is a crime and that the standard law enforcement employs in processing complaints is different than the College's standard under this policy. Questions about whether incidents violate criminal laws and how the criminal process works should be directed to law enforcement officials or the Madison County District Attorney.

The criminal process is separate from the Cazenovia College disciplinary process. A Complainant can pursue one or both options. The Title IX Coordinator or Campus Safety can provide Reporting Individuals and Complainants with information concerning their options and rights and will assist them in making reports to law enforcement.

#### **XI. Supportive Measures & Emergency Removal of Students**

The College may implement supportive measures in order to immediately respond to a situation. These measures are to protect individuals as soon as a report is made to the College. Supportive measures mean action can be taken even before an adjudication process has been initiated. Upon receipt of a report of Sexual Misconduct, the Complainant will be contacted and offered reasonable and appropriate supportive measures as more fully described below. A report that triggers supportive measures need not be a formal complaint, and it may be made by a third-party (i.e., someone other than the Complainant). Once the Respondent is informed of a report or a formal complaint, the Respondent will be contacted by the Title IX Coordinator and offered individualized support as more fully described below.

Supportive measures are intended to restore or preserve, to the extent practicable, equal access to the College's educational programs and activities and protect the safety of all parties without unreasonably burdening the other party or parties. As required by federal regulation, these supportive measures must be non-disciplinary and non-punitive to the parties. The Title IX Coordinator is responsible for coordinating the implementation of supportive measures, including coordinating with the various college departments and offices that may be involved. Supportive measures will be offered free of charge.

Supportive measures may include, but are not limited to:

- Access to counseling services and assistance in accessing available resources both on and off campus such as mental health counseling, physical health care

- providers, and victim advocacy services.
- Imposition of an on-campus mutual “no contact order” and in limited circumstances, such as when legal restraining orders or orders of protection have been issued, one-way no contact orders
  - Change in academic, housing, employment, transportation or other circumstances if those changes are requested by a party and reasonably available;
  - Assistance from the College staff in completing housing relocation
  - Measures to enhance the Reporting or Responding Individual’s safety or the safety of the campus community (e.g., escorts or increased monitoring of an area)
  - Academic accommodations such as assignment rescheduling, taking an incomplete in a class, transferring class sections, temporary withdrawal, alternative course completion options, etc.

Upon request, the Complainant or Respondent may request a prompt review of the need for and terms of any supportive measures imposed or requested that directly affects them, including the potential addition, modification or elimination of those measures. Such a request may be made by submitting a written request for review to the Title IX Coordinator, providing the basis for that request and any evidence in support of the request. Upon receipt of such a request, the Title IX Coordinator will inform the other party of the request and allow the other party to respond, including submitting evidence if desired. The Title IX Coordinator may, at their discretion in consultation with the Vice President of Student Affairs or external counsel, modify or suspend the supportive measures on a temporary basis while the parties are submitting their information and responses. The Title IX Coordinator will respond to any such requests as soon as possible, but generally no later than one calendar week of the request and the parties’ submission of any evidence.

### Emergency Removal of Students

When a student accused of sexual assault, domestic or dating violence or stalking is determined to present a continuing threat to the physical health and safety of the campus community, they are subject to emergency removal pending the outcome of any proceedings under this policy. Emergency removal is not a substitute for reaching a determination as to a Respondent’s responsibility for the sexual misconduct allegations; rather, emergency removal is for the purpose of addressing imminent threats posed to any person’s physical health or safety, which may arise out of the sexual misconduct allegations. Prior to removing a student Respondent through the emergency removal process, the College will undertake an individualized safety and risk analysis. If the individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student, including the student Respondent, or other individual justifies removal, then a student Respondent will be removed. This is the case regardless of the severity of the allegations and regardless of whether a formal complaint was filed.

After determining a student Respondent is an immediate threat to the physical health or

safety of an individual, the Title IX Coordinator will provide written notice of the emergency removal to both the Complainant and Respondent. This notice will contain: (1) the date the removal is set to begin, (2) the reason for the emergency removal, (3) the consequences of non-compliance, and (4) how to appeal the decision. If a student Respondent disagrees with the decision to be removed from campus, the Respondent may appeal the decision, but the student Respondent will continue to be removed from campus during the appeal. The Respondent must provide written notice of the intent to appeal, which shall include the substance of the appeal, to the Title IX Coordinator within 10 days of receiving the notice of removal. The Title IX Coordinator will make a decision regarding the appeal. The burden of proof is on the student Respondent to show that the removal decision was incorrect. This section applies only to student Respondents. Employee Respondents are not subject to this section and may be placed on administrative leave during the pendency of a Title IX grievance process pursuant to the College's policies and practices, and/or collective bargaining agreements.

## **XII. Disability Accommodations**

A Complainant or Respondent with a disability who requires accommodation in the complaint, investigation, hearing or any other phase of the process is responsible for disclosing the need for accommodation to the Title IX Coordinator. The Title IX Coordinator may consult with the Office of Special Services in deciding whether to grant a disability accommodation request.

## **XIII. College's Grievance Process**

### **Filing a Formal Complaint**

A formal complaint is necessary to initiate the College's grievance process, meaning an investigation and adjudication process. A formal complaint must be in written form and must be signed by the Complainant. A third-party or anyone other than the victim of the misconduct may not file a formal complaint (subject to the exception provided for in this policy that allows the Title IX Coordinator to file a formal complaint). However, a formal complaint may be filed by a parent or guardian of a minor person.

A formal complaint is a document filed by a Complainant or signed by the College's Title IX Coordinator alleging sexual misconduct against a Respondent and requesting that the College investigate the allegation. The Respondent may be either a student or an employee or a visitor, independent contractor, intern, or volunteer of the College. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail to: Janice Romagnoli, Director of Human Resources, 4 Nickerson St., Watts Hall, Cazenovia, NY 13035, or [jaromagnoli@cazenovia.edu](mailto:jaromagnoli@cazenovia.edu) or 315.655.7274. In order to qualify as a formal complaint, the document must contain the Complainant's physical or electronic signature, or otherwise indicate that the Complainant is the person filing the formal complaint.

If a Complainant declines to sign a formal complaint or does not wish to participate in the complaint and adjudication process, or the Complainant's identity is unknown, and the Title IX Coordinator determines there is sufficient cause to file a formal complaint,

the Title IX Coordinator may file a formal complaint. In such cases, the Title IX Coordinator is not considered to be a Complainant or other party under this Policy.

The Title IX Coordinator will consider the wishes of the Complainant not to proceed with the investigation and adjudication process. However, the Title IX Coordinator may file a formal complaint if the Title IX Coordinator determines that the allegations are such that it would be unreasonable not to proceed despite the wishes of the Complainant.

In making this determination, the Title IX Coordinator will consider, among other factors: the risk that the alleged perpetrator will commit additional acts of sexual misconduct or other violence, which may be assessed by evaluating: whether there have been other complaints about the same alleged perpetrator; whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence; whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others; whether the sexual violence was committed by multiple perpetrators whether the sexual violence was perpetrated with a weapon; whether the victim is a minor; whether the College possesses other means to obtain relevant evidence of the prohibited conduct (e.g., security cameras or personnel, physical evidence); whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

Additionally, where the Respondent is not enrolled at the College and is not employed by the College, the College may decline to process the complaint through the Grievance Process. The College may take the steps it deems appropriate under the circumstances.

#### Mandatory Dismissal of Title IX Category Charges

The Title IX Coordinator will review a formal complaint filed by a Complainant. In order to comply with Title IX regulations, the Title IX Coordinator must "dismiss" the Title IX Category violation(s) if it is apparent that the allegations are not within the scope of Title IX, including that the conduct alleged:

- would not constitute sexual harassment as defined as a Title IX
- conduct violation, even if proved,
- did not occur in the College's education program or activity, or
- did not occur against a person in the United States.

Notice of dismissal of the Title IX Category violation(s) will be in writing and issued to both the Complainant and Respondent. The Title IX Coordinator may determine at any point in the process that facts have emerged that require the dismissal of a Title IX

Category violation. A decision to dismiss a Title IX Category violation is immediately appealable by the Complainant, pursuant to the appeal procedures below in this Policy.

Even if Title IX Category allegations are subject to dismissal, the College may continue to process the allegations as College Category violations, assuming that the allegations, if true, would constitute College Category violations

#### Discretionary Dismissal of Title IX Category Charge

The Title IX Coordinator may, but is not required to, dismiss formal complaints in the following circumstances:

- When the Complainant withdraws a formal complaint;
- When the Respondent is no longer enrolled in or employed by the College;
- Where specific circumstances prevent the College from gathering evidence (such as where a Complainant refuses to cooperate but does not withdraw a formal complaint).

The decision to dismiss or not to dismiss a charge under these circumstances will depend on the totality of the situation.

#### **XIV. Informal Resolution**

In some cases, an informal resolution may be appropriate. Serious sanctions, such as suspension, dismissal or termination, are not possible as a result of the informal resolution process, but lesser sanctions may be agreed upon and determined to be appropriate. An Informal Resolution Process is a voluntary process in which a trained facilitator assists the parties in resolving the allegations made by a Complainant. An Informal Resolution prioritizes educational and conciliatory approaches over more adversarial contestation of the facts. One objective of the Informal Resolution is to provide to the parties an opportunity to hear each other's' concerns and address them as collaboratively and usefully for the parties as possible, with the assistance of the facilitator.

The Informal Resolution Process is not available if the Respondent in a sexual misconduct complaint is a faculty or staff member of the College and the Complainant is a student. The Informal Resolution Process is also not available in a complaint involving more than two parties unless (1) all parties consent to use the Informal Resolution Process, (2) there is an understanding among all parties about what happens when the right of any party to stop the Informal Resolution process and return or proceed to the formal grievance and hearing process is invoked, and (3) there is an understanding among all parties about whether some parties, but not all, can agree to a resolution. Supportive measures are available to both parties in the same manner as they would be if the formal complaint were proceeding under the formal grievance and hearing process.

The Title IX Coordinator will offer the Informal Resolution Process to the parties after a formal complaint is filed by a Complainant. Both parties must consent to use the Informal Resolution process. Either party in an Informal Resolution process may terminate it at any time and the complaint will proceed to the formal grievance and

hearing process. In some instances, the facilitator in the Informal Resolution process may terminate the process as well if the facilitator believes at any point in the Informal Resolution process that one party is not behaving in a way that allows for a productive resolution between the parties. In such circumstances, the College will have the discretion to require that the Informal Resolution process be cancelled and the complaint will return to the formal grievance and hearing process.

A written notice will be given to both parties before entering an Informal Resolution Process, and both parties must consent to the process in writing. No party should feel intimidated, coerced or threatened to participate in an Informal Resolution Process, or to withdraw from an Informal Resolution Process. If both parties consent to participate in the Informal Resolution process, the College will assign a facilitator who will act in an independent, impartial manner to facilitate a resolution between the parties. The facilitator will be trained on how to perform the role. The facilitator will also be screened to ensure that such person is free from conflicts of interest and bias.

The facilitator may meet separately with each party to explore the party's views about the allegations and desired outcome from the process. Either party can elect to have any meeting occur so that the parties are in different rooms and the facilitator "shuttles" between the parties. The facilitator's role is to conduct the Informal Resolution process in a way that is impartial and does not favor one party over the other.

For the Informal Resolution process to have the best chance for success, the parties should be free to express themselves. As a result, the information received from both parties during the Informal Resolution process will be kept confidential by the facilitator. In addition, the facilitator will not be available as a witness in any hearing that may occur should either party terminate the Informal Resolution process before a resolution. This is in keeping with the concept that the facilitator is impartial and is only facilitating the interaction between the two parties and is not listening or taking notes for any purpose other than assisting the parties. Should the Formal Complaint be returned to the formal grievance and hearing process of this policy, the parties and any support persons may not disclose information shared by the other party during the process in the hearing. This confidentiality protection does not apply to information that is learned outside the Informal Resolution process through the investigation or otherwise.

Each party may have a support person accompanying them to any Informal Resolution meeting. A support person is someone who provides support to a party during the Informal Resolution process. This role should be distinguished from the role of an Advisor under the formal grievance and hearing process of this policy. For instance, the support person will not cross-examine the other party. A Conduct Liaison may serve as a support person during the Informal Resolution at the party's request. The support person could also be a friend or relative or any other person the party trusts. A support person cannot be someone who has been involved in the facts and circumstances in the allegations in any way. A party should let the facilitator know if they would like a support person to attend any Informal Resolution meeting and the name of the support person and that person's relationship to the party. The other party and the facilitator

must agree to the support person attending. A support person can help a party understand or explain the issues under discussion or simply help the party feel more comfortable during the Informal Resolution process. The facilitator can also exclude a support person if their presence is disruptive during the Informal Resolution process. The support person can attend the Informal Resolution meeting but may not participate or speak during it. Neither party is permitted to have a support person participate in meetings with the facilitator through an electronic device such as a cell phone or computer.

A resolution is reached only if both parties agree. The facilitator will not impose an outcome, although they may assist the parties in suggesting resolutions that appear to meet the parties' needs. If there is no agreement on a resolution, the complaint is returned to the formal grievance and hearing process outlined in this policy. A party may terminate the informal process at any time before the final written resolution is signed.

If the parties reach agreement and this agreement is deemed by the Title IX Coordinator to be appropriate, the informal resolution is considered successful. Both parties will sign a statement agreeing that the informal resolution was successful, and the matter will be considered resolved.

#### **XV. Investigation Procedures**

***(Complaints will be investigated and adjudicated under the procedures in place at the time the investigation begins.)***

Where a formal complaint has been filed, and in the absence of an informal resolution, the College will conduct an investigation. Formal investigations are necessary for campus disciplinary proceedings and those conducted with willing participants provide the most thorough and effective process. The Title IX Coordinator will appoint one or two trained investigators to conduct an investigation. The investigator(s) may be College personnel or may be non-College personnel. The investigation will be conducted in a manner deemed appropriate to the allegations and the circumstances.

The investigator(s) will interview the Complainant, the Respondent, witnesses, any other parties with relevant information, review video footage and/or text messages, and investigate any other appropriate avenues that they believe may provide pertinent information. The Complainant and Respondent will be given an equal opportunity to present – separately - information in the context of the investigation and to request that witnesses having relevant information be included in the investigation process. This includes the opportunity to present fact or expert witnesses and other evidence that the party believes tends to prove or disprove the allegations. The investigator(s) retains discretion to determine the order and method of investigation and what, if any, witnesses will be interviewed as part of the investigatory process. Both the Complainant and Respondent will have the right to exclude their own mental health diagnosis and/or treatment from admittance in the investigation and hearing held under this policy. The investigators may decline to interview any witness or to gather information the investigators find to be not relevant or otherwise excludable (e.g., sexual history of the

Complainant with a person other than the Respondent, materials subject to a recognized privilege, medical records in the absence of a release by the subject of the records, etc.).

The Complainant and Respondent shall receive a notice of investigation referencing the violation(s) of this policy alleged to have been committed and the range of possible disciplinary sanctions and remedies following any determination of responsibility. The notice of investigation will include, to the extent known:

- the identities of the involved parties;
- the date, time, location and factual allegations concerning the alleged violation;
- the policy provisions allegedly violated;
- a description of the investigation and adjudication process;
- potential sanctions;
- the right to an advisor of their choice, who may be, but is not required to be, an attorney;
- their right to inspect and review evidence in accordance with this policy;
- notice that knowingly making false statements or knowingly submitting false information is prohibited under the Student Code of Conduct; and
- that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process

The parties will receive this notice with sufficient time to prepare a response before any initial interview. If, in the course of the investigation, the College decides to investigate allegations that are not included in the notice initially provided to the parties, the Title IX Coordinator or designee will provide notice of the additional allegations to the parties. The Complainant and Respondent will be provided with notice of the name of the appointed investigators. If an objection is raised about a conflict or bias of the investigator(s), The Title IX Coordinator will determine whether a conflict of interest in fact exists and necessitates the replacement of the investigator(s).

The Complainant and Respondent will be provided with advance written notice of the date, time, location, participants, and purpose of any meeting or interview in which they are invited to or expected to participate. The Complainant and Respondent have a right to be accompanied by an advisor of their choice, who may be an attorney. Both parties will also have the opportunity to be accompanied by a Conduct Liaison. No unauthorized audio or video recording of any kind is permitted during investigation meetings or interviews.

#### Opportunity for Inspection and Review of Evidence

The Complainant and Respondent will be provided an equal opportunity to inspect and review any evidence obtained in the investigation directly related to the allegations gathered in the investigation and regardless of whether the information will be relied on in reaching a determination. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Prior to the conclusion of the investigative report, the Complainant and Respondent, and each party's advisor of choice, if any, and/or Conduct Liaison, will be provided a copy (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform) of the evidence, subject to redaction permitted and/or required by law. The parties and their advisors and liaisons may not make photocopies or take photographs of the materials and are prohibited from disseminating any of the materials subject to inspection and review with any individuals outside of those engaged in the grievance process. The Complainant and Respondent will be provided with at least ten (10) business days to submit a written response, which the investigators will consider prior to completion of the investigative report. The investigators will determine if additional investigation is necessary and, if so, will complete any additional investigative steps.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

#### Investigatory Report

At the conclusion of the investigation, the investigators will issue a written investigatory report that fairly summarizes the relevant evidence. The investigator(s) need not include information in the investigative report that the investigator(s) determines not relevant or otherwise excludable. The investigator(s) will submit the investigative report to the Title IX Coordinator.

At least ten business (10) days prior to a hearing to determine whether there is responsibility for the allegations, the Complainant and Respondent, and each party's advisor if any, will be provided a copy of the investigative report (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform), subject to redaction permitted and/or required by law.

The College will endeavor to complete an investigation within forty-five (45) days. An investigation may be extended for good cause, such as witness unavailability, breaks in the academic schedule, or other similar circumstances.

#### **XVI. Formal Hearing Procedures**

***(Complaints will be investigated and adjudicated under the procedures in place at the time the investigation begins.)***

A hearing before a Hearing Officer designated by the Title IX Coordinator will be convened not less than ten days after the parties have been provided access to the final investigative report, for the purpose of determining whether the Respondent is responsible or not responsible for the charge(s). The Hearing Officer may be a member of the campus community or may be external to the College, as determined by the Title IX Coordinator.

The Title IX Coordinator will notify the parties in writing of the date, time, and location of the hearing, the name of the Hearing Officer, and how to challenge participation by the Hearing Officer for bias or conflict of interest. Bias or conflict of interest will be judged

by an objective standard (whether a reasonable person would conclude the decision maker is biased).

Participants in the hearing will include the Hearing Officer, the Complainant and the Respondent, their respective advisors, the investigator(s) who conducted the investigation, and witnesses (solely during their own testimony). (As noted above, Conduct Liaisons will not attend or participate in the hearing). Hearings are private. Observers or additional support personnel, other than the parties' advisors, are not allowed unless deemed necessary by the Title IX Coordinator for purposes such as accommodation of a disability. Cell phones and recording devices may not be used by the parties or their advisors in the hearing room(s). Hearings may be conducted with all parties physically present in the same location or, at the Title IX Coordinator's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling the Hearing Officer and the parties to simultaneously see and hear any party or witness providing information or answering questions. If either party so requests, the hearing will be conducted with the parties located in separate rooms using technology as described in the preceding sentence.

The Title IX Coordinator may postpone the hearing for good cause as determined by the Title IX Coordinator. Good cause may include, without limitation, unavailability of one or more participants due to unanticipated events or circumstances, the timing of academic breaks or holidays, or other extenuating circumstances.

#### Procedural Matters

The Hearing Officer is in charge of organizing the presentation of information to be considered at the hearing. Generally, after introductory remarks and procedural explanations the hearing will proceed in the following order:

1. Opportunity for Opening Statement by the Complainant
2. Opportunity for Opening Statement by the Respondent
3. Questions for the investigator(s) by the Hearing Officer and, if desired, on behalf of Complainant and the Respondent (as described below)]
4. Questions for the Complainant by the Hearing Officer and, if desired, on behalf of the Respondent (as described below)
5. Questions for the Respondent by the Hearing Officer and, if desired, on behalf of the Complainant (as described below)
6. Questions for each witness by the Hearing Officer and, if desired, on behalf of Complainant and the Respondent (as described below)
7. Opportunity for Closing Statement by the Respondent
8. Opportunity for Closing Statement by the Complainant

Formal rules of evidence will not apply. Except as otherwise expressly prohibited by this Policy, any information that the Hearing Officer determines is relevant may be considered, including hearsay, history and information indicating a pattern of behavior, and character evidence. All evidence previously made available to the parties for inspection and review prior to completion of the investigative report as described above in the provision requiring that all evidence gathered during the

investigation be shared at least ten days prior to completion of the investigative report will be made available at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of questioning. Absent extraordinary circumstances as determined by the Hearing Officer, no party may seek to introduce at the hearing any evidence not previously made available in accordance with the preceding sentence, other than the investigative report itself and any responses to the investigative report submitted by the parties.

The Hearing Officer will address any concerns regarding the consideration of information prior to and/or during the hearing and may exclude irrelevant information. Subject to the terms of this Policy, the Hearing Officer will have discretionary authority to determine all questions of procedure, to determine whether particular questions, evidence or information will be accepted or considered, to call breaks or temporary adjournments of the hearing, and/or to recall parties or witnesses for additional questions as the Hearing Officer deems necessary or appropriate. The Hearing Officer may impose additional ground rules as the Hearing Officer may deem necessary or appropriate for the orderly and efficient conduct of the hearing, which will apply equally to both parties.

The hearing will be recorded through either an audio recording or transcript. That recording or transcript will be made available to the parties, upon request, for inspection and review. Prior to obtaining access to the recording or transcript, the parties and their advisors must acknowledge in writing that they will not disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the grievance process.

#### Advisors

The Complainant and the Respondent may each have present with them during the hearing an advisor of their choice (at the party's expense, if the advisor is a paid advisor). If a party does not have an advisor present at the hearing, the College will provide, without fee or charge to that party, an Institution Advisor of the College's choice for the limited purpose of conducting questioning on behalf of that party as provided in this Policy.

Except with respect to questioning as described below, the advisor's role is limited to consulting with their advisee, and the advisor may not present evidence, address the Hearing Officer during the hearing, object to any aspect of the proceeding, or disrupt the hearing in any way, and any consultation with the advisee while the hearing is in progress must be done in a quiet nondisruptive manner or in writing. The advisor may consult with the advisee verbally outside the hearing during breaks, when such breaks are granted by the Hearing Officer. An advisor's questioning of the other party and any witnesses must be conducted in a respectful, nonintimidating and non-abusive manner. If the Hearing Officer determines that an advisor is not adhering to these or other ground rules, the advisor may be required to leave the hearing, and the hearing will proceed without an opportunity for the party to obtain a replacement advisor; provided, however, that the College will assign an Institution Advisor of the

College's choosing, without charge, for the purpose of conducting questioning on behalf of the party as provided below. Witnesses are not permitted to bring an advisor or other person to the hearing, absent an approved disability accommodation. The Hearing Officer may be advised by and/or consult with the College's legal counsel as the Hearing Officer deems necessary or appropriate.

#### Questioning Procedures

The Hearing Officer will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility; provided that questions that seek disclosure of information protected under a legally recognized privilege will not be permitted unless the person or entity holding the privilege has waived the privilege in writing. Questioning must be conducted by the party's advisor in a respectful, nonintimidating and non-abusive manner, and never by a party personally. If a party does not have an advisor present at the hearing, the Title IX Coordinator will arrange for the College to provide without fee or charge to that party, an Institution Advisor of the College's choice to conduct cross-examination on behalf of that party.

Only relevant questions may be asked by a party's advisor to a party or witness. Before the party or witness answers a question posed by an advisor, the Hearing Officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The advisor posing the question may request that the Hearing Officer reconsider any decision to exclude a question and the Hearing Officer, after soliciting the other party's advisor's opinion, will render a final determination. Such decisions by the Hearing Officer are final and not subject to further objection or reconsideration during the hearing.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, other than questions and evidence about the Complainant's prior sexual behavior that (a) are offered to prove that someone other than the Respondent committed the alleged misconduct, or (b) concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the hearing by a party's advisor as described above, the Hearing Officer may not rely on any statement of that party or witness, during the hearing or otherwise, in reaching a determination regarding responsibility. The Hearing Officer will not draw an inference as to responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination questions.

#### Hearing Determinations

Following conclusion of the hearing, the Hearing Officer will deliberate and render a determination as to whether the Respondent is responsible or not responsible for the alleged violation(s). The Hearing Officer will use "preponderance of the evidence" as

the standard of proof to determine whether each alleged violation of the Policy occurred.

“Preponderance of the evidence” means that the Hearing Officer must determine whether, based on the evidence presented, it is more likely than not that the Respondent engaged in the conduct charged.

Each party may submit a written personal impact statement to the Title IX Coordinator for consideration by the Hearing Officer in determining an appropriate sanction if there is a finding of responsibility on one or more of the charges. The parties must submit their statements to the Title IX Coordinator within 24 hours after the conclusion of the hearing. The Title IX Coordinator will provide each of the parties an opportunity to review any statement submitted by the other party.

In addition to the impact statement(s), if any, factors considered when determining sanctions may include:

- the nature and severity of, and circumstances surrounding, the violation(s);
- the Respondent’s state of mind at the time of the violation(s) (intentional, knowing, bias-motivated, reckless, negligent, etc.);
- the Respondent’s previous disciplinary history;
- the need for sanctions to bring an end to the conduct; and/or to prevent the future recurrence of similar conduct;
- the need to remedy the effects of the conduct on the Complainant and/or the community;
- the impact of potential sanctions on the Respondent;
- sanctions imposed by the College in other matters involving comparable conduct; and
- any other lawful factors deemed relevant by the Hearing Officer.

In making a determination regarding sanctions, the Hearing Officer may also consult with the Title IX Coordinator.

#### Notification of Decision

The Hearing Officer will issue a written determination including the following information: a description of the charges that were adjudicated; a description of the procedural steps taken from the submission of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; findings of fact supporting the determination; conclusions regarding the application of the Policy to the facts; a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the College’s educational programs or activities will be provided to the Complainant; and the procedures and permissible bases for the Complainant and Respondent to appeal. The Hearing Officer will provide the written determination to the parties simultaneously.

If the case involves allegations against a faculty member or staff member, and the Complainant is not a student, the College will determine whether Title IX requires the above adjudication and hearing procedures to apply. If it is determined that Title IX does not mandate this policy's application in such cases, the College will have the discretion to process the complaint in accordance with the applicable Faculty Handbook, Employee Handbook or other College policies. A complaint against a non-community member (e.g., a visitor, an alum, a vendor, etc.) will be investigated but no formal policy or procedure applies. The College may opt to ban the non-community member from College property or take other appropriate responsive measures. The Complainant and Respondent will be notified in writing of the outcome of such a complaint. A non-member of the campus community may make a report that a College community member has violated this policy. A non-community member's complaint will be processed in accordance with the applicable adjudication and hearing procedure noted above.

#### Timeframe for Resolution

The College endeavors to complete the investigatory and hearing process within ninety (90) days of the date the College received the formal complaint. This timeframe may be extended under certain circumstances (e.g. where there are multiple complainants and/or respondents, due to the unavailability of witnesses, where delays are necessitated by involvement of local law enforcement, where the schedule of College breaks and vacations or other unforeseen circumstances)

### **XVII. Appeals**

A Respondent or Complainant may appeal: (1) a determination regarding responsibility, and (2) the College's dismissal of a formal complaint or any allegations therein.

If a party wishes to appeal a determination regarding responsibility or the dismissal of a formal complaint, the party must submit written notice to the Title IX Coordinator of the party's intent to appeal within three (3) business days of receiving the written notification of the appealable decision. The appeal can be submitted using the Appeal Request Form and should provide a clear statement of the basis for appeal and all other requested information. In the case of a claimed procedural irregularity, bias or new information, the appeal must also include a statement of the likely impact of the claimed irregularity, bias, or newly discovered information on the proceedings. A preponderance of the evidence standard will be applied on appeal. The permissible grounds for appeal are as follows:

- Procedural irregularity that affected the determination regarding responsibility or dismissal of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the determination regarding responsibility or dismissal of the matter;
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the determination regarding

responsibility or dismissal of the matter. The professional experience of an individual need not disqualify the person from the ability to serve impartially. Furthermore, bias is not demonstrated by working in complainants' or respondents' rights organization.

- Any sanction imposed is disproportionate to the nature or severity of the violation or violations or is otherwise inappropriate.
- The decision or dismissal will be sustained if the appeal is not timely or is not made on the basis of one or more of the grounds listed above.
- In cases involving a student respondent, the appeal will be decided by an Appeal Review Board comprised of the Vice President for Student Affairs and two additional members of the campus community who have been trained in Title IX and this policy. The Appeal Review Board will be appointed by the Title IX Coordinator. In cases where the respondent is an employee of the College, the Title IX Coordinator will assign an Appeal Officer.

When a party submits a written notice of its intent to appeal to the Title IX Coordinator within 3 business days of the appealable decision, the College will notify the other party in writing and implement appeal procedures equally for both parties. If no written notice of either party's intent to appeal is sent, then the written determination becomes final after the time period to file an appeal (3 business days) has expired.

Each party will be given a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Each party will have at least 3 calendar days to submit its written statement. If a party needs additional time, they can request such additional time from the decision-maker for the appeal. Such requests will be granted on a case-by-case basis. If the decision-maker for the appeal grants a request for additional time to submit a written statement, all parties will be granted the additional time.

The decision-maker for the appeal will not be the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

The decision-maker for the appeal will issue a written decision describing the result of the appeal and the rationale for the result. This decision will be provided to both parties simultaneously and in writing.

The submission of an appeal stays any sanctions for the pendency of an appeal. Once the appeal decision has been sent to the parties, the appeal decision is final.

### **XVIII. Sanctions**

The sanction(s) for a violation of this policy will be based on a consideration of all of the circumstances, including the severity of the conduct and the Respondent's disciplinary history. Sanctions are imposed to emphasize accountability, growth, conflict resolution, and the restoration of values and campus safety. Any refusal to comply with an assigned condition will result in further action, including a hold on a student's account, a

new/additional hearing, or elevation of disciplinary status.

The following are sanctions that may be imposed for violation of this policy:

1. Warning. A formal statement that the behavior was unacceptable and that further infractions of any College policy, procedure, or directive may result in more severe disciplinary action. Warning periods indicate that a student is in good standing with the College and that further violations during the warning period may result in an additional response from the College. Warnings may require specific conditions to be completed.
2. Probation. A written reprimand for violation of the Policy, providing for more severe disciplinary sanctions in the event that the Respondent is found in violation of any College policy, procedure, or directive within a specified period of time. Probationary periods indicate that a student is no longer in good conduct standing with the College for the purpose of campus activities and leadership roles requiring *good conduct/judicial standing* and that further violations during the probation may result in extension of the probationary period, additional conditions, suspension, or dismissal. During the period of probation, specific conditions may be assigned. All assigned conditions are required to be completed before their deadlines. Probation could restrict a student from various leadership positions and special opportunities on campus.
3. Suspension. Cessation of student status for a definite period of time and/or until specific criteria are met. Suspension is the immediate removal of the student's affiliation with the College for a specific period of time, which includes exclusion from classes, College owned and operated housing, and all other College activities. Suspended students are not allowed to be on campus for any reason during the period of suspension and may be arrested for trespassing if found on College property. Suspension is an *opportunity* for a student to reflect, then possibly return and successfully complete a degree from Cazenovia College. Students are not guaranteed a spot back into the College. Students returning from Suspension may need to re-apply to the College.
4. Expulsion/Dismissal. Dismissal is a permanent involuntary separation of a student from the College. Under typical circumstances, readmission is not possible after a dismissal has been determined.

In addition to or in place of the above sanctions, the Hearing Officer may assign any other sanctions as deemed appropriate, including but not limited to the following:

- mandated counseling so the Respondent has the opportunity to gain more insight into his/her/their behavior;
- A "no contact" directive (including but not limited to continuation of a no contact directive imposed as a supportive measure) prohibiting contact with one or more identified persons, in person or through telephonic, electronic,

*written or other means. A no contact directive may include additional restrictions and terms.*

- *Requiring the Respondent to write a letter of apology*
- *Loss, revocation or restriction of housing privileges (e.g., exclusion from specified locations or alteration of status in the housing lottery or other selection system).*
- *Parental contact/notification*
- If the conclusion reached is that there has been no violation of this policy but other inappropriate conduct has occurred, the College retains the right to address that inappropriate behavior in accordance with College policy and practice as outlined in the Student Conduct Process.

For crimes of violence, including, but not limited to sexual violence, that Cazenovia College is required by federal law to include in its Annual Security Report, the transcripts

of students found responsible after a hearing and appeal, if any, shall include the following notation:

- Suspended after a finding of responsibility for a code of conduct violation;
- Dismissed after a finding of responsibility for a code of conduct violation; or
- Withdrew with conduct charges pending

Transcript notations for *Suspensions* may be removed at the discretion of the College, but no earlier than one (1) year after the conclusion of the suspension. Transcript notations for student *Dismissal* or *Withdrawal with Charges Pending* shall be permanent.

### **XIX. Standard of Proof**

The standard used for all investigatory and disciplinary proceedings under this policy will be a preponderance of the evidence, meaning that it is more likely than not that an allegation is true.

### **XX. Timing of Reports**

There is no time limit for reporting sexual misconduct. However, services may be the most effective when incidents are reported immediately. The passage of time may make effective responsive action difficult. Further, if the Respondent is no longer a member of the College community, the College's ability to respond may be limited. It is at the discretion of the Title IX Coordinator to determine the action the College will take concerning complaints which are filed after a substantial amount of time has passed. Individuals are encouraged to bring complaints forward in a timely manner.

### **XXI. Amnesty/Good Samaritan**

The health and safety of every student at Cazenovia College is of utmost importance. Cazenovia College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not

limited to domestic violence, dating violence, stalking or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Cazenovia College strongly encourages students to report 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 College officials or law enforcement will not be subject to Cazenovia College's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking or sexual assault.

#### **XXII. Application to Faculty and Staff**

One or more of the College's personnel policies or faculty and staff handbook policies may overlap with this policy in a particular situation. This policy applies to any situation where a student is the complainant or respondent. In all other situations, the College reserves the right to apply this policy or another applicable College policy or process. The College will apply this policy to any situation where the College determines that Title IX requires the application of this policy.

#### **XXIII. Consolidation of Cases**

The Title IX Coordinator may determine that cases where the allegations arise out the same set of facts should be consolidated for purpose of the investigation and/or adjudication. Instances where consolidation of complaints may occur include but are not limited to cross-complaints filed by the parties against each other, multiple complaints by a single complainant against a respondent, or multiple complaints by a single complainant against multiple respondents.

#### **XXIV. Prevention and Education**

Cazenovia College has implemented a Primary Prevention program and an Ongoing Awareness & Prevention Campaign in an effort to prevent incidents of sexual misconduct and to educate the campus community. These educational programs

include, but are not limited to, training on bystander intervention, sexual violence awareness and the reporting and investigation procedures of this policy.

Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs" or other forums in which students disclose incidents of sexual violence, are not considered notice to the College of sexual misconduct for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for further campus-wide education and prevention efforts, and the College will provide information about individuals' Title IX rights at these events.

#### **XXV. Training**

Cazenovia College is committed to ensuring all responsible administrators and individuals involved in investigating and/or adjudicating alleged violations of this policy will receive training on relevant topics, including discrimination, harassment, sexual

misconduct, stalking, domestic violence, and dating violence and how to conduct investigations and disciplinary proceedings that protect the safety and respectful treatment of all parties and promote accountability to the College community. Training shall include instruction on how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

#### **XXVI. Coordination with Other Policies**

A particular situation may potentially invoke one or more College policy or process. The College reserves the right to determine the most applicable polic(ies) or process(es) and to utilize all identified.

#### **XXVII. Designation of Authority**

The Title IX Coordinator is responsible to oversee and manage this Policy, and has discretionary authority to interpret and construe any uncertain or disputed aspects of the process.

Any College administrator or official to whom this policy empowers to act may delegate their authority to any other appropriate College official. Delegation of authority may be necessary to avoid conflicts of interest or where time constraints or other obligations prevent a College official named in this policy from fulfilling their designated role.

#### **XXVIII. Clery Act Compliance**

The College is required to include for statistical reporting purposes the occurrence of certain incidents in its Annual Security Report (ASR). Neither the names of individuals involved in incidents nor the specific details of the incidents are reported or disclosed in ASRs.

##### Federal Timely Warning Reporting Obligations

Victims of sexual misconduct should also be aware that College administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. In such circumstances, the name of the alleged perpetrator may be disclosed to the community, but the name of the reporting individual will not be disclosed.

#### **XXIX. Policy Compliance**

Any person with a concern about the College's handling of a particular matter should contact the Title IX Coordinator, Janice Romagnoli, at [jaromagnoli@cazenovia.edu](mailto:jaromagnoli@cazenovia.edu).

The U.S. Department of Education, Office for Civil Rights is a federal agency responsible for ensuring compliance with Title IX. OCR may be contacted at 400 Maryland Avenue, SW, Washington, DC 20202-1100 or (800) 421-3481.

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

Cazenovia College prohibits all forms of sex discrimination, sexual harassment, sexual violence and sexual misconduct. Pursuant to Article 129-B, Section 6443, of the New York State Education Law, in matters related to sexual assault, domestic violence,

dating violence and stalking, all students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by Cazenovia College;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institutional representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by Cazenovia College, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the College;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of Cazenovia College.

### **Reporting Individual's Rights**

Anyone reporting an incident of sexual assault, domestic violence, dating violence or stalking, has the right to:

1. Emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual and who can provide information, including:
  - a. options to proceed, including the right to make a report to Campus Safety (reports to Campus Safety are reported to the Title IX Coordinator), local law enforcement, and/or the New York State Police or choose not to report; to report the incident to the College; to be protected by the College from retaliation for reporting an incident; and to receive assistance and resources from the College, as set forth in the Cazenovia College Sex Discrimination, Sexual Harassment and Sexual Misconduct Policy, which can be found at <http://www.cazenovia.edu/student-life/sexual-misconduct-resources>;
  - b. where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible;

- c. that the criminal justice process utilizes different standards of proof and evidence than the College's judicial procedures and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney;
  - d. whether the person they are reporting to is authorized to offer the confidentiality or privacy;
  - e. any other reporting options.
2. If they are a student, to contact the Counseling Center staff or Health Office Nursing staff, where they can be offered confidential resources pursuant to applicable laws/policies and can be assisted in obtaining services; if they are not a student but are otherwise a member of the College community, to contact non- College confidential resources, including:
  - a. Help Restore Hope Center (855.966.9723)
  - b. St. Joseph's Hospital (315.448.5101)
  - c. University Hospital (315.464-5611)
  - d. Crouse Hospital (315.470-7111)
3. Disclose confidentially the incident and obtain services from the state or local government;
4. Disclose the incident to the College's Responsible Administrators who can offer privacy or, in appropriate cases as determined by the Title IX Coordinator, confidentiality, subject the College's policies, and can assist in obtaining resources for reporting individuals;
5. File a report of sexual assault, domestic violence, dating violence, and/or stalking and consult the Title IX Coordinator and other appropriate College personnel for information and assistance. Reports shall be investigated in accordance with Cazenovia College policy. A reporting individual's identity shall remain private if that is what the reporting individual wishes, however privacy is not the same as confidentiality and private information can be shared as necessary to implement and fulfill the College's obligations under the law and its Sex Discrimination, Sexual Harassment and Sexual Misconduct Policy;
6. Disclose, if the accused is a College employee of the institution, the incident to Human Resources or to request that a private employee assist in reporting to Human Resources;
7. Receive assistance from appropriate College representatives if interested in initiating legal proceedings in family court or civil court;
8. Withdraw a complaint or involvement from the College processes at any time, with the understanding that in appropriate cases, the College may nonetheless be required to proceed even if the reporting individual does not wish to do so.
9. The right to be treated with respect and dignity throughout the process.

### **Respondent's Rights**

1. The right to be presumed not responsible throughout the investigation and adjudication process and subject to the final evaluation of the evidence under a preponderance of evidence standard.

2. If they are a student, to contact the Counseling Center staff or Health Office Nursing staff, where they can be offered confidential resources pursuant to applicable laws/policies and can be assisted in obtaining services; if they are not a student but are otherwise a member of the College community, to contact non- College confidential resources, including:
  - a. Help Restore Hope Center (855.966.9723)
  - b. St. Joseph's Hospital (315.448.5101)
  - c. University Hospital (315.464-5611)
  - d. Crouse Hospital (315.470-7111)
3. The right to receive notice prior to any meeting the respondent is required or eligible to attend of the date, time, location and factual allegations made, the specific provisions of the policy allegedly violated and the possible sanctions.
4. The right to be treated with respect and dignity throughout the process.

Information about available resources, including intervention, mental health counseling and medical services that might be available to anyone reporting an incident can be found at <http://www.cazenovia.edu/student-life/sexual-misconduct-resources>.

In addition, information on sexually transmitted infections and sexual assault forensic examinations can be obtained from the Health Center if a student, or from the hospitals listed above, if an employee. Certain resource are also available to victims of crime through the New York State Office of Victim Services, [www.ovs.ny.gov](http://www.ovs.ny.gov).

The full campus Policy Against Sex Discrimination, Sexual Harassment, And Sexual Misconduct is also outlined at:

[http://www.cazenovia.edu/sites/files/docs/student life/sexual misconduct/sex discrimination\\_policy.pdf](http://www.cazenovia.edu/sites/files/docs/student_life/sexual_misconduct/sex_discrimination_policy.pdf) .